



December 13, 2018

Randy Moore, Regional Forester
USDA Forest Service
Attn: Eldorado National Forest Over-Snow Vehicle Use Designation Project
1323 Club Drive
Vallejo, CA 94592

Submitted via email to objections-pacificsouthwest-regional-office@fs.fed.us

Re: ENF OSV Project

Dear Regional Forester Moore,

Winter Wildlands Alliance and Snowlands Network (Objectors) file this objection to the Eldorado National Forest Draft Record of Decision ("draft ROD") pursuant to 36 C.F.R. part 218. The Objectors filed timely comments during the Scoping phase (April 16, 2015) and on the Draft Environmental Impact Statement (July 31, 2018) for the Eldorado Over-Snow Vehicle Use Designation project. Therefore, we have standing to object per 36 C.F.R. § 218.5(a).

Snowlands Network is a membership-based organization that advocates for nonmotorized backcountry winter recreation. Winter Wildlands Alliance is a national non-profit organization dedicated to promoting and preserving winter wildlands and a quality human-powered snowsports experience on public lands. Both Snowlands and Winter Wildlands Alliance's members often visit the Eldorado National Forest (ENF) in the winter and spring seeking opportunities for quiet recreation such as skiing and snowshoeing. Members of both organizations will be significantly affected by the OSV Use Designation decision.

Formal notice of the objection period was published in the newspaper of record on November 5, 2018 stating that the 45-day objection period ends on December 17, making this objection timely. The Responsible Official is Laurence Crabtree, Forest Supervisor. The name of the proposed project is the Eldorado National Forest Over-Snow Vehicle Use Designation. The implementation area is the Eldorado National Forest.

Our organizations have been very involved in the Eldorado OSV designation process over the past 3 years. The draft ROD is an improvement over the DEIS Proposed Alternative (Alternative 2) on which we commented this past summer. However, it falls short of what we believe is an equitable allocation of lands for motorized and non-motorized recreation.

We thank the Forest Service for listening and responding to many of the public's concerns. We are very supportive of many of the aspects of this draft ROD, including the decision to implement a 12-inch minimum snow depth restriction, to not designate any currently non-motorized areas for OSVs use, to not designate important non-motorized areas like the Van Vleck, Loon Lake, Shaelor Lake, and Woods Lake areas, and to focus OSV designations in areas that receive adequate snowfall and provide a reliable OSV recreation experience. We also appreciate that the draft decision brings OSV management on the forest into compliance with forest plan direction. It is clear that the ENF put a lot of work into drafting a Selected Alternative (Alternative 5) that is responsive to public's interests and concerns and vastly

improves upon the Alternatives presented in the DEIS. We appreciate that the FEIS demonstrates how the ENF applied the minimization criteria and ways in which areas and trails have been located to minimize at least some impacts to wildlife, wildlife habitat, and natural resources, as well as conflicts with other uses. Although the Selected Alternative is an improvement over the Proposed Action, we feel that there is still work to do before the final decision is completed.

One of the primary reasons that our organizations have engaged in this OSV Designation process is to reduce conflict between OSV recreation and non-motorized recreation uses on the ENF. Current management does not minimize conflict between uses, and we are worried that the ENF still does not fully grasp the extent of use conflict on the forest or perhaps recognize that conflict is not always overt. For example, on page 82 of the FEIS, it states “Anticipated levels of conflict under Alternative 2 and 5 are not expected to change from current management”, as if to suggest that current management is acceptable. It is our sincere hope that under the final decision, use conflict – including displacement of non-motorized uses from the forest - will decrease.

Being only the second forest in the country to work through winter travel planning under a new regulation is not easy, and we applaud the work you have done. However, there are still some aspects of the Eldorado’s draft record of decision (ROD) that should be modified so that the final plan complies with the Travel Management Rule and other applicable regulations. We offer the following objections and remedies to help improve the final decision.

OBJECTIONS

1. THE DRAFT ROD FAILS TO MINIMIZE CONFLICT BETWEEN OSV USE AND NON-MOTORIZED USE IN THE ANDERSON RIDGE PORTION OF THE AMADOR AREA.

We identified Anderson Ridge as an important cross-country ski area in both our scoping comments (page 12) and DEIS comments (pages 15-16). The importance of this objection is that this area contains a “system” of non-motorized trails that were created with the permission of the Forest Service. These trails offer opportunities for beginner through intermediate skiers and snowshoers, and are easily accessible from the adjacent highway.

