



August 10, 2015

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Attn: Phyllis Ashmead

Dear Planning Team:

The BlueRibbon Coalition (BRC) appreciates the opportunity to comment on Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) on a proposal to designate over-snow vehicle (OSV) use on National Forest System roads, National Forest System trails, and areas on National Forest System (NFS) lands within the Stanislaus National Forest; and to identify snow trails for grooming within the Stanislaus National Forest.

These comments and proposals are submitted on behalf of the intervenor-defendants in *Snowlands Network v. U.S. Forest Service*, Case No. 2:11-cv-2921-MCE (E.D.Cal.). In particular, the settlement agreement in that case provides an opportunity for both plaintiffs and intervenor-defendants to submit proposals to constitute alternatives to be considered by the Forest Service in the designation process. We intend for this submission to represent at least a preliminary step in that process. If you have questions or require further information about this submission or intervenor-defendants' role please contact Paul Turcke (pat@msbtlaw.com or 208-331-1800) or Don Amador at the information listed below.

In March 2015, BRC submitted the following pre-scoping comments and believes there are components of the winter recreation program that could be improved, and that this designation process offers an appropriate and efficient opportunity to address those elements. These comments are broadly structured into two categories consisting of specific elements that we request be included in one or more of the action alternatives under active consideration by the Forest Service, and broader concepts or themes to consider incorporating into the process.

SPECIFIC ALTERNATIVE COMPONENTS

(1) Continue existing designations.

The FS should adopt the current designations that authorize OSV use on the Forest. We have maintained, in the *Snowlands* litigation and elsewhere, that the efforts of OSV recreation opponents to

remove the “snowmobile exemption” from the 2005 Travel Management Rule are largely designed to spark more formalized OSV planning rather than to address the claimed regulatory void. While adopted through procedures that may be different than those established by the settlement and recently-adopted Final Rule amending Subpart C, the fact is that OSV use has been specifically considered and regulated by Forest Service units for years. These designations on the Stanislaus have been appropriately established and have generally been a successful contributor to an effective winter recreation program.

(2) Adopt the SAE J2567 sound standard for OSV.

BRC encourages the Forest to take the important step of regulating sound produced by OSV. We realize the Forest Service is attempting to carefully define the scope of this project and create a “starting point” for consideration of possible future development of its OSV management. That said, we feel strongly, and join OSV manufacturers and industry representatives, in accepting the responsibility of looking for opportunities to quantify, standardize, and improve snowmobile technology. The OSV community at large is generally advocating that states, and units if needed, to adopt the OSV Sound Test – SAE J2567. BRC joins those efforts and ask that you include this as a component of an action alternative.

(3) Review nonmotorized land designations.

BRC appreciates that the existing OSV network would generally be adopted under the PA, however we believe that certain enhancements might be possible if the Forest acknowledges the legitimacy of certain routes through areas designated for nonmotorized or semi-primitive uses. Review current non-Wilderness areas that could be reopened or have routes cherry-stemmed routes for connectivity and/or touring opportunities. Many 1980-1990s-era Forest Plans used non-Wilderness “non-motorized” classifications to protect the area from timber production or summer wheeled recreation. OSV recreation (and OHV for that matter) was simply not at the table or given substantive consideration during these programmatic planning efforts. In some areas these classifications such as “Near Natural” or “Semi-Primitive Non-Motorized” had the effect of functionally banning OSV use including designation of cherry-stemmed routes. We support the growing effort in the agency, such as in the Kootenai and Panhandle Forest Plan revisions, to recognize a designation for “primitive and winter motorized” uses that adapts to the differences between OSV and OHV uses and impacts.

BRC asks that routes of this nature be added to one or more alternatives. We can provide more specific information on the location or other aspects of such routes.

(4) Snow depth standards.

BRC understands the California Off-Highway Motor Vehicle Division manages and funds the snow grooming program and has a standard of 12 inches or more for trails to be groomed. This standard is important to protect the equipment, natural resources, and facilities such as roads from adverse impacts. The proposed 12 inch minimum snow depth for cross-country travel and 6-inch minimum snow depth for trail use appears to be a reasonable balance between access needs and resource protection. The agency should grant itself authority to use common sense and best management practices on a landscape level to avoid arbitrary closures based on a single measurement.

