



Promoting opportunities for quality, human-powered winter recreation and protecting winter wildlands

August 3, 2015

Ms. Jeanne Higgins
Forest Supervisor
Stanislaus National Forest
19777 Greenley Road
Sonora, CA 95370

Re: Scoping Notice and Proposed Action: Stanislaus National Forest Over-Snow Vehicle Use Designation – June 2015

Jeanne Higgins:

In this letter we provide the Alternative developed by Snowlands Network and Winter Wildlands Alliance pursuant to the Settlement Agreement referenced in the Scoping Notice and Proposed Action. We request that this Alternative be analyzed as part of the Environmental Impact Statement for the designation of over-snow vehicle use on the Stanislaus National Forest (“STF”). Although this alternative is submitted by non-motorized advocacy groups, it is a compromise alternative that seeks a fair balance of motorized and non-motorized winter recreation opportunity, rather than a “non-motorized” alternative.

Stanislaus National Forest has published two winter recreation guides. The Ebbetts Pass Winter Recreation Guide, Calaveras Ranger District (2001) and A Guide to OSV Winter Recreation, Summit Ranger District (2003) that identify areas that are closed to motorized use in winter, both to protect non-motorized recreation opportunity and for other purposes. Our Alternative continues these closures. In addition, the 1991 Stanislaus National Forest Land and Resource Management Plan identifies management areas that are closed to winter motorized use. We oppose any opening up of these areas to OSV recreation. There are other areas on the STF that have been managed as non-motorized in winter, but have not been officially closed to OSV use. Our Alternative continues these closures too.

Winter travel planning must protect opportunities for non-motorized recreation recognizing the experience non-motorized users seek, and minimize impacts from OSVs on wildlife, the environment, and other uses. Our Alternative is designed to minimize these impacts, especially to non-motorized recreation, while continuing to allow high quality OSV recreation on the STF. Additional restrictions may be appropriate and necessary to protect species, watersheds, riparian areas, and other ecosystems. We urge the Forest Service to carefully consider the comments submitted by The Wilderness Society and the Central Sierra Environmental

Resource Center (CSERC) for more information on environmental issues at stake with winter travel management and suggestions on how to minimize or mitigate impacts to at-risk wildlife and the environment. We look forward to seeing a full analysis of OSV impacts on wildlife, the environment and other existing or proposed recreational uses in the Draft EIS.

Our Alternative allows snowmobile recreation to continue on designated routes as well as unrestricted cross-country snowmobile travel on a substantial portion of STF lands. It is a win-win for users and the local communities because it will better position the STF to accommodate growth in winter recreation demand as well as climate change trends that limit and concentrate over-snow recreation opportunity. Thus the STF will serve the most users and bring the most winter tourism to local communities in a sustainable manner.

The Alternative that we propose meets the Purpose and Need set forth in the Stanislaus's Notice of Intent and is in compliance with Executive Order 11644, the Over-Snow Vehicle Rule, and the Settlement Agreement between the Forest Service and our organizations. However, we believe the Purpose and Need statement should specifically mention the need to preserve accessible opportunities for users to recreate on the national forest in winter free from the noise and other impacts of motorized recreation, rather than just ambiguously refer to "conflicts" between uses. Specifically, we propose that the Purpose and Need for this planning process be amended as follows (addition in italics):

Purpose and Need for Action

One purpose of this project is to effectively manage OSV use on the Stanislaus National Forest to provide access, ensure that OSV use occurs when there is adequate snow, promote the safety of all users, *ensure non-motorized recreation opportunities are preserved and enhanced*, enhance public enjoyment, minimize impacts to natural and cultural resources, and minimize conflicts among the various uses.

Our Alternative designates 37% of the STF as necessary to be closed to winter motorized travel. These closure areas include Wilderness, existing non-motorized terrain, and additional terrain that should be closed to motorized use in order to provide a fair balance of non-motorized recreation opportunity. The remaining 63% of the STF could potentially be designated as open to OSV use but the designation of open lands should be triggered by need after consideration of all minimization criteria.

However, over-snow travel is only realistic in areas that are above 5,000 feet in elevation. Considering only these high elevation lands, our Alternative designates 51% of the STF as necessary to be closed to winter motorized travel. The remaining 49% of the STF high elevation lands could potentially be designated as open to OSV use but the designation of open lands should be triggered by need after consideration of all minimization criteria.

Our Alternative suggests what lands should be designated as open taking into account the areas that we believe must be closed (including Wilderness) and the application of other minimization criteria. The OSV use areas designated in our Alternative constitute approximately 13% of the STF (total) and 18% of the STF above 5,000 feet.

Our Alternative creates a fair balance of quality winter recreational opportunity on the STF taking into account the relative demand for motorized and non-motorized recreation, the impacts of motorized recreation on non-motorized users and the environment, and the relative ability of the landscape to sustain growth in motorized use as compared to its ability to sustain growth in non-motorized use.

In many areas, the primary objective of the Forest Service and the primary needs of the public have shifted from resource extraction to recreation. Situated within a several-hour drive of dense centers of population, the STF exemplifies this trend. The demands of an increasing population require the STF to reevaluate how to serve the public in a responsible and sustainable manner.

As recently stated by the National Forest Foundation, “Backcountry skiing and snowboarding are some of the fastest growing sectors of the ski industry. Recent advances in snowmobile technology allow riders to get farther into the backcountry than ever before.”¹ As recently confirmed by the Forest Service, “We can no longer manage as we have in the past.”²

Our Alternative recognizes and deals with these facts and the twin facts that (i) there is substantially greater demand for non-motorized winter recreation on the STF than for motorized recreation, as established by Forest Service monitoring data (NVUM)³ and direct observation, and (ii) on any single parcel, the STF can accommodate far more non-motorized users than motorized users.

One method for creating a fair balance of winter recreational opportunity that serves the greatest number of users and allows for the most growth in sustainable recreation is to restrict OSV travel to designated routes. Our alternative uses this method in the Osborne Hill area on Highway 4 and in the Herring Creek area on Highway 108.

Another method for creating a fair balance of winter recreational opportunity that serves the greatest number of users and allows for the most growth in sustainable recreation is to use temporal criteria for when OSV use is permitted in an area.

¹ “Voices from the Forest,” Your National Forests, the Magazine of the National Forest Foundation, Winter-Spring 2015.

