



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

February 13, 2015

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2550 Riverside Drive
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Re: Scoping Notice: Over-Snow Vehicle Designation -- File Code 1950
January 14, 2015

Dear Sirs:

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. We request that this Alternative be analyzed as part of the Environmental Impact Statement for the designation of over-snow vehicle use on the Lassen National Forest.

We are pleased with the progress of discussions we have had with Forest Service staff and others, including representatives of the snowmobile community and the State of California, regarding our proposed Alternative. We sincerely believe that our Alternative significantly enhances opportunities for quiet non-motorized recreation on the Lassen National Forest and provides materially greater protection of winter wildlands without significantly limiting OSV (over-snow-vehicle) recreation. Thus it is a win-win for users and the local communities.

Currently Lassen National Forest ("LNF") prohibits OSVs on lands that are classified in its Land and Resource Management Plan as Wilderness, Semi-primitive Nonmotorized, or Research Natural Areas (RNA). Our Alternative continues these closures. We oppose any opening up of such areas to OSV recreation. We also support the proposed closure to OSVs of the low-elevation and RNA areas indicated in the Scoping Notice. Also, consistent with other forests in the Sierra Nevada such as the Tahoe National Forest, we propose closing designated Wild and Scenic River corridors to cross-country OSV travel in order to protect the Wild and Scenic character of these areas. These areas – generally steep river canyons -- do not have significant, if any, OSV recreation.

The LNF has published a Winter Recreation Guide that identifies the above areas. The guide also identifies ski trails on which OSV travel is prohibited. The prohibition of OSVs from designated ski trails is a basic practice that addresses the most obvious impacts from shared use of trails – disruption of ski tracks that

renders the surface less suitable for skiing, direct ambient air impacts to trails, and safety concerns. However, this restriction not address all OSV impacts, and the remaining impacts still displace nonmotorized users. Such displacement will increase as general levels of activity increase.

Winter travel planning must protect opportunities for nonmotorized recreation recognizing the experience nonmotorized users seek, and minimize impacts from OSVs on wildlife, the environment, and other uses. Our Alternative is designed to minimize these impacts while continuing to allow high quality OSV recreation on the LNF.

In order to create a fair balance of winter recreational opportunity on the LNF, our Alternative proposes areas where OSV travel is restricted to designated routes or is disallowed entirely. The need for these additional non-motorized areas 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 application of these general considerations to specific areas on LNF is discussed below.

The OSV restrictions in our Alternative will also provide enhanced protection to species, habitat, and water quality by increasing the acreage on the LNF that is closed to cross-country OSV travel. The need for these additional protections is discussed in our position paper, "Wildlife and Environmental Concerns -- Over-Snow-Vehicles In the Lassen National Forest" included in our submission as Exhibit B ("Wildlife Concerns").

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 Practices").

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.

We refer you to these documents for general support for each element of our Alternative. 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 11,644 (Executive Order No. 11,644, 37 Fed. Reg. 2877, Feb. 8, 1972, *as amended* by Executive Order No. 11,989, 42 Fed. Reg. 26,959, 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 “Important Non-Motorized Recreational Areas on the Lassen National Forest”, attached as Exhibit E. This map displays the specific areas that we have identified as important for non-motorized recreation. Our Alternative proposes that these areas not be open to cross-country OSV travel. Some of the areas have no OSV routes through them and thus would be entirely closed to OSVs. One of the areas, proposed for managed shared use, has additional restrictions on OSV usage.

In the remainder of this letter, we will discuss (i) the 2015 Over-Snow Vehicle Rule, (ii) OSV route grooming and trailhead plowing, (iii) the need to mitigate impacts from OSV use, (iv) specific reasons for the restrictions in each area identified on our map, and (v) best management practices for OSVs to be required across the LNF.

The 2015 Over-Snow Vehicle Rule

In late January 2015, the Forest Service’s Washington Office 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, 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, although we anticipate that these directives will be amended in light of the new OSV Rule.