In both our scoping and the DEIS comment letters we explained the necessity of not designating the Anderson Ridge ski trails for OSV use in order to minimize use conflict. This small area is the only place on Eldorado with a significant marked non-motorized trail system. In the past the Forest Service has asked motorized recreationists to voluntarily avoid this area, and the voluntary closure was supported by the local OSV club. This OSV designation process is an opportunity to formalize this closure and ensure that the cross-country ski trails remain a viable recreation opportunity for non-motorized users. Not designating this area will not have a significant effect on OSV users, as many already voluntarily avoid this area. However, as the FEIS succinctly describes in Table 14, designating the Anderson Ridge area for OSV use will be only “Moderately effective to minimize conflicts at...Anderson Ridge (cross-country ski trails)...” Meanwhile, the FEIS states that Alternative 3, which does not designate Anderson Ridge for OSV use is potentially more effective in achieving the goal of minimizing use conflict in this area.¹

¹ FEIS page 52.

Remedy

Do not designate the area surrounding the Anderson Ridge cross-country ski trails, or the trails themselves, for OSV use.

2. THE DRAFT ROD FAILS TO MINIMIZE CONFLICT BETWEEN OSV USE AND NON-MOTORIZED USE IN THE AREA NORTH OF CARSON PASS.

The area north of Carson Pass, within the Placerville and Amador OSV Areas, has a long and historic significance for non-motorized winter recreation. This is evidenced in that the adjacent Sno-Parks (Meiss and Carson Pass) prohibit snowmobile staging. In addition, this area was historically closed to OSV use, until the relevant forest order expired. We shared this history, and our rationale for why the area north of Carson Pass should not be designated for OSV use in our scoping comments (pages 10-11) and DEIS comments (pages 14-15). As we outlined in our previous comments, there are many reasons why this area is not appropriate for OSV designation.

For example, designating OSV use on the ENF portion of Little Round Top does not take into account the fact that the portion of this peak that is managed by the Lake Tahoe Basin Management Unit (LTBMU) is not open for OSV use. Designating the ENF portion of this peak will facilitate OSV trespass onto non-motorized lands on the LTBMU, causing conflict with that forest's ability to manage for non-motorized use. Likewise, OSV use on the ENF portion of Little Round Top will impact quiet recreation on the LTBMU by subjecting skiers who have specifically sought out non-motorized terrain on the LTMBU to the sound, sight, and smell of OSVs.

Likewise, farther west, Alternative 5 designates the area between Kirkwood and Martin Meadow for OSV use. This designation infringes on the Caples Creek proposed Wilderness area and current non-motorized protections.

Alternative 5 designates lands open to OSV use on the north side of Highway 88 and adjacent to the highway between Carson Pass and the Caples Lake Highway Maintenance Station. There is no OSV staging area here unless one uses the Maintenance Station, which is probably illegal, and the area is adjacent to the Kirkwood Nordic Center's groomed ski trails, which invites conflict. In fact, due to the steep terrain to the south of the ridge of which Little Round Top is a part and the lack of snow accumulation on the south-facing slope, OSV users departing the Highway 88 in this area will find that the only route for them is toward the Outpost and other trails of the Nordic center. Again, the Forest Service is inviting conflict by designating this area open to OSV use.

Farther to the west, the FEIS allows OSV use on lands both north and south of Highway 88 at Martin Meadow. This area has historically been managed non-motorized in winter and should remain non-motorized. The ridges surrounding Martin Meadow including Two Sentinels and Martin Point are destinations for skiers looking to ski moderate to steep terrain in an area of consistent powder snow. In addition, Kirkwood Ski Resort has, or at least historically has had, a permit for backcountry courses in this area. The use of OSVs in this area will create conflict.

On the north side of Highway 88 at Martin Meadow the FEIS allows OSV use along a narrow strip of land. This area contains Castle Point and terrain that has historically been used by skiers and snowshoers. There is no staging area for OSVs here and at best it is a very difficult ride by OSV from Silver Lake. This area has very low value for OSV use and moderate value to for non-motorized use.