² “A Framework for Sustainable Recreation,” USFS, USDA June 25, 2010.

³ According to the most recent National Visitor Use Monitoring data (2012), STF receives more than three times more cross-country skier visits (10,139) than snowmobiler visits (2,928). Backcountry skiing is generally included in the cross-country skiing category for NVUM surveys.

This method is used effectively on the Carson Ranger District of the Humboldt-Toiyabe National Forest in the Alpine County Winter Recreation Project. In particular, when there is adequate snow on Blue Lakes Road for snowmobile recreation, then the nearby Forestdale Creek area is closed to OSV use. Early and late in the season the Forestdale Creek area is open to OSV use. Our alternative will use this technique on both the Highway 4 and Highway 108 corridors to minimize the conflict between motorized and non-motorized use and provide suitable opportunities for both user groups throughout the snow season.

Forest Service planning regulations recognize sustainable recreation as an important objective for the Forest Service.⁴ The need to close areas to OSV use and impose lesser restrictions in some areas such as a prohibition of cross-country travel, in order to protect non-motorized recreation opportunity is discussed in general in our position paper, “Analyzing OSV Impacts to Other Winter Recreation Users,” included in our submission as Exhibit A (“Analyzing Impacts”).

The OSV restrictions in our Alternative will also provide enhanced protection to wildlife, habitat, and water quality by increasing the acreage on the STF that is closed to cross-country OSV travel. We outline wildlife and environmental protections that should complement our proposed non-motorized recreation closures in our position paper, “Wildlife and Environmental Concerns – Over-Snow-Vehicles in the Stanislaus National Forest” included in our submission as Exhibit B (“Wildlife Concerns”). We also support the comments submitted by The Wilderness Society and CSERC on fauna and flora.

General principles for effective management of OSVs and the need for such practices (both for preservation of recreational opportunity and for protection of plants, wildlife, and the environment) are discussed in the Winter Wildlands Alliance publication “Snowmobile Best Management Practices for Forest Service Travel Planning” included in our submission as Exhibit C (“BMP”).

We have also included in our submission, via DVD, a file of important literature and science studies that document OSV impacts and the need for restrictions on OSV use. A list of these documents is included as “List of Additional Submitted Documents,” attached as Exhibit D. These are basic to any analysis of OSV impacts. This file includes a recently published report by Winter Wildlands Alliance that shows the amount of lands open and closed to over-snow vehicles throughout the national forest system. This report demonstrates that Region 5 of the Forest Service has done relatively little to protect non-motorized recreation opportunity as compared to other regions of the Forest Service.⁵

⁴ 36 CFR 219.8(b)(2).

⁵ Please note that the numbers in this report related to the STF were obtained from the April 2010 Stanislaus Forest Plan Direction document, which was the best available data regarding acres open and closed to OSVs on the STF at the time the report was written.

We refer you to these documents for general support for each element of our Alternative and to ensure they are part of the legal record. As discussed throughout these documents, the restrictions outlined in our Alternative are necessary to manage OSVs in accordance with the minimization criteria set forth in Executive Order 11644 (Executive Order No. 11644, 37 Fed. Reg. 2877, Feb. 8, 1972, *as amended by* Executive Order No. 11989, 42 Fed. Reg. 26959, May 24, 1977) and in accordance with Forest Service principles of Sustainability, Multiple Use and Diversity of Plant and Animal Communities (Multiple-Use Sustained-Yield Act of 1960).

We have included in our submission a map entitled “Winter Recreation Management on the Stanislaus National Forest”, attached as Exhibit E. This map displays the specific areas that we have identified as of importance for non-motorized recreation and areas that would be closed to winter motorized due to other designations such as Wilderness, Near Natural, Semi-Primitive Non-Motorized or other in our Alternative.

Our map also identifies suggested boundaries of areas that should be designated as open to OSV’s. In designating these areas we have recognized that low-elevation areas on the STF are not suited to any over snow recreation and have limited our proposed OSV open areas to those places that are above 5,000 feet in elevation.

STF’s proposed designation of open areas must also take into account sensitive environmental areas, wildlife areas of critical habitat, areas of historical and tribal significance, and other appropriate considerations that we are able to only generally reference in our presentation.

Access to lands suitable for over-snow recreation is limited in many areas of the STF. Although access improvements may be outside the scope of this travel planning process, plowing additional parking areas, especially existing summer trailheads, for skiers and snowshoers to access non-motorized areas, would significantly improve quality winter recreation opportunities on the STF. We have suggested one location where improved access for non-motorized access is important.

We understand that the purpose and need of the proposed action is OSV-centric, but consideration of non-motorized trailheads is clearly part of the required scope. The designation of areas open to motorized traffic, if done with attention to motorized impacts on other forms of recreation, will de facto include a determination of areas where motorized travel should not be allowed. The establishment of suitable trailheads where users engaging in non-motorized recreation may avoid conflict with motorized impacts is clearly important to satisfaction of the minimization criteria.

Our Alternative emphasizes land use designations that are in keeping with historical use, maximizes lands for a given type of recreation where the access is the best for that type of recreation, and, although outside the scope of this planning process, suggests a location for improved access.

Federal law and regulations require the Forest Service to consider a full range of alternatives in its planning process. In winter travel management planning, the STF should include an alternative that places significant restrictions on motorized recreation. The Settlement Agreement did not state that our Alternative is to be considered as the “non-motorized emphasis” alternative. Although our alternative is submitted by non-motorized advocacy groups, it is a compromise alternative that seeks a fair balance of motorized and non-motorized winter recreation opportunity.

To meet the requirement to consider a fair range of alternatives, the Forest Service must also consider an alternative that gives priority to non-motorized recreation and to environmental protection. This alternative would place greater restrictions on motorized activity, such as confining OSV recreation to designated routes, similar to current restrictions on wheeled vehicles, with very limited “open play” areas. Such an alternative merits serious consideration, not as our proposal, but as a true “environmental” alternative. A No Action alternative could go further still – designating no trails or areas as open to OSV use.

In the remainder of this letter, we will discuss (A) the 2015 Over-Snow Vehicle Rule, (B) OSV route grooming and trailhead plowing, (C) the need to mitigate impacts from OSV use, (D) changes to the Forest Plan, (E) important non-motorized winter recreation areas and other management areas, (F) suggested boundaries for designated OSV areas, and (G) general best management practices.

