



## SIERRA ACCESS COALITION

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Thank you for this opportunity to comment on the Stanislaus National Forest Over-Snow Vehicle Use Designation Draft Environmental Impact Statement. As you know, SAC works to retain access to public lands and represents over 1500 members. On behalf of our members, we submit the following comments to the DEIS.

### **Inadequate Range of Alternatives**

We are discouraged to see that there is no viable “Pure Pro-OSV” alternative. Each of the viable alternatives in the DEIS eliminate significant OSV riding areas only for the benefit of non-motorized uses, yet not a single area has been closed to non-motorized use. Mitigation for the resulting impact to OSV is not considered or analyzed.

### **Purpose and Need**

The Forest Service violates their own Purpose and Need statement.

The stated Purpose and Need is to “minimize conflicts between OSV use and other recreational uses”, yet the Proposed Alternative in the DEIS would close the vast majority of the motorized Recreation Opportunity Spectrum (ROS). Many favorite areas used by OSV would be closed. In many respects this project has turned into a non-motorized project. According to responses to our FOIA requests, there is no documented conflict. This project is an answer to a problem that does not exist.

The Purpose and Need seeks to minimize conflicts among the various uses. Closing areas that have historically been used by OSV is actually creating conflict where the Forest Service has stated no conflict existed before.

## **Snow Depth Restrictions**

The Final Rule acknowledges that, when properly operated, snowmobiles “do not make direct contact with soil, water, and vegetation”. Rather than use arbitrary snow depth numbers, the FEIS should simply state 36 CFR 261.15(h) will be used to write citations in cases where there is resource damage. This includes resource damage done by nonmotorized users as well. Rigorous law enforcement is more effective than just writing words in the FEIS and ROD. Enforcement based on resource damage would eliminate the inherent problems with snow measurement which may include:

- Lack of personnel to measure snow depths throughout the Forest on a daily basis.
- Timely posting of snow depth to websites, including weekends and holidays when staff may not be available.
- LEOs cannot write a citation based on snow depth merely because it is stated in the ROD. They can only cite 36 CFR 261.15(h). Attempting to use snow depth restrictions only complicates the issue and creates mistrust of the agency.
- The term “adequate snow” would more accurately be defined as the depth of snow that is required to operate a snowmobile according to manufacturers’ recommendations. Manufacturers recommend a snow depth that will protect the machine, which in reality is the same amount of snow that is needed to protect resources.
- Arbitrary snow depth measurements would only be a futile attempt to manage OSV, and could even open up the Forest Service to lawsuits.

The photo below is example of how measurement of snow depth is not a valid method to protect resources. Obviously OSV will not be riding on the hillside, but the road has adequate snow to ride while still protecting the resources. This is a typical of ground conditions in spring.



The DEIS does not adequately address snow depth restrictions. The snow depth restrictions in the DEIS are not supported by science, research, or any credible analysis. As a minimum, a valid scientific analysis must consider factors including:

- Snow density
- Snow compaction
- Temperature
- Aspect
- Time of day
- Location
- Holding capacity (ie. a snowmobile cannot compress water or ice)

None of the above factors were identified as a significant issue and analyzed in the DEIS. The snow depth restrictions are simply arbitrary numbers which are not supported by science, documentation, or any credible analysis which is a clear violation of NEPA.

There is no science to determine if other depths, such as 6" of snow or 2" of ice, would also meet objectives. Adequate snow is a moving target with many variables such as those listed above which have not been adequately vetted, scrutinized or analyzed. The Final EIS must include this analysis.

- Having a minimum snow depth requirement for cross country OSV use is unnecessary and unacceptable. Snowmobiling cross country is self-limiting.
- A snowmobiler will only ride cross country if there is adequate snow, which is all that is required by the Final Rule, because they will quickly have expensive repairs or worse yet become stranded.
- We challenge the analysis that 12" snow depth is necessary for public safety, because snowmobilers are well aware of the risks and avoid unsafe conditions.
- The Lassen and Tahoe NFs have failed to define "resource damage". The Stanislaus DEIS also fails to provide a definition for "resource damage", which is necessary to guide OSV users to prevent damage to resources.
- There is still no analysis of a minimum snow depth for skiers, who also have potential to cause resource damage. In shallow snow conditions, it's common to see ski tracks through muddy areas. Any new designated skiing areas must have a snow depth analysis.
- Ground conditions should dictate when there is adequate snow and when OSV use is allowed.