Remedy

Do not designate the terrain identified by Snowlands Network and Winter Wildlands Alliance in our 2015 Alternative as the “Carson Pass Corridor North” area for OSV use. This includes not designating any portion of Little Round Top, any portion of the Caples Creek proposed Wilderness area, and the Martin Meadow, Two Sentinels, Martin Point and Castle Point area for OSV use.

3. THE OSV ROUTE TO THE VAN VLECK BUNKHOUSE SHOULD NOT BE DESIGNATED FOR GENERAL OSV USE.

We appreciate that the Selected Alternative does not designate the area surrounding the Van Vleck Bunkhouse for OSV use. Likewise, we support continuing to allow OSV access to the Bunkhouse on road 13N22T. We advocated for both this non-motorized area and the OSV access route in our scoping comments (pages 8-9) and DEIS comments (pages 12-13) However, OSV use on this route should be limited to bunkhouse renters, allowed by permit only, as it has been in the past. The permit should include acknowledgement that OSVs must stay on the road, that vehicle(s) must be parked at the Bunkhouse, and no motorized use is permitted off of the designated route (road 13N22T). This is in line with the rules for summer renters who are allowed to drive wheeled vehicle(s) to the Bunkhouse but must park them.

Remedy

Limit OSV use on road 13N22T, via a permit system, to Van Vleck Bunkhouse renters only.

4. THE DRAFT ROD FAILS TO MANAGE THE PACIFIC CREST TRAIL IN ACCORDANCE WITH THE PACIFIC CREST TRAIL COMPREHENSIVE PLAN, THUS FAILING TO MINIMIZE IMPACTS BETWEEN OSV USE AND OTHER RECREATIONAL USES ALONG THE PACIFIC CREST TRAIL.

The Objectors raised this issue on pages 12-13 of our scoping comments and page 16 of our comments on the DEIS, and we are disappointed that the draft decision backslides on protections for the Pacific Crest Trail (PCT). In the draft EIS, the Forest Service had proposed to not designate areas adjacent to the PCT for motorized use, recognizing that snowmobile use conflicts with the Congressional mandate to manage the PCT as a non-motorized trail. In this latest iteration, the Forest Service is proposing to allow motorized use right up to the very edge of the PCT. Additionally, the forest is proposing to designate large portions of the trail as “crossing points”. While we agree that it’s important to make sure PCT crossing points are safe in all snow conditions, we believe that the Forest Service can and should do a better job of balancing safe OSV access to either side of the trail while protecting the non-motorized experience along the PCT. Both allowing OSV use adjacent to the PCT and designating miles-long crossing “points” are inconsistent with the nature and direction of the PCT Comprehensive Plan.

We object to designating areas for OSV use immediately adjacent to the PCT. Designating OSV use within the trail corridor brings high potential for conflict between motorized and non-motorized uses on and along the PCT rather than minimizing conflict between these uses. Additionally, the Selected Alternative presents an unenforceable management scenario for the PCT, as closing a 3-foot wide ribbon of land through an otherwise open area is completely unenforceable and makes no sense. The ENF must designate OSV use areas that avoid the PCT entirely except at designated crossing points.

The PCT Comprehensive Plan clearly states that the PCT is non-motorized trail. OSV use is incongruent with a non-motorized trail experience. Even if only a handful of people currently use the PCT in the winter, they should expect a quiet recreation experience. The PCT Comprehensive Plan does not say the

trail is non-motorized in the summer only. Just as Wilderness areas are closed to motorized use regardless of whether anybody is present to witness motorized use, the PCT is Congressionally mandated as a non-motorized trail regardless of season. Indeed, snowmobiling along the trail is specifically called out as a management concern in the Comprehensive Plan (pages 13 and 15) and listed among the reasons that a Comprehensive Plan was necessary. The Forest Service cannot pick and choose when PCT visitors will experience a quiet, non-motorized trail. In addition, although winter use on the trail may currently be limited, the winter travel plan should be forward-looking. Long distance backcountry touring is on the rise, and it is likely that winter use on the trail will increase over the life of the travel plan.