A. The 2015 Over-Snow Vehicle Rule

In January 2015 the Forest Service released a new Over-Snow Vehicle Rule providing a framework for winter travel planning efforts on all National Forest lands (80 Fed. Reg. 4500, Jan. 28, 2015, 36 C.F.R. part 212, subpart C). The OSV Rule requires that forests designate routes and areas where OSV use is allowed or allowed with restrictions, publish these designations on an OSV use map, and prohibit any OSV activity that is inconsistent with the published map. This travel planning is to occur under the directives that accompanied the 2005 Travel Management Rule. The Forest Service’s National Office is planning to revise these directives in light of the new OSV Rule.

The OSV Rule requires national forests with adequate snowfall designate and display on an “over-snow vehicle use map” (OSVUM) specific areas and routes where OSV use is permitted based on resource protection needs and other recreational uses. The STF is the fourth national forest in Region 5 to start winter travel management planning under the new OSV rule. To comply with the rule

and get rule implementation off to a good start it is critical that the STF's OSV plan satisfies the Forest Service's substantive legal duty to locate areas and trails designated as open to OSV use in a manner that minimizes resource damage, wildlife disturbance and conflicts with other uses.

The STF is obligated to comply with the minimization criteria outlined in Executive Order No. 11644, 37 Fed. Reg. 2877 (Feb. 8, 1972), *as amended by* Executive Order No. 11989, 42 Fed. Reg. 26959 (May 24, 1977). These criteria are as follows: 1) minimize damage to soil, watershed, vegetation, or other resources of the public lands; 2) minimize harassment of wildlife or significant disruption of wildlife habitats; and 3) minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands. The executive orders require the Forest Service to *minimize* impacts — not just identify or consider them — when designating areas or trails for OSV use, and to demonstrate in the administrative record how it did so. This duty was recently confirmed by the 9th Circuit Court in *WildEarth Guardians v. U.S. Forest Service*⁶ in which the Court ruled that the agency must “apply the minimization criteria to each area it designated for snowmobile use” and “provide a more granular minimization analysis to fulfill the objectives of Executive Order 11644, which the [Travel Management Rule] was designed to implement.” More specifically, the Court ruled that “mere ‘consideration’ of the minimization criteria is not enough” and that “the Forest Service cannot rely upon a forest-wide reduction in the total area open to snowmobiles as a basis for demonstrating compliance with the minimization criteria.” The Forest Service must show not just that impacts have been studied, but specifically demonstrate how effective each of the Alternatives presented in the DEIS is in minimizing impacts from OSVs. As one of the first forests to implement the new OSV rule, it is critical that the STF properly apply the minimization criteria.

To meet these minimization criteria the STF must follow the process for travel management planning as outlined in Chapter 10.3 of Forest Service Handbook 7709.55. This six-step process includes: “(1) compiling existing travel management direction; (2) assembling resource and social data; (3) using travel analysis to identify proposals for change; (4) conducting appropriate environmental analysis and decision-making; (5) identifying designated routes and areas on an MVUM [or OSVUM in this case]; and (6) implementing, monitoring, and revising.” Step 3, travel analysis, is the critical point where broad-scale issues are identified and thus forms the basis for proposed actions related to travel planning. We believe that the STF should not have proposed travel management designations in its scoping notice without having completed this travel analysis. We ask that the STF comply with all 6 steps in the travel planning directives.

⁶ *WildEarth Guardians v. U.S. Forest Service*, ---F.3d---, No. 12-35434, 2015 U.S. App. LEXIS 10447 (9th Cir. June 22, 2015)

Under the OSV Rule, areas open for cross-country snowmobile travel must be smaller than a ranger district, and areas that are not specifically designated as open are closed to OSV use. The proposed action put forth by the STF does not abide by the letter or spirit of this rule. The proposed action fails to designate areas that are “discrete,” “specifically delineated,” and “smaller . . . than a ranger district.” (definition of an “area” in 36 C.F.R. § 212.1). Rather than identify and delineate discrete open areas the scoping notice suggested that the STF proposes to designate as open everywhere that is not otherwise prohibited. From the scoping notice and proposed action, it appears that the STF is proposing to designate as open all areas that are above 5,000 feet and not otherwise closed through Land and Resource Management Plan designations. Proper application of the executive order “minimization criteria” almost certainly would not result in designation of all of these open areas given the significant adverse impacts of cross-country OSV travel to sensitive wildlife, non-motorized users, and other uses and resources. The STF must go one step further, and applying all the minimization criteria, identify discrete areas within this potentially suitable landscape to determine where cross-country OSV travel should actually be allowed.

The Proposed Action as described in the June 2015 scoping notice is essentially the status quo with two major areas and a number of smaller areas that were previously closed to OSV use designated open under the Action. This does not meet the minimization criteria.

To remedy the shortcomings of the Proposed Action, we hope that the Preferred Alternative identified in the draft Environmental Impact Statement draws heavily from our proposal.

B. OSV Route Grooming and Trailhead Plowing

As required under the Settlement Agreement, the STF is required to “identify snow trails for grooming” and analyze “a range of alternative actions that would result in varying levels of snowmobile use,” taking into account the impact of activities “such as the plowing of related parking lots and trailheads”. Amended Settlement Agreement, *Snowlands Network v. U.S. Forest Serv.*, 2012 WL 4755161 (2012) (No. 2:11-cv-002921).

A major consequence of OSV route grooming and trailhead plowing is to increase the general level of OSV traffic and usage in the national forest. In its environmental analysis of the OSV grooming program, the State assumed that the program approximately triples snowmobile activity in the groomed areas. (DEIR p 2-20) The manner in which such use affects and displaces non-motorized use and impacts wildlife is discussed in our position papers that are included with this comment letter (see “Analyzing Impacts,” “Wildlife Concerns,” “BMP Practices” and Exhibit D).

Our Alternative does not call for the cessation of grooming on any currently groomed OSV route or for the cessation of plowing of any OSV trailhead. Only five miles of ungroomed, marked trail riding would be lost if our Alternative is implemented in its entirety.⁷ There would still be 58 miles of groomed trails; the proposed 98 miles of ungroomed OSV routes would be reduced to 93 miles. The total reduction to the trail system would be 3.2 percent.