SAC objects to snow depth restrictions because they are unnecessary, unenforceable, arbitrary, and not supported by science. More importantly, they are not required by the Travel Management Subpart C Final Rule. The Final Rule only states OSV use may be designated "where snowfall is adequate for that use to occur". Adequate snow to prevent resource damage can range anywhere from a depth of 2

inches of ice to 2 feet of bottomless powder. A simple measurement of depth is inadequate to “protect resources”, which is the main purpose of this project as stated in the Purpose and Need.

### **Snow Depth Measurement**

- The DEIS does not include a Snow Measurement Plan or a Law Enforcement Plan. The public needs to be able to comment on the plan that could potentially shut them out of the forest.
- Measurements at trail heads may not fairly represent snow depth in the high country areas where people are riding.
- The Snow Measurement Plan needs to show how the FS will publish the snow depths to give OSVs at least one day’s notice to plan their trips.
- The arbitrary date restrictions are not reasonable, particularly when considering climate change.

### **Snow Depth in Non-motorized Areas**

The areas designated for non-motorized use did not receive the same analysis for “adequate snow” as the motorized areas. Snowmobiles, snowshoes, and skis all exert approximately the same psi in snow. Since they all have the same potential to cause resource damage, the non-motorized use requires the same analysis for “adequate snow”. Ignoring this fact has caused the DEIS to be inadequate regarding minimization of resource damage, as required by the Purpose and Need.

The DEIS has set aside areas for non-motorized use without any analysis whatsoever regarding potential resource damage. Snowmobiles exert 0.5 psi pressure. Snowshoes have 0.5 psi. Skis are variable but have very similar psi. Non-motorized users are not unlike OSVs in this regard. To be consistent, non-motorized users (skiers, horses pulling sleds, etc.) must be regulated the same as for motorized users. All users, whether motorized or non-motorized, have potential to cause resource damage. This was not addressed in the analysis, which is required by NEPA. No science was used to determine if other depths, such as 6” of snow rather than 12”, or simply 2” of ice, would also meet resource protection objectives. The DEIS must be deemed inadequate due to its lack of scientific analysis.

The DEIS identified three concerns that create the need for snow depth restrictions: cultural resources, natural resources, and public safety. Inherently there are no cultural resources or botanical resources on existing NFS road surfaces. The Management OHV analysis already analyzed for cultural resource concerns, and the same is assumed for botanical resources. So these resources on roads were not reanalyzed for this project. Roads are designed and constructed to allow vehicles to contact the road surface in both wet and dry weather. Accordingly, these system roads should have no minimum snow depth restrictions, since there are no resources that could be affected.

We want all system roads to be mapped and included on the OSV map as designated ungroomed trails. It is particularly important to include system roads across private land where the FS has a legal right-of-

way, such as in the “checker board” ownership areas. The FS failed to identify any right-of-ways in the DEIS, which is a significant omission that creates a barrier to public lands beyond the private land. Alternative 1 doesn’t show the trails with right-of-ways, so it is not an accurate depiction of current OSV management.

Snowmobiles need the flexibility to be allowed on ungroomed system roads. Snowmobile use restrictions must not be tied to any grooming or designated snow trail requirements. These are separate activities that need to be managed differently. OHVs are allowed on roads when there is snow. It is disingenuous to have two different regulations for motorized use, which could occur concurrently in snow. Roads are designed for vehicles to drive on the soil surface. The distinction is whether the user, whether motorized or non-motorized, causes resource damage. OSVs have much less potential for impact than OHVs, pickups or log trucks, so it is illogical and disingenuous to restrict OSVs in the same situations where OHVs are allowed.

### **Snow Depth in Non-motorized Areas**

The DEIS analyzes several potential non-motorized areas, but those areas had no analysis for adequate snow. There is no mention in the DEIS of an adequate snow depth for skis or snowshoes. Surprisingly, the DEIS has set aside areas for non-motorized use without any analysis whatsoever regarding potential resource damage. This is a violation of NEPA.

### **5000 foot Elevation Restriction**

When there is adequate snow below the 5000 ft. elevation, the public must be allowed to use the area to access the rest of the forest in the same manner as higher elevations. This creates a barrier to access to higher elevations. It is irrelevant how often there is snow at that elevation. People often like the lower elevation areas because they are not usually able to ride there and enjoy new scenery. Using low elevation areas will also allow the public to reach unloading/staging areas with much less driving time and gas. A blanket restriction on elevation does not address the needs of riding from the high country down to lower elevations.

The FS cannot predict weather and snow conditions solely on elevation. When there is a storm that produces low elevation snow, OSVs should be allowed to access the forest from the valley. Setting a minimum elevation for OSVs is arbitrary and capricious, and is not supported by science.

