



August 8, 2015

Stanislaus NF
Att: Phyllis Ashmead, OSV Team Lead
19777 Greenley Road
Sonora, CA 95370

RE: Stanislaus NF OSV proposal

Dear Ms. Ashmead:

Please accept this correspondence as the comments of the Off-Road Business Association ("ORBA") and the California-Nevada Snowmobile Association ("CNSA") relating to the Stanislaus National Forest Over the Snow Vehicle Designation ("The Proposal"). Prior to addressing the specific comments regarding the Proposal, a brief summary of each Organization is needed. ORBA is a national not-for-profit trade association of motorized off-road related businesses formed to promote and preserve off-road recreation in an environmentally responsible manner and appreciates the opportunity to provide comments on this issue. CNSA represents all snowmobilers throughout California and Nevada to promote safety and good will for the snowmobile community and provide a voice for the individual snowmobiler in all matters relating to the sport of snowmobiling. For purposes of these comments, ORBA and CNSA will be referred to as "the Organizations" .

The Organizations have actively partnered with the California OHV program and Federal and State land managers for decades to address a wide range of issues that have surrounded both OSV and OHV recreation in California and the region. This partnership has worked to provide the hundreds of miles of groomed OSV routes that are available on the Stanislaus, which we believe provides an important winter recreational resource to the public on the forest. The Organizations have actively supported USFS defense of litigation involving the Snowlands Network/ WWA challenge to the grooming program in several USFS forests in California both in State and Federal Courts. The Organizations are troubled regarding certain issues that have arisen in the Proposal that must be opposed such as the altitude floor for usage, overreliance

on grooming standards for triggering OSV travel and that multiple use routes in areas to be closed due to rugged and steep terrain must remain open to OSV travel. The Organizations vigorously support the amendment of the Forest Plan to allow OSV usage in both the Eagle/Night and Pacific Valley Near Natural areas. The Organizations look forward to working with federal land managers to continue to provide the high quality multiple use recreational opportunities that have become synonymous with the Stanislaus National Forest.

1a. Significant permanent management changes are made based a temporary lack of snow.

The Organizations must express serious concern over one of the foundational principals of the Proposal, mainly that areas below 5,000 ft will continue not to receive snowfall sufficient to support OSV recreation and that these areas would be closed as a result. The Organizations are unsure what management concern or resource protection issue is being resolved by this new standard. The imposition of such a standard is a new and significant change in OSV management under the Proposal. The Organizations are concerned that hard elevational standards do not reflect actual conditions and are entirely redundant for the protection of any resources when minimum snowfall standards that are proposed are applied. The Organizations are entirely unable to locate any basis for such a standard and are very concerned that such an arbitrary standard could result in numerous issues with the implementation and ongoing issues, both long and short term for land managers. These new standard would result in the unnecessary loss of valuable recreational opportunities.

The Organizations are very concerned that the 5,000 ft standard could result in a large number of totally unnecessary management issues if there was a large snowfall below 5,000 ft. Even if the snow was only on the ground for a few days, all users of the Stanislaus will seek to utilize the rare opportunity to travel over the snow in many areas that simply do not consistently see snow. These somewhat rare snowfalls at lower altitudes can provide a very different recreational experience for the public when compared to non-snow based travel. Often overall visitation to areas significantly declines or concentrates in particular sites or opportunity areas that provide a significantly different recreational experience than is traditionally provided at a particular site.

The Organizations believe that this type of opportunity interest in winter recreation is consistently exhibited when snowfalls occur in areas that rarely see snow and for purposes of these comments, the Organizations are going to refer to this type of utilization as "opportunity visitation". The Organizations believe an example of this opportunity visitation is important to establishing an example of this issue. Frequently newscasters visit small hills in local parks after unusual snowfalls, as these small hills are seeing high levels of opportunity visitation by

members of the public who are sledding, tubing, skiing and using any other type of winter conveyance available to utilize these limited opportunities. For many of these opportunity visitors, these isolated snowfalls may represent the one of the few opportunities to undertake winter recreation in their lifetime. For other users, these opportunity winter recreation visits may trigger a life-long passion for winter recreation. The Organizations submit that many of these small hills will see more visitation in the single day following a snowfall than the hill will see the rest of the year, or many years depending on the frequency of snowfall. The Organizations believe that the resources of the municipal park play an important role in satisfying this opportunity desire and should not be precluded by the desire to avoid analysis of this usage, unless there is a serious resource management issue in play.

The town park example of benefits from these opportunity visitation days to small hills in municipal parks is related to motorized usage on national forests, as some opportunity visitors will visit national forests seeking to travel a little further into the backcountry on designated routes that simply have not been plowed to take their children sledding on a better hill or a hill that has seen lower levels of visitation on that day than the hill in the city park. In the Stanislaus NF, some of these users will have snowmobiles, which may only be used a few times a decade with current snowfall patterns. These users may seek to combine pursuits and seek opportunities to hybrid ski in areas close to their homes. The Organizations are concerned that in its current form the 5,000 ft floor would result in serious conflict of users when non-motorized opportunity visitors are able to go where ever they want and motorized users are entirely prohibited from these opportunity days simply because of their chosen conveyance. The Organizations concerns regarding these opportunity recreational visitors would be seriously increased if instead of these lower elevation snowfall events occurring once a decade, they began to occur multiple times in a single year.