With restrictions on OSV use in other areas, there is adequate room on the STF to provide a fair balance of recreational opportunity without ending the grooming of OSV routes and plowing of OSV trailheads. The additional closures and restrictions we propose in our Alternative serve as mitigation of the consequences of grooming OSV routes and plowing OSV trailheads by establishing non-motorized areas where recreation users seeking clean and quiet areas can readily avoid the impact of the State's OSV grooming program.

Restrictions and other mitigation measures may be necessary beyond those provided by our suggested Alternative to protect species, watersheds, riparian areas, and other ecosystems. Appropriate mitigation measures for various impacts of OSVs on other forest uses, wildlife, and the environment should be spelled out in the Draft EIS. With the minimization criteria in mind, we expect that designated OSV use areas set forth in the Preferred Alternative will be smaller than the entirety of those lands that lie outside of our Important Non-motorized Recreation Areas. We have included on our map suggested boundaries for designation of OSV areas, subject to further review of sensitive environmental areas, wildlife areas, areas of historical and tribal significance, and other appropriate considerations that we are able to only generally reference in our presentation.

C. The Need to Mitigate Impacts from OSV Use

In proposing this Alternative, we assume that the Forest Service acknowledges the need for mitigation of OSV impacts due to the noise, emissions and other impacts of OSVs that are discussed in our submitted and referenced documents, as well as the stimulation of OSV use caused by the Forest Service's participation in the State of California's OSV trail grooming program. The STF should, to the extent practicable, rely on relevant past scientific studies of OSV impacts such as noise, pollution, and user experiences so that it does not duplicate efforts in this EIS. We believe these impacts have been well-established in prior government studies, including, for instance, in Yellowstone National Park, as well as the numerous scientific studies referenced in our submitted documents. Certain impacts — such as noise and the smell of toxic exhaust — are obvious from personal observation, and their impact on other users is subjective and well-established by user comments (see, for instance, the file of comments included in Exhibit D).

⁷ FS Road 4N12 (Herring Creek Road) from Highway 108 to its junction with 5N17 is closed to OSV use in our Alternative.

In order to manage OSVs in a manner that meets the minimization criteria, the Forest Service must collect reliable data on OSV impacts. Regardless of the alternative selected for the final plan, we suggest, among other analyses, that the Forest Service measure the ambient air pollution in recreation areas with heavy snowmobile traffic (both trailheads and routes), the distance snowmobile noise travels through popular recreation areas, and the relative capacity of powder-covered slopes to serve motorized and non-motorized users (by measuring the relative number of users that can obtain their desired recreation experience on one slope [a] if it is open to motorized travel and [b] if it is closed to motorized travel). This data can help determine the impact of motorized use on users desiring clean and quiet recreation, and uses established Forest Service indicators such as persons-at-one-time (PAOT) and recreation visitor days (RVD).

If STF does not undertake its own studies, then based on current science and knowledge, the STF must at least acknowledge (i) that snowmobile use displaces non-motorized use and adversely impacts the user experience sought by many non-motorized users, (ii) that such impact and displacement increases with the intensity of snowmobile use (especially when vehicles do not meet best available technology standards) and totally displaces non-motorized use where motorized use is heavy, (iii) the noise impacts of motorized use affect very large areas and are best contained by designating non-motorized areas that are protected from noise incursion due to topography or other features, and (iv) where use is heavy, such as at staging areas, OSV pollution results in confined concentrations of unhealthy air.

D. Changes to the Forest Plan

We strongly oppose allowing OSVs in any Near Natural Areas or other areas that the Forest Plan specifies should be closed to motorized use.

The STF's proposed amendment to the 1991 forest plan to permit OSV use in portions of the Eagle/Night and Pacific Valley Near Natural Areas is subject to the 2012 planning rule provisions at 36 C.F.R. part 219 and not the provisions of the 1982 planning rule under which the current forest plan was developed.⁸ If the Forest Service were to move forward with this proposal, the Agency must ensure that the amendment satisfies the substantive requirements of the 2012 planning rule. Those requirements include providing for ecological sustainability by "maintain[ing] or restor[ing]": (a) "the ecological integrity of terrestrial and aquatic ecosystems and watersheds," including "structure, function, composition, and connectivity;" (b) air and water quality, soils and soil productivity, and water resources; and (c) "the ecological integrity of riparian areas," including their "structure, function, composition, and connectivity."⁹ Plans also must provide for:

⁸ 36 C.F.R. § 219.17(b)(2) (following a 3-year transition period that expired May 9, 2015, "all plan amendments must be initiated, completed and approved under the requirements of this part").

⁹ 36 C.F.R. § 219.8(a).

(a) “the diversity of plant and animal communities;” (b) “the persistence of native species;” and (c) “the diversity of ecosystems and habitat types.”¹⁰ And in providing for social and economic sustainability, plans must account for “[s]ustainable recreation; including recreation settings, opportunities, and access; and scenic character.”¹¹ In satisfying these substantive requirements, the agency must “use the best available scientific information to inform the planning process.”¹²

As the STF recognizes, the proposal to open portions of the Eagle/Night and Pacific Valley Near Natural Areas to OSV use will require an amendment to the 1991 forest plan, which prohibits motorized uses in those areas. These areas encompass key roadless and other conservation lands and resources, provide important habitat and corridors for sensitive wildlife species, and offer high-quality opportunities for primitive, non-motorized recreation. The existing STF LRMP designates the Pacific Valley, Eagle, and Night roadless areas as areas to be managed with consideration for special attention for fisher and marten. Accordingly, the areas serve important functions in maintaining the integrity and diversity of the forest’s ecosystems and plant and animal communities and in providing for sustainable recreation. To preserve and protect these important functions, the Forest Service in its 1991 forest plan determined that the areas should be managed with an “[e]mphasis . . . on providing a natural appearing landscape in a non-motorized setting.”¹³ The proposed forest plan amendment would severely erode those protections by permitting cross-country OSV use in portions of those areas, with corresponding adverse impacts on the integrity and diversity of the forest’s ecosystems and plant and animal communities and on the provision of sustainable, non-motorized forms of recreation.¹⁴ Accordingly, the proposed amendment is unlikely to satisfy the substantive requirements of the 2012 planning rule.