(5) Modification of area prohibitions.

BRC believes the 2005 Travel Management Rule, including the amended Subpart C, provides the agency the authority to make adjustments to previous land classifications to provide connectivity or to otherwise enhance functionality to the OSV network of roads, trails, and areas.

(6) Needed flexibility and timing.

While the settlement does contain guidance on timing, it is common for deadlines of this nature to be extended. No court intends that a deadline take on a substantive role that would confine the agency's inherent management discretion. If the Forest determines that additional time is required to properly complete the process, it should take the time to "do it right" and seek modification of any possible court-ordered deadlines.

ADDITIONAL BROAD MANAGEMENT THEMES

Again, BRC recognizes the agency seeks to complete an efficient and successful initial designation of its OSV management program. However, the attention and allocation of resources to this effort might be wisely applied to address key issues. BRC asks the Forest to consider whether it might be appropriate to include the following components in at least one of the action alternatives.

(7) Update grooming program.

The grooming program should be dynamic to allow for the grooming or non-grooming of trails based on use levels and snowfall amounts. Consider narrow groomed trails (using equipment with 8 feet or narrower width) to allow for utilizing more OHV trails where a larger groomer cannot fit. These narrow trails could be for an enhanced backcountry "snow trail" experience. Current groomed trail mandates dictate trail widths of a minimum of 10 feet wide with a typical width of 10 to 14 feet as prescribed by the Forest Service handbook for class 4 trails. Also, seek to improve/armor important water crossings for both groomed and non-groomed trails.

(8) Review and update parking and staging facilities.

Winter recreation patterns/opportunities can be limited or altered by snow depth. The agency should strategically and actively incorporate this element into its management strategy, by analyzing current parking/staging opportunities and considering options to expand or create new parking/staging areas. It is often beneficial to create higher elevation staging options to accommodate low snow years. Some staging areas present unacceptable traffic or safety risks. On many Forests, the trailhead parking including turnarounds for larger vehicles such as motorhomes or extended cab pickups with large trailers is not adequate. The FS should engage related partners such as state or local road departments and counties to address parking/staging needs or road use agreements or county route designations where said needs are addressed in the early planning stage.

Evaluation of the staging area issue will allow us to adapt to the lesson learned from Subpart B OHV management, where the agency sometimes developed an OHV route network in an "environmental" vacuum without considering broader concerns and engaging various government partners in the scoping process to add functionality to the trail and area network.

(9) Conflict of uses.

BRC believes the “conflict of uses” issue has generally been created and emphasized by anti-OSV advocates who are looking for any opportunity to restrict or eliminate OSV use. Despite their aggressive litigation efforts, there are few, if any, court decisions that have forced an agency to restrict any motorized recreation based on alleged “conflict.” There are many strategies that can be employed to manage the ever-growing human population that desires to recreate in the National Forest System. We generally support the concept of “shared use.” As long as overall visitation numbers are appropriate for the affected resources, motorized and non-motorized users can be compatible with one another so long as individual users understand designations and plan their activities accordingly. There will always be a handful of pathologically disgruntled individuals seeking their own private rejuvenation in the National Forests. These outliers should not dictate policy or use designations, and should be handled the same way as children testing parental boundaries.

Contrasted to those using “conflict” in a transparent effort to put a thumb on the scales of management balance, there are legitimate concerns that usually reflect the simple fact there are too many people trying to enjoy the same areas at the same time. These “conflicts” can occur within user groups or modalities as often as they occur between them. The agency should consider strategies to publicize and manage these situations. One option might be to designate non-motorized companion trails along motorized routes or designate/groom non-motorized only trails to Wilderness or non-motorized land classification to reduce conflict of uses. Such efforts might be coupled with a targeted information campaign to direct non-motorized uses to non-motorized land classifications. Another element might be to consider enhanced staging/parking for non-motorized users so as to provide better access to non-motorized areas. Finally, we have always been and remain strong advocates of an active and effective enforcement program, so that users who violate or choose to remain criminally ignorant of management prescriptions suffer meaningful adverse consequences. All users need to understand and respect the fact that their use of our National Forests is a privilege to be shared with others under the terms established by applicable law.

