

From: R B
To: [FS-comments-pacificsouthwest-stanislaus](#)
Subject: Comments on Stanislaus OSV Designation
Date: Sunday, October 7, 2018 11:52:25 PM

In re: Stanislaus Over-Snow Vehicle Use Designation project DEIS #46311.

- I'm both a motorized 'sled' user and a non-motorized backcountry skier and occasional snow shoe'er. On snow mobile I'm a mountain rider. As a result, I look for challenging terrain beyond groomed trails. I have ridden all over the Stanislaus NF, with most riding on Hwy 4 and Hwy 108 with a strong interest in Hwy 120 areas. My comments are focused on 3 main areas: "area" designation for OSVs, determining "effects" under 36 CFR 212.55, and snow depth proposals.

- **"Area" designation for OSV use and the proposed maps:** Alternative 2 map represents the best legal and practical approach to area designation based on existing access patterns of mountain snow mobile use. However, I was told by Forest Service employees that it will not be considered despite it being provided as an alternative. Alternative 2 map was not displayed at the October 2nd meeting. I have concerns that this represents pre-disposed bias, despite the FS being obligated to consider all the "alternatives"

Specifically, 36 CFR 212.6 (c), requires forest service roads and trails shall be permitted for all proper and lawful purposes. OSV travel is a traditional use of those roads and trails. OSV "trails" in particular are ephemeral and can change year to year, snow storm to snow storm because mountain sledgers look for challenging terrain all the way to the ridge lines! The views are some of the finest! Our trails are not limited to groomed roads. Skilled mountain riders go everywhere, except avalanche zones in bad conditions.

To this end, areas of 'Near Natural' designation are only applicable to motorized travel of wheeled vehicles when there is no snow. Near natural for OSV passage just doesn't have applicable impacts and the Forest Plan should be revised to accommodate that practical and reasonable approach. Alternative 3, 4 and 5 neglect to include huge sections of where we ride. Hammill Canyon, Mill Creek rd, 6n06, Bald Mtn, and north of 108 from Brightman to near Sonora Pass that are traditional sledding areas. Areas preceding Bummer Flat have been sled, but are almost entirely omitted from the maps. These omitted areas should be included along with the more commonly ridden areas such as Eagle Meadow Road 5n01, Windy Ridge, all the way to Relief Reservoir and down to Douglas Flat, Long Valley, Eagle Meadow area, Herring Creek area (not just the road), Bull Run, Pinecrest Peak, area around 6n24 to Double Dome, West of 108 between the sno park and Donnell Reservoir.

"effects on" and "objective of minimizing" under 36 CFR 212.55: The Forest Service should provide an objective review and analysis. They must not be biased toward anecdotal perception of one recreational group over another. We should keep in mind that while we all appreciate the quiet that winter brings, modern life includes jet engine noise overhead from airplanes. There is no absolute right to silence in any National lands. With regard to section 212.55 subsections specifically: Subsection b(1), see below comments on snow depth proposal and the self-selecting nature of riding an expensive snow mobile that uses the cold of the snow to prevent overheating. OSVs simple do not cause damage to soils, watersheds, or vegetation when there is snow coverage. Subsection b(2), see also below statement on snow depth, specifically I've seen all manner of winter bird, wild hare, squirrels and chipmunks and they are observably not bothered any more than cross country hikers might impact them by walking nearby. Intentional harassment of wildlife is illegal already and merely riding by an area can't be considered 'significant' when there is snow covering everything!

Subsection b(3), is the perceived crux for administrators of 'non motorized' political advocacy groups from the Bay Area. However, "conflict" is not defined under the CFR. As a result, if for example there were an accident involving a sledder and a skier, that's an objective location for minimizing 'conflict'. However, I would merely ask that a Freedom of Information Act request be filed capturing complaints of objective 'conflict' prior to the opening of this comment period. Those challenges can be met with signage and re-routing of trails similar to the State OHMVR's EIR mitigation measures. Minimization does not require wholesale closure of vast mountain rideable terrain. Again, I would urge the FS to acknowledge the legal reality that there are motorized users in a forest, there is no absolute right to silence, but non-motorized users have only to go to the Wilderness boundary to cross over into the millions of acres of terrain ALREADY set aside for non-motorized use.

-“Snow Depth” proposals in the alternatives are arbitrary and may be mistakenly based on state OHMVR 'grooming' standards for grooming roads, and do not reflect mountain riding. Several FS staffers were unable to provide the source for the proposal when asked. The proposal should instead use an objectively based measurement that accommodates recreational road use under 212.6c, as well as a practical understanding of sledding for non-road areas. The proposal should be based on the 'consistency' of snow relative to water content, and the adhesion properties of snow crystals. Mountain sledders know this. Their sleds are expensive and they don't want to break them/overheat them by riding on natural resources. There is a self-selecting aspect to OSVs like sled travel when snow gets thin. Snow, of sufficient consistency (not depth), determines whether to ride or overheat/damage one's sled. Snow depth riding depends on weather patterns not on arbitrary numbers. Four inches of icy snow is objectively and measurably rideable without disturbing soil on already disturbed roads. For those areas with special concerns, they should have narrowly drawn limits using signage or soft fencing sufficient to protect the identified resource for the time necessary to ameliorate the objective concern. We come up here to see the cool things in nature in winter too and want them preserved. Work with local sledding groups to find reasonable solutions to objective concerns, do not use arbitrary depth measurements.

Additional concerns:

- I would also urge that the alternative maps, by limiting motorized sled activity, unfairly penalizes disabled recreational users. For some this is the only way they can get back that far in winter. They should not be discouraged by artificially limiting the rideable terrain. They want steep and varied challenges too!

- Limiting sledding discourages the commercial tax revenue and community value that OSVs bring to the county. Tuolumne County is mostly made up of Federal lands, and much of that is National Forest. The current preferred maps would so limit terrain as to make riding in the region unattractive and winter dependent businesses would be affected accordingly.

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