The OSV Rule requires national forests with adequate snowfall to designate and display on an “over-snow vehicle use map” specific areas and routes where OSV use is permitted based on resource protection needs and other recreational uses. The Lassen is the very first national forest to undergo 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 Lassen’s OSV plan satisfies the Forest Service’s substantive legal duty to locate areas and trails designated as open to OSV use to *minimize* resource damage and conflicts with winter visitors enjoying non-motorized, quiet forms of recreation.

The LNF is obligated to comply with the minimization criteria outlined in Executive Order No. 11,644, 37 Fed. Reg. 2877 (Feb. 8, 1972), *as amended by* Executive Order No. 11,989, 42 Fed. Reg. 26,959 (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. Therefore, 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 the first forest to implement the new OSV rule, it is critical that the Lassen properly apply the minimization criteria.

To meet these minimization criteria the LNF 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 LNF should not have proposed travel management designations in its scoping notice without having completed this travel analysis, but are pleased that the LNF has begun the travel analysis process. We ask that the LNF comply with all 6 steps in the travel planning directives.

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 LNF 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 that are smaller than the forest’s three ranger districts, the scoping notice suggested that the LNF proposes to designate as open everywhere that is not designated closed. Moreover, proper application of the executive order “minimization criteria” almost certainly would not result in designation of open areas even close to the size of a ranger district given the significant adverse impacts of cross-country OSV travel to sensitive wildlife, non-motorized users, and other resources.

We believe that the Alternative that we present here meets the Executive Order minimization requirements and other Forest Service objectives by establishing nonmotorized areas where recreation users seeking clean and quiet areas can readily avoid the impact of motorized use, and providing significant areas of minimal winter disturbance to species and ecosystems.

OSV Route Grooming and Trailhead Plowing

As required under the Settlement Agreement, the LNF 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 nonmotorized 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 existing groomed OSV route or for the cessation of plowing of any OSV trailhead. With proper OSV restrictions, there is adequate room on LNF 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 nonmotorized areas where recreation users seeking clean and quiet areas can readily avoid the impact of motorized use.

Appropriate mitigation measures for the various impacts of OSVs on other forest uses, wildlife, and the environment should be spelled out in the Draft EIS. We also recognize that additional restrictions and other mitigation measures may be necessary beyond those provided by our suggested Alternative.

The Need to Mitigate Impacts from OSV Use

In proposing this Alternative, we have assumed 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 LNF 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 need to 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.)

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) and the distance snowmobile noise travels through popular recreation areas. This data can help determine the impact of motorized users on users desiring clean and quiet recreation.

New Management Areas

The map submitted with our Alternative identifies six areas proposed for new restrictions on motorized use. We understand that the Lassen's winter travel management 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 Lassen that are valuable for non-motorized recreation, therefore, we have identified these places rather than identifying the areas suitable for motorized recreation. We ask that the specific areas we have identified be closed to winter motorized activity and leave the designation of specific areas that are open to OSVs to the Forest's discretion, given other factors that must be taken into account to fully meet the minimization criteria. We have also included a shapefile of these proposed restrictions ("proposed OSV restrictions") in order to facilitate analysis of this Alternative during the EIS process.

Recognizing differing objectives of the three basic types of ski recreation discussed in our document "Analyzing Impacts," we have classified our proposed closure areas into three types:

"Front-country nonmotorized" areas protect nonmotorized recreation opportunity in areas that are easily accessed from plowed trailheads and roads and have a high degree of nonmotorized use. Restriction of OSVs is necessary to eliminate the 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 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".

The proposed areas are:

McGowen, Colby Mountain and Lake Almanor Areas. Classification: Front country nonmotorized. These areas are currently managed for cross-country ski and snowshoe use. They have relatively little snowmobile traffic due to cooperative efforts of the local snowmobile communities. We propose that these areas be officially closed to all OSV usage to give adequate notice of their nonmotorized status to all users, including occasional visitors, and to allow enforcement against trespass by those OSV riders who do not respect community guidelines, as well as to confirm current practice. We have drawn the boundaries taking into account OSV needs, and the closures are not intended to close any designated OSV routes.

These areas are highly accessible and enjoy a current high level of non-motorized use. They are primarily used by skiers and snowshoers engaging in the Trail Touring activity, but also have some use by skiers engaged in the other two activities described in our document “Analyzing Impacts”.