(10) Encourage robust stakeholder involvement.

It is important to encourage early participation with local OSV clubs, concessionaires, and OSV rental companies to review current functionality of the OSV program for issues such as needs for seasonal or permanent stream crossings (i.e. installing half culverts, OSV bridges, etc.), connectivity, trails for both beginner and skilled riders, looped opportunities, and adequate open or play areas where new OSV users can practice and improve their skills. The best program elements or concepts are only as good as their tailored application to the needs of a particular area or user community.

(11) Review efficacy of signing and education programs.

BRC encourages the agency, along with all stakeholders, to review and update the current outreach and signing as needed for route identification, Wilderness boundaries, painted parking lines and vehicle circulation at staging areas, notification of users entering a fee area, and related issues. Recreation management, and particularly OSV/winter management, is often more of an exercise in social engineering than addressing physical resource impacts. Many “impacts” to the human environment could be avoided if users were better informed and given a range of recreation options.

(12) Consider an appropriate “all pay” user fee program.

If funding is a problem, the unit should consider a special user-fee pass/permit system “Fee-Demo” that is specific to an area, Forest, or Ranger District. Consider on-site self-service stations where a pass can be purchased to support on-the-ground services at said unit. Fees would be collected from both motorized and non-motorized users benefitted by any necessary management activities.

COMMENTS SPECIFIC TO NOI/PA

BRC is generally supportive of the NOI’s proposed action as listed below:

- Identifying approximately 54 miles of designated OSV trails that would be groomed on the Forest;
- Joining forces with Tuolumne and Alpine Counties to groom Clark's Fork Road (9 miles) and the Highland Lakes Road (5 miles)
- Designating 98 miles of ungroomed OSV routes;
- Designating 141,073 acres for open OSV riding;
- Grooming trails when there is 12-18 inches of snow;
- Implementing a Forest-wide snow depth requirement for OSV use when there is a minimum of 12 inches of continuous and supportable snow covering the landscape at 5,000 feet in elevation and above. Stanislaus Meadow on the Calaveras Ranger District will require a minimum depth of 24 inches. These snow depth requirements will provide for public safety, while protecting natural and cultural resources;
- Amending the Forest Plan to allow winter OSV use in the Pacific Valley and portions of the Eagle Night Near Natural areas.

BRC believes the PA is a good foundation upon which to construct a snowmobile action alternative that more substantively incorporates our aforementioned “concepts and themes” in the planning process.

One area of concern is the location of designated OSV riding in the Bear Trap Cabin area. The current maps are not clear whether historic and appropriate riding areas will remain designated for OSV use under the PA. We ask that the agency clarify this access, and maintain continuing OSV use in this area.

An additional area of specific concern includes continuation of existing (or expanded) prohibitions on OSV use on non-Wilderness land classifications such as Recommended Wilderness, Semi-primitive Non-motorized, and Research Natural Areas.

As stated previously by BRC, many 1980-1990s-era Forest Plans used non-Wilderness “non-motorized” classifications to protect the area from timber production or summer wheeled recreation. OSV recreation (and OHV for that matter) was simply not at the table or given substantive consideration during these programmatic planning efforts. In some areas these classifications such as “Near Natural” or “Semi-Primitive Non-Motorized” had the effect of functionally banning OSV use including designation of cherry-stemmed routes. We support the growing effort in the agency, such as in the Kootenai and Panhandle Forest Plan revisions, to recognize a designation for “primitive and winter motorized” uses that adapts to the differences between OSV and OHV uses and impacts.

Under current management OSVs are prohibited on 367,410 acres. In the PA, OSV use will be prohibited on 592,810 acres.

Recommendation

Develop an OSV recreation alternative that reclassifies additional non-OSV lands to areas where OSVs are allowed.

CONCLUSION

BRC appreciates this opportunity to participate in the management process and to work alongside the Forest Service to improve the winter recreation program on the Stanislaus National Forest. Please consider our comments, and do not hesitate to contact us in this designation process as well as the ongoing management effort.

Respectfully submitted,

Don

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