We also object to the Forest Service's proposal to designate PCT crossing points that extend up to 4.5 miles in length. What the ENF has proposed – designating 4.5 miles of the PCT for OSV use – is in direct conflict with providing a non-motorized experience on the trail, especially as this is paired with designating OSV use adjacent to the trail. As seasoned backcountry travelers, we are quite familiar with the challenges posed by navigating alpine terrain in the winter. We recognize the necessity of designating safe and navigable crossing points, but based on our experience in alpine terrain, a 4.5-mile wide crossing point is far beyond what would be necessary for finding a safe path across a mountain crest. A 4.5-mile-long section is not a crossing "point", it is an OSV use area that overlaps the PCT. Surely the ENF, with the help of local snowmobilers and the Pacific Crest Trail Association, can identify one or more safe crossing points along the Sierra Crest. If the ENF cannot determine safe and discrete (less than 1/8-mile wide) PCT crossing points, then it should adjust the OSV use area boundaries accordingly to avoid this area entirely.

The only way in which the Forest Service can comply with the PCT Comprehensive Plan is to disallow OSV use within the trail corridor and to choose trail crossing points judiciously. Page 21 of the PCT Comprehensive Plan states that: *"Snowmobiling along the trail is prohibited by the National Trails System Act, P.L. 90-543, Section 7(c). Winter sports plans for areas through which the trail passes should consider this prohibition in determining areas appropriate for snowmobile use."* This language, particularly the reference to *"areas through which the trail passes"* make it clear that areas around the PCT must be managed in a way that protects the non-motorized character of the trail. As further evidence that the Comprehensive Plan intends for areas adjacent to the trail to be managed as non-motorized, not just the tread of the trail itself, the Comprehensive Plan also states: *"If cross-country skiing and/or snowshoeing is planned for the trail, any motorized use of adjacent land should be zoned to mitigate the noise of conflict."*² The PCT corridor outlined in Alternatives 2 and 3 would protect the non-motorized character of the PCT, bring OSV management on the Eldorado in line with the PCT Comprehensive Plan, and still allow ample opportunity for OSV use across the forest.

Remedy

The final Record of Decision (ROD) should include the PCT corridor outlined in Alternatives 2 and 3. This corridor should be depicted on a map in the same manner as other areas not designated for cross-country OSV travel. Crossing points should be located where OSV users can safely cross the trail and should not exceed 1/8-mile in width.

² Pacific Crest Trail Comprehensive Plan at page 21.

5. THE FOREST SERVICE SHOULD NOT DESIGNATE AREAS THAT DO NOT RECEIVE SUFFICIENT SNOWFALL TO SUPPORT REGULAR OSV RECREATION.

We object to designating the Georgetown area and other marginal winter recreation areas for OSV use. We raised this issue on pages 18-20 of our DEIS comments. As we said in our comments on the DEIS, the Georgetown area is low elevation and does not receive sufficient snowfall to support OSV recreation. As the Forest Service states on page 22 of the FEIS, the Georgetown OSV area “is within a zone of historically minimal snowfall and low to no OSV use. Although designated for OSV use, OSV opportunities are irregular throughout this area as there may not be sufficient snow in most of this area for much of the year. In addition, the checkerboard ownership pattern limits the amount of OSV opportunities within this area and likely contributes to the low to no OSV use.” There is no justification for why this area should be designated for OSV use but ample reason as to why it should not. Likewise, the FEIS goes on to explain that lower elevations within the Placerville, Pacific, and Caldor OSV areas don’t receive sufficient snow for OSV recreation despite being designated for that purpose.

In the comments we submitted earlier in this planning process we emphasized that the Forest Service should focus OSV designations in places that provide a reliable OSV recreation opportunity.³ Designating areas that don’t actually provide an OSV recreation opportunity does nothing to enhance OSV recreation. In addition, given how climate change is impacting snowpack in the Sierra Nevada,⁴ wherein snow levels are moving up in elevation at a significant and alarming rate, there is no scientific justification to assume these areas will provide OSV recreation opportunities in the future.

Remedy

Do not designate the Georgetown OSV area and other areas that historically receive minimal snowfall and low to no OSV use.