SAC wants the FS to analyze areas below 5000’ or remove this restriction in the FEIS.

### **Economics**

On February 26, 2015 the Chief of the Forest Service testified before the Senate Subcommittee on Energy and Natural Resources, citing “building thriving communities” as one of the five focus areas for the Forest Service.

Snowmobiling generates over \$26 billion in annual spending across the US. Most of this occurs in rural areas, which helps keep business open year-round while also providing jobs and generating tax revenues for governments. The unique OSV areas on the TNF is not only used by local riders, but it also draws riders from many western states, which brings out of state money to our rural communities. The FEIS must include a detailed economic analysis for each alternative. NEPA requires a scientific analysis of the impacts to the human environment was not adequately considered, including a comprehensive economic analysis.

The economy is a major concern for local communities who rely on winter recreation for their livelihoods. Snowmobilers buy food, gas, repairs, and lodging during their stay. The economic analysis must be completed, including meaningful coordination with local governments, involvement with Chambers of Commerce, business groups, snowmobile clubs, and others. Published documents should be used, such as the "Facts and Myths About Snowmobiling and Winter Trails"

<http://snowmobileinfo.org/snowmobile-access-docs/Facts-and-Myths-About-Snowmobiling-and-Winter-Trails.pdf> published by the International Snowmobile Manufacturers Association.

The DEIS states OSV use is declining. This is not factual, but it is used as a basis for the decision. According to the DMV, OSV registration has steadily increased over the past decade and is at an all-time high. The FS did not seek out this information, which is readily available. Instead, an incorrect assumption that OSV use is declining has been used in the DEIS.

Economics is a critical issue and a thorough analysis must be performed.

### **Local Issues**

1. The entire Herring Creek Loop area should be a designated area for OSV, not only the designated roads. Local riders use the slopes for riding, not just the trails. Willow Meadow, Hammil Canyon and the surrounding area needs to remain open.
2. Alternative 5 designates no high alpine, big mountain terrain for snowmobile use. Sonora Pass isn't always accessible from the Hwy 108 Snopark. So it is important that the Lookout Mountain and surrounding area from Bull Run to Henry Peak to the Wilderness boundary by Peep Sight Peak be designated as open for OSV. The Eagle meadows area must be kept open to the very obvious ridge that defines the Wilderness boundary from Waterhouse lake, to Cooper Peak to Castle Rock to the Three Chimneys. The boundary along the ridge is easy for the public to understand. Eagle Peak and Bull Run Rock must be kept open.
3. The Bridgeport Winter Recreation area is great OSV riding but is difficult to get to sometimes. Grooming this route would help access to the pass and reduce the potential impact of use on the rest of the Hwy 108 riding areas. This portion of 108 must be designated for grooming and to provide for public safety.
4. Alternative 5 closes Jelmini Basin from open to snowmobiles. This is not acceptable. The entire North Hwy 4 area should be managed as presented in Alternative 4.
5. The Proposed Action designates the Bear Valley ski area as closed to OSV use. There's a long history of locals and visitors having this area open for snowmobiling after the ski area closes. This must be designated as a seasonal use area. Families have a long tradition of great spring days spending time with neighbors riding the hill after the ski area closes. Please let family traditions continue.

6. Alternative 5 designates the area just west of Sonora Pass as closed on April 15 to match the Bridgeport Winter Recreation area. After the pass opens and the hundreds of skiers show up to ski the pass, this small meadow and hillsides are the only places to ride most years on the Stanislaus late in the season. This concentrated use has the potential to impact resources and create conflicts. Closing this area on April 15 is not acceptable. Many snowmobilers drive up the pass once it's open to ride this zone.
7. Alternative 5 only designates the Long Valley lowlands as open to OSV use. The slope around Long Valley must be designated open to OSV so use is not concentrated in the meadow areas. The ridge up to the three chimneys and the ridge overlooking Relief Reservoir area is a logical boundary. The valley must be designated as open.
8. The area west of Whittaker's Dardanells provides an endless network of roads and meadows that sit above 7000 ft. elevation and provide great low consequence riding in high avalanche conditions, which is a public safety issue. Access from the small bridge under Spicer Meadows Reservoir and from FS52/5N14 from Dorrington provides access to this area. It must be designated open as it appears in alternative 4. This would help take some of the stress off of the Alpine snopark in big winter years.
9. The Cabbage Patch/Mattley Ridge area should be designated as demonstrated in Alternative 4.

Thank you for the opportunity to comment on this project, as it is of great interest and concern to the snowmobiling public and to the economy of our rural communities.

*Corky Lazzarino*

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