The Organizations believe these opportunity visitors represent a unique and critically important visitor demographic that would be impacted by landscape level closures below 5,000 ft. The Organizations submit that discrimination of opportunity visitation to the Stanislaus based on the type of conveyance is problematic and that access to these unique opportunities could easily be preserved with the inclusion of regulations that allow OSV travel on designated summer routes in the area. The Organizations submit any risks to resources would be exceptionally minimal given travel is on summer designated routes and that such management standard would be consistent with most users visitation to the Stanislaus. The management burden to the USFS would be pretty minimal, as once the snowfall melted off these routes would again immediately become impassable to OSV travel, and result in regulations that are functionally self enforcing.

1b. The Organizations are opposed to the 5,000 ft floor for OSV travel due to difficulties in educating users and enforcing this standard.

The Organizations are also concerned that the 5000 ft usage floor would present significant difficulties in terms of enforcement and education of users, and as the Organizations have worked hard to partner with the USFS on educational materials, will be an issue that the burden of implementation will be born by both the USFS, California OHV program and Organizational members. As a result the Organizations are very concerned that educational resources be consistent and cost effective. The Organizations are very concerned this is an entirely new standard for triggering OSV usage on public lands and as a result there will need to be extensive education of users in a wide range of forms simply to create levels of notice to users of the standard. These materials would have to be rather broadly targeted, especially during implementation of the travel plan resulting in significantly increased costs. These educational materials would have to include signage at kiosks and parking areas, web based materials, trail signage and other educational brochures that clearly identify this new standard and if it is applicable in particular areas. This signage would have to highlight this new standard, making most educational materials available entirely unusable as these materials have been explicitly created to maximize educational messaging with a minimal usage of space. Simply adding new messages to these materials would be difficult or impossible and possibly take years to develop after a thorough Forest Service document review process. The Organizations are sure that there will be recreational areas that are only partially open to OSV usage based entirely on this altitude requirement making any site specific signage difficult if not impossible and exceptionally expensive. There are specific examples of important riding areas that would be lost due to the elevational floor in subsequent portions of these comments.

The Organizations are also very concerned that educating users regarding this standards applicability would functionally require the public to recreate in the backcountry with a dedicated altimeter. This type of device is costly to the average user and the cost of acquiring a sufficiently reliable unit could be a significant barrier to many users. While most smart phones have an altimeter function, these functions require an active cell phone network to function. When the cellular network is not available the altimeter simply does not function. It has been the Organizations experience that when these cell phone apps lose cell service, they do an exceptionally poor job of notifying the user regarding the lost signal and most simply continue to report the data from the last time the cellular network was available without notifying the user that the data is no longer relevant to their current location. This concern is highly relevant to the enforcement of any standard as members of the public could be violating the standard while exhibiting reasonable diligence and methodology to comply with the standard. This does not present a good fact pattern to any USFS personnel that might be enforcing the standard as

this fact pattern would be relying on equipment for enforcement that was simply never designed or intended to be used in a law enforcement capacity. Also such a standard would do little to create any public support and understanding for OSV management as a whole.

The Organizations must also address the possibility of USFS management implementation of the elevation standard on the belief that certain snowmobiles have altimeters in their basic operating systems. These snowmobiles simply do not represent a large portion of the units on the ground and these systems must be specifically set up to display this information by the users. The Organizations are further concerned that even when these units are properly set up to display the altimeter settings, the information can vary significantly as the units operate based on air pressure rather than as a true altimeter. As a result, information provided can be off several hundred feet from the true altitude of a location simply due to localized weather events. Again the Organizations are concerned that the public will be forced to rely on equipment that was simply designed to be relied on for law enforcement purposes.

The Organizations submit that most readily available altimeter units would also be insufficient for the USFS for enforcement purposes as each of these units would need to be certified as accurate for usage as an enforcement tool. The Organizations believe that comparisons to the need to certify a police cars "(RMP)" speedometer for speed enforcement are highly relevant to this discussion. When relying on a speedometer each RMP used for pacing purposes and issuance of citations for speeding must be periodically certified to a degree of accuracy in order to be relied on in court proceedings for the summons issued. This certification can be a lengthy process as speedometers in vehicles often are not intended to be law enforcement tools, and minimal changes to the vehicle can significantly impact the accuracy of the speedometer. A simple change in tire size or air pressure can greatly impact the accuracy of the speedometer when it is certified. If certification of the particular RMP speedometer is not available for trial, the summons must be dismissed by the Court. The Organizations submit that a similar type of certification of both the unit and user will probably be necessary to issue elevationally based summons.

The Organizations believe that costs of enforcement in addition to the equipment necessary also weigh heavily against developing an enforcement mechanism and violation based solely on a particular activity below a certain elevation. The Organizations are aware that since this is an entirely new violation there would need to be a national test case and there could be several attempts at such a prosecution until a sufficient prosecution model could be established. The Organizations are simply not aware of any other enforcement mechanism that is based on altitude for the violation. This should not be overlooked as it is a complex and lengthy process that cannot be modeled on another regulatory model as it does not exist. Simply establishing

the proper model for successful prosecution of an elevationally based crime could take decades and allocation of significant amount of limited USFS resources. The Organizations must question if the development of an entirely new type of crime is warranted as the elevation standard is really not adding any significant resource protection or compelling management issue that is not already addressed with minimum snowfall requirements.

1c. There is no scientific basis for altitude based closures to OSV travel

The Organizations are further deeply concerned regarding the lack of scientific basis for an elevationally based closure to OSV travel. USFS is consistently required to rely on best available science in planning. The Organizations are entirely unable to find any research into establishing a proper elevational floor for activity and are unaware of any other forests that are relying on this type of standard for the management of any resource issues. After reviewing the Proposal, the Organizations are unable to locate any data or research being relied on for the development of this standard. As such the Organizations must oppose this standard as it appears to be entirely without scientific basis.