In addition to its substantive provisions, the 2012 planning rule prescribes the process for a plan amendment:

“The process for amending a plan includes: Preliminary identification of the need to change the plan, development of a proposed amendment, consideration of the environmental effects of the proposal, providing an opportunity to comment on the proposed amendment, providing an opportunity to object before the proposal is approved, and, finally,

¹⁰ 36 C.F.R. § 219.9.

¹¹ 36 C.F.R. § 219.8(b)(2).

¹² 36 C.F.R. § 219.3.

¹³ Stanislaus Forest Plan Direction, p. 119.

¹⁴ See generally *Snowmobile Best Management Practices*, pp. 5-14 (summarizing best available scientific information on the adverse impacts of OSV use on key elements of the integrity and diversity of ecosystems and plant and animal communities, including air, water, and soil quality, snowpack chemistry, vegetation, soundscape, and denning, foraging, and other sensitive wildlife habitat).

approval of the plan amendment. The appropriate NEPA documentation for an amendment may be an environmental impact statement, an environmental assessment, or a categorical exclusion, depending upon the scope and scale of the amendment and its likely effects.”¹⁵

The rule also establishes requirements for public participation, directing the agency to reach out to stakeholders early and throughout the process using collaborative processes where appropriate and feasible.¹⁶

It is unclear, based on the proposed action and scoping notice, if and how the Forest Service intends to satisfy these procedural requirements. Presumably the forest intends to analyze the proposed amendment in the EIS for the proposal to designate roads, trails, and areas for OSV use and to identify trails for grooming. The current proposed action, however, fails to identify a preliminary need to change the current plan, as required by the rule, and instead simply proposes a plan amendment that would exempt portions of the Eagle/Night and Pacific Valley Near Natural Areas from management prescriptions designed to protect their natural character and other conservation values. To the extent the forest has identified a need to change those protections, it is to accommodate and perpetuate illegal “historic” OSV use in those areas. This is not a legitimate need to change the current plan. The Forest Service must provide a legitimate preliminary need to change prior to proceeding with the proposed amendment.

E. Important Non-Motorized Winter Recreation Areas and other Management Areas

The map submitted with our Alternative identifies the areas that are important for non-motorized recreation; some are designated non-motorized in the Proposed Action and some are not. Those that are not are described in detail as to their importance in this document and are deemed critical to the creation of a balance between motorized and non-motorized winter recreation opportunities.

In addition, the map also identifies those areas that the STF must manage as Wilderness, Recommended Wilderness, Semi-Primitive Non-motorized, Research Natural Areas, or for other reason non-motorized in winter under the current Land and Resource Management Plan. Many of these areas are also important for non-motorized winter recreation, and we fully support their management of these areas non-motorized year-round.

We understand that the STF’s OSV Use Designation plan will designate areas for motorized use, rather than areas that are specifically managed for non-motorized use. However, our expertise and knowledge is of the areas on the STF that are

¹⁵ 36 C.F.R. § 219.5(a)(2)(ii); *see also id.* § 219.13(b)(1) (explaining that “[t]he responsible official shall . . . [b]ase an amendment on a preliminary identification of the need to change the plan”).

¹⁶ 36 C.F.R. § 219.4(a)(1).

valuable for non-motorized recreation. Therefore, we have focused our efforts on identifying these areas. We are separately submitting a GIS shapefile of these areas in order to facilitate analysis of this Alternative during the EIS process.

The three different types of human-powered winter recreation discussed in our document “Analyzing Impacts” have different objectives and needs. Therefore, we have classified our proposed areas into three types. Although we believe these classifications could assist Region 5 in adopting a uniform and readily understandable system of winter travel management, our goal here is not to impose a classification scheme but to provide supporting information to better describe why these areas are important to human-powered winter recreationists. The three types are:

“Front-country non-motorized” areas protect non-motorized recreation opportunity in areas that are easily accessed from plowed trailheads and roads and have a high degree of non-motorized use. Restriction of OSVs is necessary to eliminate or reduce noise, toxic exhaust, disproportionate consumption of powder snow, trail rutting, and other OSV impacts.

“Backcountry solitude” areas protect large areas for a quiet and remote recreation experience in winter. These areas also protect sensitive species that thrive only in relatively large areas with minimal human activity.

“Managed shared use” areas restrict OSV usage so that there can be meaningful shared use of easily-accessible and popular areas. Meaningful shared use is made possible by restricting OSVs to designated routes, establishing separate trailheads, restricting OSVs to cleaner and quieter machines, imposing temporal restrictions on OSV use, imposing speed limits on shared-use trails, and other management tools. Methods for managing shared use are explained and discussed in the documents “Analyzing Impacts” and “BMP Practices”.

Winter recreation opportunities on Stanislaus National Forest are located along or accessed from the west on two highways that enter the forest: Highway 4 and Highway 108. Both are closed to through traffic in winter due to snow on the high passes they cross.

Highway 4

The winter recreation along Highway 4 extends west to east from approximately Black Springs to Lake Alpine with snowmobile recreation continuing east beyond Lake Alpine on Highway 4 to Ebbetts Pass and Highland Lakes on groomed snowmobile trails. From Black Springs to Lake Alpine, the highway runs along a giant ridge that is bordered by the Mokelumne River to the north and the Stanislaus River to the south.

Bear Valley is the main development along the upper portion of Highway 4. Adjacent to the village is the Bear Valley Nordic Center, and not far from the village is the Bear Valley Ski Resort. Both cater to their respective clientele.

Bear Valley has been touted as the “snowmobile capitol of California.” This is due to the large number of snowmobiles used by property owners who reside at Bear Valley and the large number of snowmobilers that are attracted to the area due to the 32 miles of groomed snowmobile trails and Highway 4’s proximity to large population areas.

The Highway 4 corridor can be divided into two geographical areas based on suitable terrain for winter recreation. West of Bear Valley the terrain near the highway is relatively mild; here there is terrain suitable to beginner through intermediate skiers and snowshoers. East of Bear Valley the terrain is considerably steeper and with few exceptions is suitable only to intermediate through advanced skiers and snowshoers. Both areas attract skiers and snowshoers as well as snowmobilers.