Butte Lake Area. Classification: Backcountry solitude. This large area, northeast of Lassen National Park and the Caribou Wilderness, should be closed to all cross-country OSV travel in order to create and preserve a remote and primitive experience for nonmotorized users desiring to recreate in areas largely devoid of motorized impacts. The area adjoins existing large nonmotorized areas that do not currently have easy winter access and thus creates a nonmotorized corridor accessing Wilderness. This closure primarily serves the Backcountry Exploring type of activity described in our document “Analyzing Impacts”.

We have selected this area in discussion with representatives of the OSV community to create this recreational opportunity in a way that has the least impact on OSV recreation or OSV access to homeowner cabins. Thus, for instance, we selected this area instead of the area east of Caribou Wilderness extending to the Swain Mountain trailhead, which has a greater density of OSV use and traffic.

We propose that the Butte Lake area have a nonmotorized trailhead at the Butte Lake junction or along the road to Butte Lake that would be improved and plowed as necessary to meet demand. During early season and low snow winters, and when conditions otherwise allow, if feasible, parking would be permitted up the road closer to snow level.

Our map includes a designated OSV route that would allow OSVs to traverse the Butte Lake area. OSV traffic would be restricted to this single route. The route may follow the primary OSV route currently designated in this area or may be rerouted so as to better serve all users.

These restrictions will improve opportunities for extended backcountry nonmotorized recreation in the LNF. Although the demand for such recreation experience is low, preserving such recreational opportunity is important to many. The Butte Lake restrictions create an attractive corridor for accessing the gently rolling lake country in the Caribou Wilderness and Lassen National Park, which offer a high-quality winter nonmotorized backcountry multi-day touring experience.

The creation of a large contiguous area that will have minimal human intrusion during the winter season will protect habitat for Sierra Nevada red fox and other rare mammals and is thus important to meeting Forest Service objectives with regard to diversity of species.

Fredonyer – Goumaz Area. Classification: Managed shared use. This area on the east side of the forest close to Susanville and other east side communities should be managed for shared use.

Our Alternative proposes that OSVs in this area be limited to travel on the currently designated OSV routes. Cross-country travel off of these routes would be prohibited. This restriction creates opportunity for the “Backcountry Exploring” type of nonmotorized activity, while restricting the “Backcountry Exploring” type of snowmobile activity. This is appropriate because OSV riders desiring to engage in the Backcountry Exploring type of activity can travel much further than nonmotorized users and thus readily access areas that provide a higher quality of backcountry experience. Nonmotorized users cannot travel so far and thus must “make do” with what is readily accessed from plowed trailheads.

In addition, we believe that OSV usage in this area should be restricted only to snowmobiles employing “best available technology,” meaning those with cleaner and quieter engines. Such a restriction has worked to reduce motorized/nonmotorized user conflicts substantially in Yellowstone National Park. Such a restriction also is required of some outfitter-guides permitted by the Forest Service in the Sierra Nevada. This restriction substantially enhances opportunity for all types of nonmotorized activity while impacting only OSV riders with older, more polluting machines. Although such machines current predominate in the Sierra Nevada, there is a trend for OSV riders engaging in the Trail Touring activity to transition to the cleaner and quieter vehicles. This trend should be actively encouraged by the Forest Service.

We believe a mandatory BAT requirement is appropriate and should be phased in at managed shared use areas. Due to special and somewhat unique circumstances on LNF, we understand that the Forest may initially strongly prefer to set a voluntary BAT restriction. Our Alternative provides that, in this managed shared use area, BAT compliance is expected, though noncompliance is not subject to a fine or citation. Our Alternative contains a commitment to reconsider this voluntary compliance program every five years, the objective being to maximize

shared use in this area. 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.

Our Alternative includes a commitment to designate at least two readily accessible nonmotorized trailhead locations for this managed shared use area at higher elevations (and thus in addition to Devil's Corral). These areas would be improved and plowed as necessary to meet demand. We suggest that LNF request State funding for such areas as a means to mitigate the impacts of snowmobile noise and toxic air pollution at OSV program trailhead locations.