1d. Designated summer routes in closed areas should remain open and available to OSV usage.

The Organizations are aware that large sections of the Stanislaus NF are proposed to be closed to OSV travel due to the fact that terrain is too rugged to ride, which the Organizations are not opposed to. The Organizations submit that any designated roads and trails in these areas should remain open to OSV travel for many of the same reasons as are discussed as possible issues in implementing the elevational usage requirements. These issues are not addressed with regard to particular routes in closed areas simply in an attempt to provide comments that are both meaningful and of a reasonable length.

2. Minimum snowfall amounts for non-grooming OSV travel are not scientifically based.

The Organizations are opposed to the new management trigger that the Proposal relies for the commencement of all snowmobile travel based on grooming of routes in the area. The Organizations submit that these are very different activities there is a wide range of research that addresses the minimal impacts that OSV usage can have with significantly lower levels of snowfall than the 12 inch minimum relied on for the commencement of grooming activities. The Organizations submit there is an accurate review of all research into the minimal snowfalls that might serve as an effective buffer between OSV travel and resources available on pg 10 of the Facts and Myths booklet. The Organizations submit that snowfall in the Stanislaus is

consistently heavy and dense and as a result large amounts of snow are not necessary to form an effective barrier between OSV usage and resources under the snow. Snowmobilers will avoid larger objects that might be buried in the snow simply to avoid damage to their vehicles.

The Organizations are intimately aware that often low amounts of snow may be present at a specific parking area or other location, but significantly higher snowfall amounts are rapidly achieved by a small gain in altitude. Often OSV recreational users will travel over summer routes with minimal snowfall simply to get from the parking area to deeper snowfalls at higher elevations. Due to the exceptionally low pressure of the OSV on a summer route, there is simply minimal risk of damage to the route from such a usage. It has been the Organizations experience that these users run far greater risk of damage to their own equipment than possible negative impacts to resources under snowfall.

3. The Organizations vigorously support the amendment of the RMP to allow OSV travel in Near Natural Areas.

The Organizations vigorously support the determination that the management standards for both the Pacific Valley and Eagle/Night Near Natural Area management standards be amended to allow for OSV travel in these areas. The Organizations submit these areas are important areas for the snowmobile community and the basis and need for closure of these areas to OSV travel has long since been forgotten. Additionally, as noted in the Proposal and management issues in these areas has been resolved. The Organizations are very concerned when management of any area is based purely on the desire of one recreational group to have access to the area. The Organizations submit that the closure of these areas would result in added conflict of users as this is an important area for all winter users and there is simply no need for closure of the area.

4a. Relevant US Supreme Court rulings mandate agencies balance management priorities based on the cost benefit analysis of the standard.

The Organizations are concerned that several of the proposed management standards for OSV travel appear to be relying on closures of OSV usage to address issues that are entirely unrelated to OSV travel or recreational activities more generally. Prior to addressing the specific species and reviewing the threats to the species, the Organizations believe that a review of the relevant standards of review is highly relevant to this issue. The US Supreme Court recently specifically addressed this issue and stated as follows:

“And it is particularly so in an age of limited resources available to deal with grave environmental problems, where too much wasteful expenditure devoted to one problem may well mean considerably fewer resources available to deal effectively with other (perhaps more serious) problems.”¹

Given this clear statement of concern over the wasteful expenditure of resources for a certain activities in an attempt to manage an environmental issue, the Organizations are very concerned regarding what could easily be the wasteful expenditure of resources for the protection of several species in the Proposal, as recreational usage of habitat areas simply is not an issue contributing to the decline of the species. The Organizations submit that there can be no factually based arguments made that closures of large areas of the Stanislaus NF to OSV travel will not result in significant additional costs to land managers. The Organizations submit that proper balancing of enforcement costs with the benefit to any species is exactly the type balance that the Supreme Court has expected the agencies to undertake as part of any planning process. These concerns are more specifically addressed in subsequent portions of these comments.

4b. Travel Management closures and effective species recovery efforts are often unrelated.

The US Forest Service's Rocky Mountain Research Station recently released extensive analysis of the effectiveness of travel management restrictions on addressing sensitive species issues at the landscape level. These conclusions specifically found that travel management was not effective in addressing many species related issues, as many have asserted to be the case previously. The Research Station conclusions specifically stated as follows:

"Actions such as limiting grazing or closing OHV trails have historically been some of the primary tools used by land managers in southern Nevada to reduce the effects of anthropogenic stressors on species of conservation concern..... It is evident from this body of research that very little is known about the relative threats posed to, or the mitigation actions needed to protect, virtually any species, except perhaps the desert tortoise. Too often research jumps immediately to mitigation strategies without first determining what specific factors pose the greatest threats and are the most important to mitigate. In addition, the evaluation of potential threats typically focuses upon the usual anthropogenic suspects (e.g. OHVs, livestock grazing, invasive species, and

¹ See, Entergy Corp v. Riverkeeper Inc et al; 556 US ; 475 F3d 83; (2009) Opinion of Breyer J, at pg 4

climate change) without first carefully considering which factors are most likely to pose the greatest threats."²

The Organizations will note that possible recreational impacts to wildlife populations is an issue that has been heavily researched by the National Park Service for an extended period of time. This research has uniformly concluded:

"Based on these population-level results, we suggest that the debate regarding effects of human winter recreation on wildlife in Yellowstone is largely a social issue as opposed to a wildlife management issue. Effects of winter disturbances on ungulates from motorized and non-motorized uses more likely accrue at the individual animal level (e.g., temporary displacements and acute increases in heart rate or energy expenditures) than at the population scale. A general tolerance of wildlife to human activities is suggested because of the association between locations of large wintering ungulate herds and winter recreation. Habituation to human activities likely reduces the chance for chronic stress or abandonment of critical wintering habitats that could have significant effects at the population level, especially when these activities are relatively predictable."³

Given the exceptionally clear mandate from the US Supreme Court regarding the need to balance costs of enforcement with the benefits that can be achieved under the management and recent recognition from the USFS and Park Service that travel management closures have not been effective in addressing landscape level management issues, the Organizations assert that serious caution should be displayed if the first tool relied on to address wildlife related issues was travel management closures.