West of Bear Valley

On the north side of the highway and west of Bear Valley, between the highway and where the terrain drops abruptly into the Mokelumne River canyon, there are many snow-covered roads and mild ridges that attract skiers, snowshoers and snowmobilers. Due to the proximity of the residential and commercial development of Bear Valley, the snow route along the ridges west from Bear Valley to Flagpole Point are now almost the exclusive domain of motorized winter recreation. Homeowners in the developments at Skyhigh, Tamarack and Sherman Acres also have snowmobile access to this ridge. In summary, although there are no groomed or ungroomed snowmobile routes in this area per the December 1999 Ebbetts Pass Area Winter Recreation Guide, this area is a de facto high intensity use snowmobile area. Skiers who once used this area have abandoned it due to the conflict with motorized use.

There is a distinct need for a designated non-motorized winter recreation area west of Bear Valley in order to meet the demand for quiet and safe, quality non-motorized backcountry winter recreation opportunities, especially for beginner and intermediate skiers who find the terrain east of Bear Valley too difficult to negotiate.

Our alternative includes two such areas: the Mattley Ridge area and the Cabbage Patch to Black Springs area.

Mattley Ridge area

Classification: Front-country non-motorized and managed shared use
Size: 5,663 acres

Reference: Exhibit F, Mattley Ridge map

The Mattley Ridge area has historical significance for non-motorized users. *Ski Tours in the Sierra Nevada*¹⁷ describes four tours in this area plus the route along ridges from Bear Valley Ski Resort to Flagpole Point and then to Cabbage Patch. The description of the tour along the ridges begins with: “If there is a classic tour in the Bear Valley area it is the ski along the high ridges.” Today these ridges are inundated with OSV use, and non-motorized recreationists have been displaced by the heavy snowmobile use along the ridges.

The displacement of non-motorized visitors from the ridges in this area with superb vistas and terrain can be in part mitigated by designating the Mattley Ridge area as closed to OSV use and is part of our Alternative.

Five miles of ridge connect Bloods Point near Bear Valley to Flagpole Point. The Mattley Ridge closure will reduce the ridge open to snowmobile use to four miles. The final one mile to Flagpole Point will be within the non-motorized area.

The Mattley Ridge area is accessible from Cabbage Patch, which means that non-motorized visitors will rarely see a snowmobile until they reach the east end of the non-motorized area. This is because there is no room for snowmobile staging at Cabbage Patch.

Descriptions in the guidebook give a glimpse of why the area makes an excellent non-motorized destination:

“... you will climb steeply from Mattley Road to the top of Mattley Ridge. The ridge is a good destination if you seek fine views and lots of downhill skiing on the return.”

“... is an excellent choice for beginners who have mastered the basics.”

“... offers spectacular views from the ridge tops and a variety of terrain including mild slopes, steady climbing, traversing ridges and a descent through trees.”

The Mattley Ridge closure is designed to provide a non-motorized winter recreation area and at the same time minimize the impact to OSV recreation.

1. Maintaining the first 0.5 mile of road from Cabbage Patch open to snowmobiles will allow cabin owners in the St Michele Meadow area motorized access to their property.

¹⁷ *Ski Tours in the Sierra Nevada*, Marcus Libkind, Bittersweet Publishing Company, 1985.

2. The roads that border the area to the west, south, and east are not part of the closure. This allows motorized users access to and from Cabbage Patch as well as to other areas open to OSV use.

An annual problem for OSV recreation occurs each spring when plowing of Highway 4 ends access to Highway 4 east of the Lake Alpine Sno-Park. To compensate for this, our Alternative limits the Mattley Ridge area closure to periods when Highway 4 east of the Sno-Park is open to OSV use.

We urge the Forest Service to embrace a very forward-looking view of how both motorized and non-motorized winter recreation can be significantly improved along the Highway 4 corridor. We would support a staging area in the Cabbage Patch area that would provide both motorized and non-motorized winter recreation if the Mattley Ridge and Cabbage Patch to Black Springs closures (described below) were implemented.

A staging area at Cabbage Patch would improve access for both motorized and non-motorized recreationists and would create a new late season staging area for OSV use along the Highway 4 corridor.

However, such a staging area would increase conflict if the two non-motorized areas were not created; the improved access for OSVs would inundate areas that currently have low OSV use with new motorized use.

Cabbage Patch to Black Springs

Classification: Front-country non-motorized

Size: 4,770 acres

Reference: Exhibit G, Cabbage Patch to Black Springs map

The December 1999 Ebbetts Pass Area Winter Recreation Guide shows 35 miles of ungroomed trails in the area north of Highway 4 stretching from Cabbage Patch to Black Springs. These trails are open to both motorized and non-motorized recreation. Currently the use is heavily skewed toward non-motorized use because there is no staging area for snowmobiles.

The Cabbage Patch to Black Spring map shows the area and the ungroomed trails that are closed to OSV use in our Alternative. In terms of mileage, 11 miles or 31 percent of the total ungroomed trails in the area would be closed to OSV use.

Over the last five years, on-the-ground experience shows that the Cabbage Patch to Black Springs area receives almost no OSV use. Furthermore, the Cabbage Patch to Black Springs area has the necessary terrain, roads, and mild ridges to

support a major backcountry non-motorized trail system similar to that developed in the Foster Meadow area on Highway 88.¹⁸

Big Meadow Campground

Classification: Front-country non-motorized

Size: 271 acres

On the south side of the Highway 4 and west of Bear Valley the lands are much less suitable for winter recreation because the terrain rapidly drops down into the Stanislaus River drainage and much of the area is covered with dense, small diameter trees.

OSV use is concentrated around the Spicer Sno-Park and the groomed Spicer Reservoir Road OSV route. The Sno-Park does not serve non-motorized winter recreationists well due to the lack of suitable terrain. In fact, it was created as a staging area for snowmobiles; 19 miles of groomed snowmobile trails lead from here to Spicer Reservoir, Summit Lake, Union Reservoir, and Utica Reservoir, and then an ungroomed snowmobile trail continues to Lake Alpine and the groomed snowmobile trail to Ebbetts Pass.

A small area at the Big Meadow Picnic and Campground area has been historically managed as non-motorized in winter. Much of the area is closed to motorized use because it lies within a Near Natural Area. Only 271 additional acres are closed under our Alternative. Approximately one half of our suggested closure is designated as closed in the Proposed Action. However, the Proposed Action does not adequately protect the non-motorized recreational values in this area without the small added closure. This area encompasses one mile of marked trail and approximately another mile of good terrain for beginner through beginner-intermediate skiers.

The need to continue this non-motorized designation was brought to the attention of the Forest Service at a pre-scoping meeting in Sonora.