6. THE DRAFT ROD FAILS TO MINIMIZE HARASSMENT OF WILDLIFE OR SIGNIFICANT DISRUPTION OF WILDLIFE HABITAT.

We raised this issue in pages 7-8 of our comments on the DEIS and in Exhibit B of our scoping comments. While we appreciate that Table 2 in the FEIS includes useful criteria for evaluating whether the OSV designations will meet the minimization criteria in regards to wildlife, and Appendices B and C demonstrate a more granular area-by-area and route-by-route application of the criteria that the ENF demonstrated in the DEIS, the ENF overly relies on minimum snow depth to minimize impacts. With few exceptions, the ENF does not appear to have adjusted route locations or area boundaries in order to *locate* these designations in a manner that minimizes impacts to wildlife and wildlife habitat. While minimum snow depth is an important management tool, and one that is particularly well suited to minimizing impacts to soils and vegetation, as well as helping to minimize impacts to subnivian wildlife or species that depend upon subnivian prey species, it should not be the only tool that the ENF uses to meet the minimization criteria.

While we appreciate that the Appendix B describes how the minimization criteria were applied by area, the scale at which this EIS considers project impacts to wildlife is problematic. For example, Appendix B does not explain how the boundaries of different OSV areas differ by Alternative in terms of impact, nor

³ See Snowlands/WWA scoping comments, page 4, and DEIS comments pages 5, 7, 18, 19, 24, 27.

⁴ As discussed on page 27 of our DEIS comments

does this table explain how, or if, boundaries are located in Alternative 5 or other alternatives to minimize any identified impacts.

It is also worrisome that the FEIS considers impacts to wildlife by Alternative by comparing acres of habitat potentially disturbed or impacted by snow compaction (for marten) but does not delve into specific details that might actually provide useful data points to measure whether certain designation decisions minimize impacts, or not. This broad-scale analysis does not provide the information necessary to learn any more detailed information than that of population-level effects.

Remedy

Undertake a finer-scale analysis of OSV impacts to wildlife by Alternative. Adjust OSV area boundaries and locations of designated trails as need in the final decision to protect wildlife based on the revised analysis.

7. THE DRAFT ROD DESIGNATES AN OPEN AREA LARGER THAN A RANGER DISTRICT

We raised this issue on page 18 of our comments on the DEIS.

The 2015 Travel Management Rule Subpart C *“provides for a system of National Forest System roads, National Forest System trails, and areas on National Forest System lands that are designated for over-snow vehicle use.”*⁵ Area is defined by the Rule as *“A discrete, specifically delineated space that is smaller, and, except for over-snow vehicle use, in most cases much smaller, than a Ranger District.”*⁶ Discrete in this context is defined as *“separate, detached from others, individually distinct. Opposed to continuous.”*⁷

The intent of the Travel Rule is clear: OSV open areas should be smaller than a ranger district, detached from each other, and separated by areas in which OSV use is prohibited. OSVs must not be allowed to travel freely throughout large portions of the forest. Their use and impact must be confined to moderately-sized and isolated areas.

The Draft ROD repeats and acknowledges the definition of area from the Travel Rule on page 8 of the FEIS. The FEIS specifies six OSV open areas into which the part of the forest designated open to OSV use is arbitrarily subdivided and states that they are all *“smaller than a ranger district.”*⁸ All six of these areas are designated as open in the Preferred Alternative. However, five of these areas (all except Blue Lakes) are immediately adjacent to each other and constitute a single contiguous area of approximately 332,000 acres (40% of the forest) that is larger than any Eldorado ranger district, as shown in green in Figure 1, below.

As a result of this designation, OSVs may travel freely throughout 40% of the forest. This designation pattern clearly violates the Travel Rule, which must be applied to the actual areas designated on the ground and not to arbitrary areas drawn on a map. The result of this action will be a Over Snow Vehicle Use Map (OSVUM) that specifies an open area significantly larger than any ranger district within ENF. By subdividing this large, continuous open area into arbitrary, adjacent sub-areas, drawing these sub-areas

⁵ 36 CFR §212.80

⁶ 36 CFR §212.1]

⁷ The Oxford English Dictionary, Second Edition, Clarendon Press, Oxford, 1989.

⁸ FEIS, Vol I, p8

in different colors, and giving them different names, the FEIS is attempting to subvert or ignore the intent of the Travel Rule.

Remedy

Reduce the sizes of the Amador, Pacific, and Placerville OSV Open Areas so that they are not adjacent to each other as shown in Alternative 3.