4b. Best available science must be relied on in the planning efforts.

It has come to the Organizations attention that those that are largely opposed to OSV travel have developed a brochure outlining their version of best management practices and a review of literature on a wide range of issues.⁴ The Organizations believe that many copies of this

² See, USDA Forest Service, Rocky Mountain Research Station; The Southern Nevada Agency Partnership Science and Research Synthesis; Science to Support Land Management in Southern Nevada; Executive Summary; August 2013 at pg 38.

³ See, US Park Service; White and Davis; Wildlife response to motorized recreation in the Yellowstone Park; 2005 annual report; at pg 15.

⁴ See, Winter Wildlands Alliance; *Snowmobile Best Management Practices for Forest Service Travel Planning*; April 2015. Hereinafter referred to as the "WWA Brochure".

booklet are being submitted regarding the Stanislaus NF OSV proposal. Given the landscape level submissions of the booklet, the Organizations believe it must be addressed in these comments. After a review of the booklet, the Organizations believe this document to be an attempt to obtain snow less traveled than a true survey of best available science on many issues as many studies have been repeatedly superseded or completely inaccurately summarized in this work. As a result, the Organizations vigorously assert that this work must be addressed with extreme caution and not relied on as an accurate survey of best available science. This is an interesting resource from an Organization that has repeatedly sued both the USFS and State of California asserting a lack of scientific analysis of OSV recreation.

The Organizations have included the recently updated "Fact and Myths about snowmobiling and winter trails " book from the American Council of Snowmobile Associations, which summarizes the most up to date information on a variety of OSV issues. While some of the resources relied on in this publication are older, they remain valid findings on issues that really have been resolved for research purposes and have not been superseded by later works or decisions. The Organizations submit the Facts and Myths book represents the most accurate and up to date review of OSV issues available today.

The Organizations believe a complete review of best available science and the position conveyed in the WWA brochure on each issue is not warranted but the Organizations believe several examples of the quality of low quality information or badly outdated nature of the information provided in this document are sufficient to substantiate our inclusion of this issue in our comments. The Organizations believe that the first step in developing truly effective management of any issue is establishing the landscape level standard, as many factors are heavily influenced by activities that are totally unrelated and beyond management by the USFS. As a result the EPA and California Air Resources Board have been specifically developed to address vehicle emissions and air quality. The Organizations vigorously assert that landscape level standards are as follows that all units being produced and used in California are CARB compliant are well below EPA requirements for these types of vehicles and often these agencies find that localized air quality issues are totally unrelated to OSV travel.

The Organizations believe the first relevant example of outdated and misleading information being provided in the WWA brochure involves OSV emissions. The WWA brochure provides the following information:

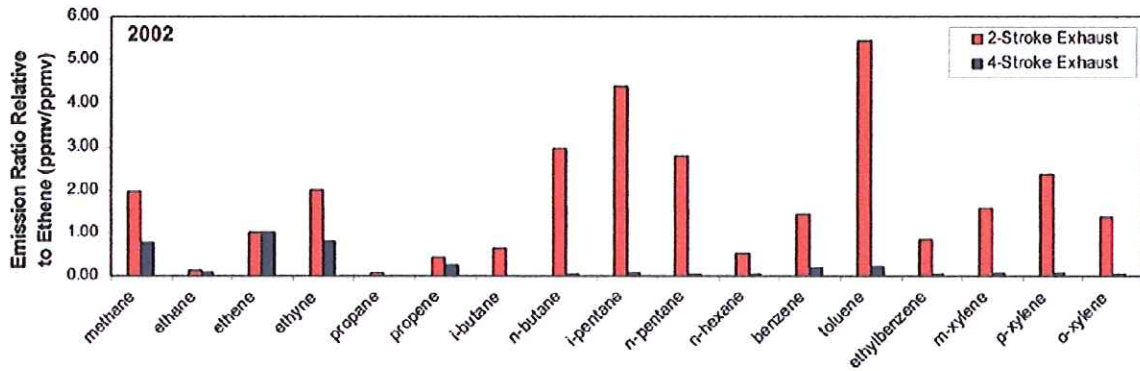


Figure 4: Average nonmethane hydrocarbons exhaust emission ratios relative to ethene (ppmv/ppmv) for two-stroke and four-stroke engines in 2002 (Reprinted with permission from (Zhou, Y., D. Shively, H. Mao, R.S. Russo, B. Pape, R.N. Mower, R. Talbot, and B.C. Sive. 2010. Air toxic emissions from snowmobiles in Yellowstone National Park, Environmental Science and Technology 44(1): 222-228. Copyright 2010 American Chemical Society)

5

The Organizations believe this information might have been helpful to land managers in the decision making process in 2002 but have to question the value of this information decades later as the overwhelming percentage of 2002 snowmobiles simply are no longer in use. Newer snowmobiles are more cost effective to ride, more reliable and operate in full compliance with EPA and CARB air quality requirements. These EPA standards are reflected in the following air quality standards:

EPA Snowmobile Emission Standards

Model Year	Emission Standards		% of Fleet Phase-In
	HC g/kW-hr	CO g/kW-hr	
2002 baseline 2-stroke snowmobile	150	400	NA
2006	100	275	50%
2007 – 2009	100	275	100%
2010	75	275	
2012	75	200	

6

The Organizations would note that any snowmobile manufactured after 2012 may only produce ½ the emissions that a 2002 unit was allowed to produce. The Organizations are aware that

⁵ See, WWA booklet at pg 7.