East of Bear Valley

The access to backcountry lands east of Bear Valley is dominated by Highway 4, which is a groomed snowmobile route. This area draws a large number of OSV recreationists; most arrive with their own machines, but some rent from a concessionaire adjacent to the Lake Alpine Sno-Park.

There are 17 miles of groomed OSV trails that lead to Ebbetts Pass, Pacific Valley, and Highland Lakes. In addition there is an ungroomed route through

¹⁸ See http://www.backcountryskitours.com/pages/tours_1000/1008_tour.htm.

Deer Creek that leads to Highway 88, and OSVs can continue over Ebbetts Pass to Centerville Flat, both of which are on the Humboldt-Toiyabe National Forest.

Highway 4 Corridor

Classification: Managed shared use

Size: Unknown

The Highway 4 corridor is a shared use area; it is an access route to Wilderness lands that provide “backcountry solitude” for advanced non-motorized winter recreationists. To facilitate shared use, our Alternative requires the STF to ask users to respect a voluntary restriction of use to BAT-compliant OSVs and commit to review such restriction every five years to determine whether it should be made mandatory.

Pacific Valley

Classification: Backcountry solitude

Size: 8,578 acres

Under current OSV management, OSVs are only allowed in a narrow corridor along 8N12 and a short distance beyond in Pacific Valley. Under the Proposed Action, 8,578 acres of the Pacific Valley Near Natural Area will be designated open to OSVs. Our Alternative maintains all current Near Natural Areas non-motorized in winter including the Pacific Valley area.

The Pacific Valley area has long been recognized for outstanding non-motorized recreation opportunities. The Record of Decision for the STF LRMP, signed by Forest Supervisor Janet Wold, contains the following information for the Pacific Valley roadless area:

“Pacific Valley: Although this area is considered by many to be highly suitable for Wilderness designation, I am not recommending that it be designated. The Pacific Valley region presents a unique opportunity to provide an outstanding area for semi-primitive non-motorized (SPNM) recreation outside of the designated Wilderness system. It is perhaps the best opportunity for this type of recreation area in the Sierra Nevada.”¹⁹

Thus, the rationale provided for not designating this highly suitable area for Wilderness was that by managing it as non-motorized outside of Wilderness, it presented a unique opportunity as an outstanding area for *non-motorized* recreation outside of the designated system.

¹⁹ Stanislaus National Forest Land and Resource Management Plan Record of Decision. October 28, 1991. Page 28.

Osborne Hill and Lake Alpine Areas

Classification: Front-country non-motorized

Size: 1,220 acres

The Proposed Action would eliminate the historical non-motorized areas in the Osborne Hill and Lake Alpine areas. Our Alternative continues the non-motorized designation of these areas as shown on the December 1999 Ebbetts Pass Area Winter Recreation Guide.

This non-motorized area provides non-motorized terrain in the Lake Alpine area and access to the Carson-Iceberg Wilderness.

An ungroomed OSV route, which connects the groomed Spicer routes to the Lake Alpine area has historically passed through the Osborne Hill area and under our Alternative it continues thus making this a shared use area.

Round Valley and Woodchuck Basin Near Natural Area

Classification: Front-country non-motorized

Size: 3,435 acres

The main area east of Bear Valley accessible to backcountry non-motorized recreationists and off-limits to snowmobile travel is the Round Valley and Woodchuck Basin Near Natural Area.²⁰ This area offers outstanding terrain for intermediate and advanced skiers and snowshoers. The Round Valley Sno-Park provides access for non-motorized forest visitors to these areas and at the same time results in more room for snowmobile staging at the Lake Alpine Sno-Park.

OSV trespass into this area is common. Some is directly from the Lake Alpine Sno-Park, where all lands to the north are off-limits to OSV use, but no signage has been present for many years. Signs are also needed along the southern boundary of Bee Gulch and Woodchuck Basin. Here, too, snowmobile trespass is common.

The scoping notice states that:

“The proposed action includes the following design features ... The Forest Service has an obligation to monitor the effects of OSV use as required by the Travel Management Rule. Furthermore, as an ongoing part of our State-funded OSV program, California State Parks provides funding to the Forest Service to monitor our trails systems for evidence of OSV trespass

²⁰ The Round Valley and Woodchuck Basin Near Natural Area encompasses Poison Canyon, Round Valley, Bee Gulch and Woodchuck Basin.

into closed areas, OSV use near or damage of sensitive plant and wildlife sites, and low snow areas subject to erosion concerns.”

History has shown that enforcement efforts have not been effective. Enforcement must be transparent and documented in a way that shows the public that it is being carried out in the most efficient way possible and that it is effective in meeting objectives. Timing is critical. Enforcement must focus on weekends and holidays, and must include FS personnel on snowmobiles monitoring the Highway 4 corridor. Furthermore, enforcement must include citations, not warnings. These parts of the enforcement plan must be part of the project decision.

Highway 108

Winter recreation is focused at three areas along the Highway 108 corridor: Dodge Ridge area, Highway 108 east of the winter closure point (1.4 miles west of Cascade Creek Campground), and the Herring Creek and Cow Creek area.

Dodge Ridge area

Classification: Front-country non-motorized
Size: 9,771 acres

The snow-covered roads that circumscribe Dodge Ridge Ski Resort are part of the developed ski and snowshoe trail system. This system of trails was developed and is maintained by the Pinecrest Nordic Ski Patrol. Our Alternative includes the designation of these lands, as shown in the Proposed Action, non-motorized in winter.

Highway 108 east of winter closure point

Classification: Managed shared use
Size: Unknown

The winter road closure point on Highway 108 is the main staging point for snowmobile recreation along the Highway 108 corridor. The groomed snowmobile trail system begins here and extends east to Kennedy Meadows Road, plus there is a groomed trail system from the highway into the headwaters of Niagara Creek. In addition there are marked but ungroomed trails up the Clark Fork Road to Sand Flat and from Kennedy Meadows Road to Sonora Pass. Our Alternative makes no change to this use.

Under current OSV management, OSVs are not allowed in the Eagle/Night Near Natural Area. Under the Proposed Action, 5,045 acres of this Near Natural Area will be designated as open to OSVs. Our Alternative maintains all current Near Natural Areas non-motorized in winter including the Eagle/Night Near Natural Area.

