

Opinion: Closing forest roads in El Dorado County is wrong

Publisher's note: On April 17 at the recommendation of Supervisors Ray Nutting and Ron Briggs, the El Dorado County Board of Supervisors adopted the following public statement regarding the case of Center for Sierra Nevada Conservation v. U.S. Forest Service (E.D. Cal No. S-09-2523).



El Dorado County is dismayed to learn that the plaintiffs in the U.S. District Court in the case of Center for Sierra Nevada Conservation v. U.S. Forest Service (E.D. Cal. No. S-09-2523) have asked the court to consider the blanket closure of 42 roads in the Eldorado National Forest because those roads happen to pass through very small meadow areas. The court has ordered those roads closed until a final order has been issued, which may cause the loss of a number of the most popular recreation trails in Eldorado County for this summer season.

These roads have been in use for recreation for decades (some for a century), and provide a unique and irreplaceable opportunity for citizens to enjoy the land which they own. The court's decision on the merits of the litigation found that the U.S. Forest Service must supplement its analysis of whether the roads crossing meadows affects the hydrology of the meadow, a process that the Forest Service estimates will take a full year, mostly because of the various procedural time limits applicable to supplemental environmental impact statements under NEPA. The 42 roads total about 120 miles in length, of which less than 5 miles involve meadow areas, and 23 out of the 42 roads involve meadow crossings of less than 300 feet.

The court has extended the normal winter closure of all 42 roads into the summer recreation season, while it considers various alternative orders it might issue to be in effect during the period while the supplemental analysis is being done. The closure of all 42 roads for an entire summer recreation season just because they happen to pass through a meadow area for a short distance would be an unnecessarily blunt remedy that fails to maintain the status quo of many years of public use on those roads, and that fails to distinguish between different roads with different circumstances. For example, the Barrett Lake Trail has been in use for decades, and over the years has been upgraded and maintained by users so it is in a better condition to sustain its popularity without degradation of the environment than many other trails in the forest. It is considered a model of user-maintained road. It has several short sections involving meadows, but in many instances it has been re-routed around the meadow and in other sections it has been improved so that any hydrological problem has been eliminated. The Barrett Lake Trail ends at Barrett Lake, so that closing it at a short meadow section anywhere along its length effectively closes it entirely. The closure of this road for an entire recreation season is simply not justified by its particular circumstances. Furthermore, the closure of some of the most popular recreational roads in the Eldorado National Forest will divert users to other trails (such as the Rubicon Trail, a public road under R.S. 2477 and thus not involved in the current litigation), potentially overburdening these other trails which are not involved in the litigation.

Most important, a blanket closure of all 42 roads fails to take into account the enormous negative economic impact this will have on El Dorado County (and the other counties affected by the closure – Amador and Alpine counties). Closure of 42 roads will discourage citizens from coming here to recreate this summer, and the resulting confusion and uncertainty will no doubt discourage recreational use of the Eldorado National

Forest for subsequent seasons also. It has been estimated that vehicular recreation in the Eldorado National Forest produces a net positive economic effect estimated to exceed \$2 million per year to El Dorado County. An order carefully tailored to recognize the decades of prior use of the 42 routes, which recognizes the different circumstances of particular roads among the 42 at issue, can help alleviate unnecessary damage to the local economy.

The environmental and planning laws must be honored, but in a way that is both rational and realistic, without causing unnecessary damage to a fragile economy, and without unjustified restrictions on a citizen's right to use federal land. El Dorado County believes that the roads should be kept open for this season while the remaining environmental analysis is being performed.