⁶ See, ACSA Fact and Myths book at pg 7&8.

most units are producing emissions far below even EPA standards for these types of vehicles. The Organizations have to question the relevance of any emissions information for vehicles that were produced more than a decade ago and are no longer used. Again the Organizations must question if assertions regarding the relevance of 2002 emissions outputs decades after those emissions standards have been superseded is truly relying on best available science.

The Organizations submit that this is not the only time that severely limited or questionably relevant information is provided in the WWA brochure. The WWA brochure also provides summaries of Water/Air Quality studies that are inaccurate at best and are sometimes simply erroneous. An example of such a summary involves the Musselman study, which the WWA brochure attempts to summarize as follows:

"During the winter, snowmobiles release toxins such as ammonium, nitrate, sulfate, benzene, and toluene which accumulate in the snowpack (Ingersol 1999), and increase acidity (Musselman and Kormacher 2007)."⁷

The Organizations submit that any summary of the Musselman work which attempts to support such a position is misleading and frustrating to the snowmobile community, as the snowmobile community partnered in the development of this study in an effort meaningfully address issues and develop parking facilities at the study location. The Musselman study clearly stated their conclusions as follows:

"Seasonal differences were evident in air chemistry, specifically for CO, NO₂, and NO_x, but not for NO or O₃. NO₂ and NO_x were higher in summer than winter, while CO concentrations were higher in winter than summer. Nevertheless, air pollutant concentrations were generally low both winter and summer, and were considerably lower than exceedence levels of NAAQS."⁸

"Nevertheless, an air pollution signal was detected that could be related to snowmobile activity; but the pollutant concentrations were low and not likely to cause significant air quality impacts even at this high snowmobile activity site."⁹

⁷ See, WWA brochure at pg 12.

⁸ See, Robert C. Musselman & John L. Korfmacher; USFS Air Quality at a snowmobile staging area and snow chemistry on and off trail in a rocky mountain subalpine forest, Snowy Range Wyoming. 2007 at 332

⁹ See, Musselman at 333.

The Organizations submit that summaries of the WWA brochure such as this are facially erroneous. The Organizations have never asserted that motors used for OSV recreation do not produce certain levels of emissions, as that would simply be insulting to all parties involved. Rather researchers have asserted these issues are very minimal in nature when addressing any landscape level emissions that might be in an area as these new units are both EPA and CARB compliant. Even when OSV emissions are addressed locally, they are found to be insufficient to warrant any further monitoring.

The Organizations believe that lynx management standards again provide a good example of the systemic usage of out of date information in the WWA brochure. The WWA brochure clearly asserts that "no net gain" remains the rule for OSV travel in lynx habitat, stating as follows:

"The Canada Lynx Assessment and Conservation Strategy set planning standards on Forest Service lands that include, "on federal lands in lynx habitat, allow no net increase in groomed or designated over-the-snow routes and snowmobile play areas by Lynx Analysis Unit... and map and monitor the location and intensity of snow compacting activities that coincide with lynx habitat, to facilitate future evaluation of effects on lynx as information becomes available" (USDA FS 2000, p.82)."¹⁰

The Organizations do not object that this was a relevant summary of research in 2000, as research on the lynx was exceptionally limited in 2000 and no net gain was temporarily relied on for management of these areas. The Organizations believe that research in 2000 on this issue was more aptly summarized as identifying the numerous gaps in research rather than a scientifically based management plan. As these gaps in research were resolved, new management guidelines were periodically released for management of lynx habitat and as a result the 2000 LCAS has been superseded by the Southern Rockies Lynx Amendments in 2008 and the 2014 release of the updated Lynx Conservation Assessment and Strategy. These management documents have clearly moved away from the "no net gain" standard and towards a truly science based management structure. The 2014 LCAS specifically addresses new research on many winter recreational issues as follows:

¹⁰ See, WWA Booklet at pg 11.

- Recreational usage of lynx habitat is a second level threat and not likely to have substantial effects on the lynx or its habitat. Previous theory and management analysis had placed a much higher level of concern on recreational usage of lynx habitat;¹¹
- Lynx have been known to incorporate smaller ski resorts within their home ranges, but may not utilize the large resorts. Dispersed motorized recreational usage certainly does not create impacts that can be equated to even a small ski area;¹²
- Road and trail density does not impact the quality of an area as lynx habitat;¹³
- There is no information to suggest that trails have a negative impact on lynx;¹⁴
- Snow compaction from winter recreational activity is not likely to change the competitive advantage of the lynx and other predators;¹⁵
- Snow compaction in the Southern Rocky Mountain region is frequently a result of natural process and not recreational usage;¹⁶
- Winter recreational usage of lynx habitat should only be "considered" in planning and should not be precluded given the minimal threat this usage poses to the lynx; and¹⁷
- Failing to manage habitat areas to mitigate impacts of poor forest health issues, such as the spruce and mtn pine beetle, is a major concern in lynx habitat for a long duration.¹⁸

The Organizations believe that the conflict between the 2000 LCAS relied on in the Winter Wildlands brochure and accurate up to date management standards clearly provided in the 2014 LCAS is immediately apparent, and the Organizations would be remiss in not addressing this conflict.