Eagle Lake. Classification: Backcountry solitude. Our Alternative includes a nonmotorized area along the southern shore of Eagle Lake, which – like the area on the southwest shore of Lake Almanor – is best suited to nonmotorized recreation and the appreciation of natural vistas and soundscapes. Our proposed Eagle Lake closure is an addition to the existing closure along Eagle Lake which is designed to protect osprey habitat.

Elam Creek. On the map for our Alternative we have indicated an area near Elam Creek but not shaded it to indicate imposition of any new restrictions. We believe this area offers potential for Alpine Adventure in a Front-country nonmotorized easily accessible environment, but the degree of current use does not render such designation necessary at this time. Under our Alternative the Forest Service would watch this area for potential future designation as nonmotorized terrain in winter.

In addition to the above, LNF should reverse the decision made in its plan revision that “Areas for snow play will not be designated.” [Lassen LRMP ch1-4 pg. 91/192; 4-26]. Designation of snow play areas allows for concentration of use in areas that are appropriate for snow play and that have adequate parking, such as Willard Hill. Such areas and their primary access routes should be closed to snowmobile traffic for safety and other reasons.

General Best Management Practices

Nonmotorized trailheads should be established and designated to access nonmotorized areas. In addition, nonmotorized trailheads can reduce some conflicts in areas with shared use. The LNF should set a goal of establishing separate trailheads for nonmotorized use at popular shared use areas. In some locations, this expectation could be satisfied by prohibiting snowmobiles from a designated portion of a single trailhead location. If necessary, the Lassen should consider expanding the purpose and need for this project to accommodate nonmotorized winter recreation planning as well.

BAT - Transition of users to cleaner and quieter OSVs should be encouraged throughout the LNF. The Lassen should adopt policies that promote the use of cleaner and quieter snowmobiles. Our Alternative contains a commitment to

reconsider the imposition of 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.

We believe that the BAT standards adopted by Yellowstone National Park after extensive debate and consideration are reasonable. We believe for bureaucratic efficiency these published standards should be the starting place for a BAT standard applicable on LNF. We believe modifications to the Yellowstone BAT standard as applied to LNF 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 confirmed at 12 inches for cross-country travel and 18 inches for grooming of OSV trails. Although we understand the rationale for creating a new limit of 6 inches for OSV travel on designated routes with underlying roads and trails, we believe such a relaxed rule will create more complex enforcement issues and will result in greater destruction of riparian and meadow areas which are traversed or bordered by such routes. To the extent a relaxation of the minimum snow depth rule is appropriate with regard to a specific route in order to allow OSVs to access higher terrain and legal snow levels, such restriction should be considered on a limited basis where it can be readily enforced and directly serves such purpose, perhaps by designation of a limited number of low-snow access routes.

Nordic Grooming. Our Alternative contains an expectation that grooming of trails for skier use will be encouraged through cooperative arrangements with third parties and that more trails will be groomed for skier use. Such grooming can be done with lighter 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. Our Alternative is intended to preserve the ability of homeowners to access cabins and lots by snowmobile or other OSV and accepts the creation of additional designated routes where necessary to provide such access.

Additional Trail Conflicts. 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 groomed for skate skiing and having owners clean up after their dogs. These responsible practices should be highlighted in the LNF’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.

As the LNF recognized in its 1992 management plan, "...An increase in dispersed recreation is expected. It is difficult to predict the trends in specific types of activities. Maintaining a range of recreation opportunities would help meet needs." [Lassen LRMP ch1-4 pg40/192; 3-22]

Although nonmotorized activities are currently permitted in all OSV locations, the impacts of OSVs – noise, toxic exhaust and consumption of powder snow – renders shared use unrealistic without OSV restrictions. The restrictions necessary to preserve nonmotorized recreational opportunity vary based on the type of use predominant in each area, with three analytically different types of activity common to both motorized and nonmotorized users.

Our Alternative creates a fair balance of recreational opportunity, thus fulfilling the intent of the 1992 Lassen management plan, using restrictions tailored to particular situations. We have discussed our draft alternative with the Forest Service and representatives of the OSV community and modified it in order to address their concerns. We hope and ask that it be included in the DEIS as the preferred alternative.

Sincerely,

SNOWLANDS NETWORK



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