This Highway 108 corridor is a shared use area; it is an access route to Wilderness lands that provide “backcountry solitude” for advanced non-motorized winter recreationists. To facilitate shared use, our Alternative requires the STF to ask users to respect a voluntary restriction of use to BAT-compliant OSVs and commit to review such restriction every five years to determine whether it should be made mandatory.

Herring Creek and Cow Creek

Classification: Front-country non-motorized and managed shared use

Size: 1,542 acres

The junction of Herring Creek Road and Highway 108, and the junction of Forest Road 5N40Y and Highway 108 at Cow Creek, are the only two other trailheads of value for winter recreation along Highway 108. The snow-covered roads that emanate from these trailheads crisscross the lands to the east of Highway 108, and it is possible to reach all points to the east from either trailhead. Twenty-five miles of roads in this area are designated as ungroomed motorized winter routes, while none are designated strictly for non-motorized use. The situation is made even worse because all but two miles are designated for ATV use. These vehicles rut the snow such that they are impassable by non-motorized winter recreationists and difficult for snowmobiles to traverse as well.

Our alternative designates five miles of Herring Creek Road (Forest Road 4N12) from Highway 108 to its intersection with Forest Road 5N17, and lands north and adjacent to the road, non-motorized in winter. This area provides a non-motorized loop for skiers and snowshoers.

Our Alternative reduces the mileage of designated ungroomed motorized routes from 25 miles to 20 miles, but maintains access for snowmobiles to Bull Run, the Punch Bowl, and the loop around Hammill Canyon.

If the Forest Service deems it important to OSV use, an OSV route along 4N53Y can be designated through the Herring Creek closure area.

An annual problem for OSV recreation occurs each spring when plowing of Highway 108 ends access to Highway 108 east of the Sno-Park. To compensate for this, our Alternative limits the Herring Creek closure to periods when Highway 108 east of the Sno-Park is open to OSV use.

F. Suggested Boundaries for Designated OSV Areas

We have included on our map suggested boundaries of the areas that the STF might designate as open to OSV use. Such boundaries encompass all currently groomed OSV routes and the vast majority of all ungroomed OSV routes.

G. General Best Management Practices

Non-motorized trailheads should be established and designated to enhance access to non-motorized areas.

BAT - Transition of users to cleaner and quieter OSVs should be encouraged throughout the STF. The STF should adopt policies that promote the use of cleaner and quieter snowmobiles. Our Alternative includes a voluntary BAT restriction in two areas in order to promote better opportunity for shared use and a Forest Service commitment to reconsider the imposition of mandatory Forest-wide BAT standards every five years. Due to the scale of impact of just one dirty machine, as more users transition to cleaner and quieter machines there will be greater justification for imposing a mandatory requirement.

The BAT standards adopted by Yellowstone National Park after extensive debate and consideration are reasonable. These published standards should be the starting place for a BAT standard applicable on the STF. Modifications to the Yellowstone BAT standard as applied to the STF should be considered at the regional level of the Forest Service.

Monitoring adaptive management and enforcement should be established as recommended in our document “BMP Practices.”

Minimum snow depths should be 12 inches for grooming roads and 18 inches for cross-country travel, or greater if deemed appropriate by the STF. We suggest that the STF determine a variety of set locations where snow depth is measured in order to determine when the minimum snow depth requirement is met. Once there is enough snow the Forest Service should post – online and at trailheads and Forest Service offices – that certain areas are open (or closed) for over-snow use.

Minimum snow depths can be enforced in a number of ways. We suggest that the STF follow the example of other National Forests with minimum snow depth requirements. On these forests official snow depth measurements are taken by USFS personnel until the snowpack is at sufficient depth. Measurements are available at District offices and it is the user’s responsibility to check and see whether the snow is deep enough to allow OSV use. On forests where the snow pack varies throughout the winter season additional measurements occur as conditions warrant.²¹ We also suggest implementing seasonal “bookends” before and after which OSV activity is not allowed regardless of snow depth.

²¹ See for example, Tongass NF MVUMs: <http://www.fs.usda.gov/detail/tongass/maps-pubs/?cid=stelprdb5430063>. Emergency closures due to low snow conditions can be communicated via online media channels, as with this example from the Chugach NF: http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5441982.pdf

Nordic trail grooming for skier use is encouraged in our Alternative through cooperative arrangements with third parties. Such grooming can be done with light equipment that can have impact similar to riding a trail with a single snowmobile. The facilitation of more Nordic trail grooming can significantly encourage Nordic tourism for the benefit of local communities, as well as serving local residents.

Homeowner access to cabins and lots by OSV use on designated routes shall be preserved in our Alternative, and our Alternative permits additional designated routes where necessary to provide such access.

Additional trail conflicts sometimes arise through shared use of trails by skiers, snowshoers, dogs or, more recently, "fat bikes." Many of these conflicts can be minimized through educating users on shared use principles: having snowshoers and fat bikes stay off ski tracks and ski trails, and having owners clean up after their dogs. These responsible practices should be highlighted in the STF's winter recreation guide. Trail restrictions or separations may be warranted in certain areas and should be addressed through further collaborative efforts involving local community groups.

Our Alternative creates a fair balance of recreational opportunity using restrictions tailored to particular situations. We ask that it be incorporated into the DEIS Preferred Alternative, as well as included as one of the range of alternatives pursuant to the Settlement Agreement.

Sincerely,

SNOWLANDS NETWORK



Marcus Libkind
President
malibkind@snowlands.org

WINTER WILDLANDS ALLIANCE



Hilary Eisen
Winter Wildlands Alliance Recreation Planning Coordinator
heisen@winterwildlands.org

Exhibits and other submissions

Exhibit A

Analyzing OSV Impacts to Other Winter Recreation Users

Exhibit B

Wildlife and Environmental Concerns – Over-Snow-Vehicles in the Stanislaus National Forest

Exhibit C

Snowmobile Best Management Practices for Forest Service Travel Planning

Exhibit D (submitted on DVD)

List of Additional Submitted Documents

Exhibit E (submitted on DVD)

Map titled *Proposed Winter Recreation Management on the Stanislaus National Forest*

GIS shapefile for map in Exhibit E (submitted on DVD)

The shapefile is comprised of 6 sub-files

Exhibit F

Mattley Ridge map

Exhibit G

Cabbage Patch to Black Springs map