The Organizations believe that a comparison of the Wolverine management standards from the USFWS and the WWA brochure again provides evidence of the lack of scientific basis for much of the WWA brochure. The WWA brochure summarizes Wolverine management standards as follows:

"Key management schemes for protecting wolverine include limiting disturbance and retaining and restoring habitat connectivity. Managers can reduce the

¹¹ See, 2013 LCAS at pg 94.

¹² See, 2013 LCAS at pg 83.

¹³ See, 2013 LCAS at pg 95.

¹⁴ See, 2013 LCAS at pg 84.

¹⁵ See, 2013 LCAS at pg 83.

¹⁶ See, 2013 LCAS at pg 26.

¹⁷ See, 2013 LCAS at pg 94.

¹⁸ See, 2013 LCAS at pg 91.

potential conflict with snowmobiles and wolverine by identifying areas of overlap and managing accordingly."¹⁹

This management position simply cannot be reconciled with recent USFWS listing decisions regarding the Wolverine that convey a very different standard for the management of recreational activities in Wolverine habitat. USFWS management specifically states:

"there should be no changes to forest management as the result of an area being designated as habitat".²⁰

While there was concern regarding the primary threat to the Wolverine in the most recent listing decision that ended in determination that the Wolverine was not warranted for listing as threatened or endangered, no concerns were registered regarding the accuracy of these management threats. Given the clarity of these USFWS statements, the Organizations again are concerned that best available science has not been relied on for the development of the WWA brochure.

5. The proposed Sierra Yellow legged frog and Yosemite toad habitat management standards are not based on best available science.

While this issue was not specifically included in the WWA brochure, the Organizations believe best available science must be applied on this issue as well. In previous consultation efforts regarding the OSV rule on the Stanislaus NF, the Organizations expressed concern regarding the proposed closure of Sierra Yellow legged frog and Yosemite Toad habitat areas to OSV travel in what appears to be an attempt to improve habitat. This issue appears to have been removed from the scoping documents, which the Organizations believe is the proper application of limited management resources and best available science on these issues. As this issue appears to have been resolved these comments are not submitted in these scoping comments. If this discussion should be revived, the Organizations concerns as previously outlined remain out position on this issue.

6. BAT Equipment and Yellowstone NP management standards.

From our involvement in the development of the new Winter Travel Management rule, the Organizations are also aware many opposing OSV usage are seeking the implementation of

¹⁹ See, WWA Booklet at pg 11.

²⁰ USFWS summary fact sheet available here
<http://www.fws.gov/idaho/Wolverine/WolverineProposed4dRule031113.pdf>

management standards for all OSV travel similar to those being relied on for Yellowstone National Park. The Organizations are vigorously opposed to the implementation of any OSV regulations on the Stanislaus NF based on management standards applied in Yellowstone National Park. The Organizations assert that management of OSV in a national park is significantly different than management of OSV on USFS lands. While the national park has highly regulated usage along narrow travel corridors through a landscape managed in a manner similar to Wilderness, this is very different than the multiple usage standards on a National Forest. While the Stanislaus is an exceptional area, there simply are no areas similar to Old Faithful and the various hot springs and other geysers of Yellowstone on the Stanislaus.

The Organizations submit that implementation of a BAT standard on USFS would be vigorously opposed as the Organizations have found BAT snowmobiles are exceptionally heavy, underpowered and generally unable to provide the off trail riding experience that has become synonymous with the Stanislaus NF. The Organizations further note that BAT standards are consistently evolving and as a result equipment must be periodically sold and updated by rental fleets required to operate BAT equipment in the park. These type of capital expenditures represent a significant financial barrier to the members of the public that recreate with OSV usages. Asking a family with several snowmobiles to periodically buy new equipment would present a significant barrier to their snowmobile based pursuits, especially when there are years of minimal snowfall. Most users would simply be unable to afford to replace their snowmobiles every four or five years simply to comply with a new BAT standard. This must be balanced in the planning process.

The Organizations are also concerned that the relationship of a BAT snowmobile to California Air Resources Board ("CARB") air quality standards has never been established. As a result the imposition of Yellowstone usage standards on any forest in California would require significant additional analysis and possibly years of regulatory efforts to resolve this relationship of the two regulatory processes. This would be exceptionally costly and would be vigorously opposed by the Organizations.

7. The proposed closure of "Proposed Wilderness areas" and "Proposed Wild and Scenic Rivers" to OSV usage is facially improper.

The Organizations are vigorously opposed to the proposed exclusion of OSV recreation from areas that are Proposed Wilderness and Proposed Wild and Scenic River areas. While the proposed action does not provide any guidance on the application of these standards, the Organizations must note that merely proposing an area as Wilderness is insufficient to determine that management of the area as Wilderness or excluding OSV travel is appropriate.

The Organizations are aware that several years ago best management practices were published in a USFS manual entitled " *A Comprehensive Manual Framework for Off-Highway Vehicle Trail Management*" that included best management practices that excluded OHV travel from proposed Wilderness areas. This manual was immediately and widely criticized, was the basis of several Congressional hearings and quickly withdrawn from circulation based on these management standards. One of the major criticisms was the standard that OHV usage was not proper in recommended Wilderness areas. The Organizations submit that this standard is no more appropriate in a local OSV travel plan than it is in national best management practices.