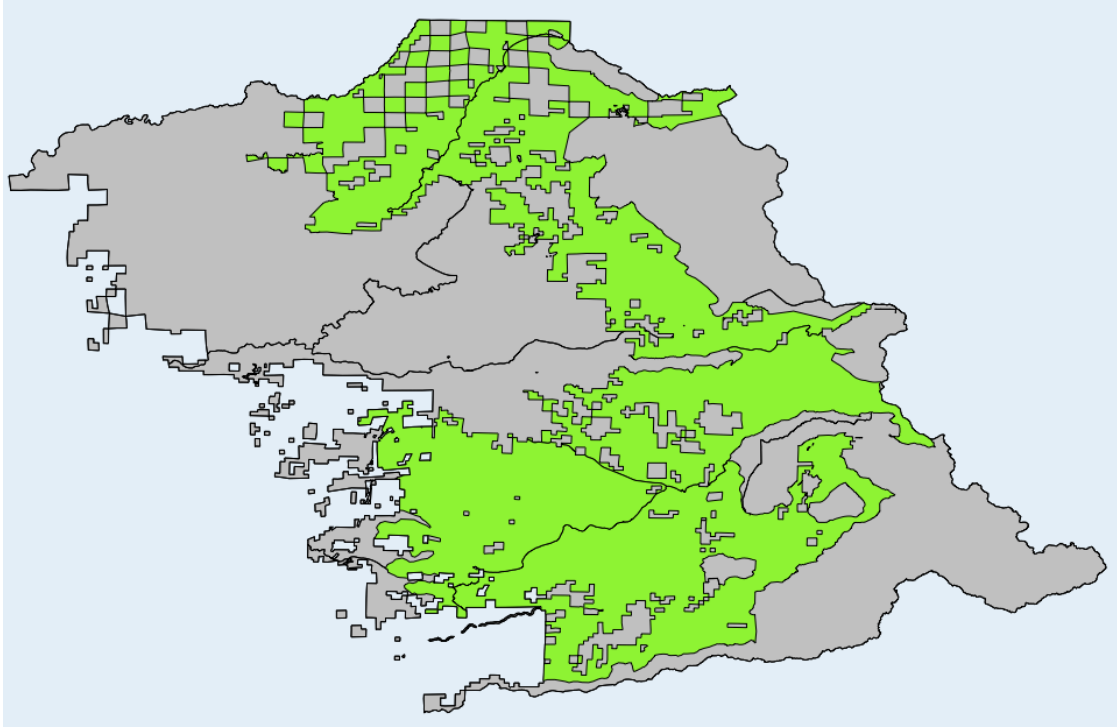


Figure 1: Showing the largest contiguous OSV open area in the Preferred Alternative covering 332,000 acres or 40% of the forest.

CONCLUSION

Thank you very much for your consideration of the above objections. Please inform us in writing of any responses to these objections or of any further opportunities to comment on decisions.

Sincerely,

Jim Gibson
Director
Snowlands Network
PO Box 321171
Los Gatos, CA 95032
jgibson@snowlands.org

Hilary Eisen
Policy Director
Winter Wildlands Alliance
PO Box 631
Bozeman, MT 59771
heisen@winterwildlands.org

From: [Marsolais, Jennifer - FS](#)
To: [Marsolais, Jennifer - FS](#)
Subject: FW: ENF OSV Project
Date: Thursday, December 13, 2018 12:52:38 PM
Attachments: [Snowlands_WWA_ENF_objection.pdf](#)

From: Brown, Nevia -FS
Sent: Thursday, December 13, 2018 9:22 AM
To: Marsolais, Jennifer - FS <jennifermarsolais@fs.fed.us>
Subject: FW: ENF OSV Project


From: Hilary Eisen [<mailto:heisen@winterwildlands.org>]
Sent: Thursday, December 13, 2018 8:38 AM
To: FS-objections-pacificsouthwest-regional-office <objections-pacificsouthwest-regional-office@fs.fed.us>
Cc: Jim Gibson <jgibson@snowlands.org>
Subject: ENF OSV Project

Winter Wildlands Alliance and Snowlands Network's objection to the Eldorado National Forest's OSV Project decision is attached (Snowlands_WWA_ENF_objection.pdf).

Please let me know if you have any difficulties downloading this document, as I can provide a hard copy upon request.

Thank you,
Hilary Eisen

--


Hilary Eisen
Policy Director
Winter Wildlands Alliance
P.O. Box 631
Bozeman, MT 59771
(208) 629-1986
[donate today to help keep winter wild!](#)