Additionally, the management restrictions associated with Wilderness designations are the result of a Congressional process and as Congress has failed act, these areas remain under multiple use management requirements. The USFS simply lacks authority to alter multiple use mandates and manage only for Wilderness without a clear scientific basis for such a variation from multiple use management. Merely having a small group of the public propose that an area should be Wilderness clearly fails to satisfy NEPA planning requirements, and allowing management changes to be entirely based on a mere proposal of additional protection is offensive to the Organizations. Often these citizen proposals are not based on good science and merely seek to elevate one user groups interest above others by legislating which user group will get fresh tracks in snowfall.

Management based on mere proposals of Wilderness also completely avoids the vigorous public process that is associated with Wilderness Legislation. Often areas are proposed as Wilderness, and during the public process facts that weigh heavily against designation of the area as Wilderness are identified. The Organizations are aware that many areas have been proposed to be Wilderness for decades but such areas have never been managed for Wilderness. The Organizations submit that prior management history for these areas must also be taken into account determining the suitability of these areas for OSV usage.

8a. Hybrid motorized usage of winter routes.

The Organizations would like to address two different types of usage that have been developing in the OSV community in this portion of the comments, mainly hybrid motorized usage and winter mechanized usage. For purposes of these comments, hybrid motorized usage includes ATVs on tracks, UTVs on tracks, motorcycles utilizing a rear track and front ski adaptation. The Organizations are aware that several manufacturers are now providing these vehicles in a winter only type and as such we are no longer referring to these vehicles as conversions. The Organizations submit that for management purposes, we do not believe how the vehicle was

constructed, either from the original manufacturer or converted for usage with an aftermarket kit by the owner, is relevant to addressing its usage under OSV rules. This list of vehicle types is not intended to be exhaustive, but rather seeks to refer to a general class of vehicles as these types of usages appear to be evolving rapidly.

Research into these hybrid motorized usages concludes that these hybrid vehicles generally apply a very similar pressure on the snow buffer as a traditional snowmobile, and as many of these vehicles have less power than a snowmobile do little to no damage to the trail. The Organizations have attached newly released research into these types of vehicles for your reference. As a result the Organizations are not severely concerned with usage of these vehicles at the landscape level on both groomed routes and open riding areas, if these vehicles are properly registered as an OSV under the State programs. Land managers must be aware that there could be localized issues, such as narrow bridges or steep climbs, that limit or preclude these vehicles. These are localized issues that land managers and local users are well suited to address and are not the basis of landscape level management standards.

8b. Mechanized usage of winter trails.

The Organizations are aware that recently there has been a noted increase in the use of mountain bikes on winter trails, mainly those units known as fat tire bicycles. This category of usage is being collectively referred to as "winter mechanized" in these comments. The Organizations believe this type of recreation will be a growing management issue for winter travel as winter mechanized usage become more advanced and possibly become driven by batteries or other types of propulsion in the near future. The Organizations are concerned that too often in the Forest planning process there is simply no analysis of possible issues that might arise from this usage based on the fact they are "just bicycles". The Organizations have continued to be concerned about resource impacts from this usage, and that OSV opportunities might be lost as a result. Based on the Organizations research on this issue, a snowmobile applies approximately .5 psi on the snow while a bicycle exerts more than 50 psi on the snow. This is very concerning to the Organizations as the basis that is consistently relied on to differentiate between summer and winter travel is the buffer that is provided between soil and OSV travel and usage is the layer of snow that separates the activity.

With the huge pressures that are applied by winter mechanized vehicles on the snow, the effectiveness of this buffer is a concern, especially with the previous unease regarding contacting of several toad species in the Proposal. The Organizations would be deeply troubled if the current lack of research into this usage were to result in litigation challenging the Proposal, as such a challenge would not address just winter mechanized usage and would seek

to address all OSV travel. The Organizations would then be forced to defend a lawsuit that really is unrelated to snowmobile usage merely to protect the groomed trail network.

The Organizations are also opposed to the loss of OSV routes and areas due to overly cautious management standards being relied on to address mechanized travel and possible resource issues. The Organizations submit that this usage must be fully researched to allow for science based management of this usage. The Organizations are also concerned that in some localized areas this type of usage is rapidly growing and needs consistency in management as the current management situation is causing conflict. Currently, there is a wide range of relationships between snowmobile and fat tire users ranging from openly hostile to active partnerships and the relationship is equally diverse between non-motorized and mechanized winter usage as often the cross country skiing community is very opposed to the damage that is done to a groomed ski route by winter mechanized travel.

The Organizations are providing the following summary of issues and concerns regarding these usages in order to insure best available science has been relied on for the management of these vehicles.

Principles/Concerns at issue:

1a. The winter travel principal is based on the buffer that exists between recreational activities and resources for OSV usage - protection of the effective and scientifically based buffer between recreational usage and resources must be major priority in review. Snowmobile community has invested decades of effort and hundreds of millions in this science.

1b. The groomed route system provided by the snowmobile community is overwhelming provider of winter access to backcountry for all users.

1c. All routes that are groomed must remain multiple use unless specifically developed, funded and maintained for non-motorized/mechanized usage.

1d. Usage should not be permitted over the objection of local snowmobile clubs due to huge amount of volunteer support for grooming efforts.

1e. Best available science must be relied on for any usage of hybrid motorized/winter mechanized usage. Litigation of any decision regarding hybrid motorized/winter mechanized will result and the snowmobile community will be forced to defend decisions that lack basis to avoid loss of traditional groomed routes. Any legal challenge will be to all OSV travel and not just bicycles/conversions.

2a. Any hybrid motorized/winter mechanized must exhibit similar levels of pressure on the snow as a traditional snowmobile to be fully permitted in open areas.

2b. Hybrid motorized utilizing some type of ski/track combo exhibit very low pressure on the snow and are of minimal concern for use on groomed routes and open areas.

2c. Pressure from winter mechanized usage are serious concern due to small contact areas with the snow- traditional mountain bikes even more so. While usage on mechanized usage may be permissible on certain groomed routes, the Organizations do not believe concerns can be mitigated for open riding areas.

3a. Decisions regarding winter mechanized usage must be highly site specific due to fact that bicycles exhibit 100x pressure on snow when compared to other OSV - possible usage of existing summer routes that are groomed in the winter might be acceptable.

3b. Off trail/open area usage should remain prohibited for winter mechanized travel due to resource and safety concerns from higher pressure- snowbridges across creeks/creeks and water crossings generally and willow areas- these concerns most directly relate to higher pressures on groomed routes.

3c. There may be opportunity areas for winter mechanized usage that are currently not utilized such as paved bike routes etc that should be explored- under California settlement NEPA must be performed on groomed routes and CE is not allowable to permit new grooming.

3d. Many groomed routes are not suitable for winter mechanized travel- creating a groomed snowbridge for OSV usage across streams or steep hills/limited visibility.

3e. Unclear relationship between seasonal closures of particular routes for MVUM purposes and opening of usage winter mechanized usage- unsure how to differentiate between summer and winter usage.

3f. Any winter mechanized route designations must be developed on best available science- Stanislaus NF is closing significant areas to OSV usage due to possible contact with Yellow legged Frog and Yosemite Toad. Higher pressure of fat tire is major concern in these areas.

4. Wheeled vehicles remain prohibited at the landscape level as wheeled vehicles are simply not suitable on groomed routes. Big tire 4x4 and wheeled ATV seriously damage groomed routes.

5. Hybrid motorized/winter mechanized must be registered with the state for respective season of usage - Valley county Idaho already requires this and has been very successful.

6. All vehicles/equipment ridden at night must have lights front and rear-recommended at all times due to poor weather.

7a. Funding for additional management resources must be identified- new usages will need extensive signage and education which will not be funded by the snowmobile community and should not become an additional burden on USFS limited resources.

7b. Additional maintenance of trailhead areas/signage/mapping will be necessary to address new usages. It is critical to identify a source of funding outside the OSV grooming program for these new requirements.

7c. Enforcement of usage restrictions must be undertaken if routes are opened. There is very little right now despite prohibitions in numerous forest plans of wheeled travel on OSV routes.

The Organizations have partnered with several other states in order to develop a reasonable set of usage guidelines to begin discussing this usage based upon. This list is by no means an exhaustive list of the issues that could be associated with this usage.

9. Site Specific Concerns

a. The Organizations are always deeply concerned with any travel planning efforts that occur at the Forest Level as the scale of any maps is difficult to work with, especially when addressing localized boundary issues. Addressing travel management issues, which are inherently site specific, at the forest level simply results in conflict and confusion as areas are overlooked and boundary lines are often unclear.

a2. The Organizations are very concerned that project related maps available on the Stanislaus NF website do not match the maps that are being relied on for public meetings. This simply must be resolved in order to obtain meaningful public input on boundaries.

b. At the Top of Sonora Pass, there is a new boundary for motorized/non-motorized usage shows on the west side of 108 showing wilderness right down to the road. The Organizations believe this boundary to be incorrect and the true Wilderness boundary is at the ridge line farther west at the top of the ridge thru Sonora Peak and travels down the ridge thru St Mary's pass down passed the 9 '000 foot mark.

c. All the brown is identified as motorized usage areas and most of it is below the California state grooming program, some of the Brown area is around 4000 feet and is being lost simply due to the imposition of the altitude trigger for winter travel. This is not acceptable.

d. The Forest Service has added an area on the Groveland side below average snow line and no way to get to it behind a locked gate. The Organizations are assuming that the issue of the locked gate is being resolved as part of the travel management planning process to allow public access to these areas.

e. The area around Dodge Ridge Ski Resort has always been off limits for us for 20 yrs now as per a temporary order of the old ranger at the Summit Dist. Previously our information has told us that this temporary order has been renewed annually. Now at the meetings the Forest Service said it's always been open for us to ride. This must be clarified.

10. Conclusion.

The Organizations are troubled regarding certain issues that have arisen in the Proposal that must be opposed such as the altitude floor for usage, overreliance on grooming standards for triggering OSV travel and that multiple use routes in areas to be closed due to rugged and steep terrain must remain open to OSV travel. The Organizations vigorously support the amendment of the Forest Plan to allow OSV usage in both the Eagle/Night and Pacific Valley Near Natural areas. The Organizations look forward to working with federal land managers to continue to provide the high quality multiple use recreational opportunities that have become synonymous with the Stanislaus National Forest.

The Organizations are aware that USFS budgets have significantly declined in recent years, making the effective application of limited resources and management standards a higher priority than ever before and management based on these faults will not be effective. The Organizations look forward to partnering with the USFS in order to continue to provide the high quality OSV recreational opportunities that the Stanislaus National Forest has become synonymous with.

If you have questions please feel free to contact either Fred Wiley, ORBA's Executive Director/CNSA President at 1701 Westwind Drive #108, Bakersfield, CA. Mr. Wiley phone is 661-323-1464 and his email is fwiley@orba.biz. You may also contact Scott Jones, Esq. at 508 Ashford Drive, Longmont, CO 80504. His phone is (518)281-5810 and his email is scott.jones46@yahoo.com.

Respectfully Submitted,



Scott Jones, Esq.
ORBA/CNSA Authorized Representative



Fred Wiley, CNSA Past President
ORBA President and CEO



Keith Sweepe, CNSA President
Enc.