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Randy Moore, Regional Forester,
USDA Forest Service; Attn: Eldorado National Forest Over-Snow Vehicle Use
Designation Project
1323 Club Drive,
Vallejo
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December 16, 2018

Email: objections-pacificsouthwest-regional-office@fs.fed.us

Subject: Eldorado National Forest Over-Snow Vehicle Use Designation Project

Lead Objector: Amy Granat, 1500 El Camino #352, Sacramento, CA 95833

The California Off Road Vehicle Association is providing an objection to the El Dorado National Forest Over Snow Vehicle Use Designation Project (#46034) draft Record of Decision dated 10/31/2018. We object to the following elements of this program and have provided a proposed remedy for our objection.

Throughout this process, the Eldorado National Forest staff, the Supervisor, the Environmental Specialist as the project leader, and relevant advisors and specialists have made themselves available, and open to discussion about logical implementation of this management plan. Not only does the Sierra Snowmobile Foundation appreciate this, we recognize the important relationship that has developed. We very much respect and appreciate this relationship going forward in OSV management. The Eldorado National Forest is to be commended.

Snow Depth

We appreciate that the Eldorado intends to focus monitoring and enforcement on resource damage rather than strict adherence to snow depth requirements. Nevertheless, the document includes a snow depth requirement for 12 inches for ungroomed areas and 6 inches for groomed areas. CORVA's comments on the DEIS include the following information related to the minimum snow depth of 12 inches:

"The DEIS proposes a minimum snow depth of 12 inches to avoid resource damage, but does not present any science to support this is anything more than input from resource specialists. In fact, the DEIS, Volume1, Chapter 3, page 56 states: "The few

empirical studies available do not provide a consistent conclusion regarding a snow depth at which multiple resources may be considered protected from OSV activities.”

Imposing a minimum snow depth requirement would bring arbitrary measurement criteria to an otherwise scientific NEPA process. Other forests in Region 5 have also realized that there is no scientific or factual basis to support instituting a minimum snow depth requirement.

NEPA requires that agencies supply the public with references to the available literature so it will be available for review and comment. The ENF has not provided the public with even a single reference to any science or peer-reviewed studies to support using 12 inches of snow depth as the standard.

Law, regulation or policy violated by this document:

Forest Service NEPA requirements – 23.33 - Identification of Methodology and Scientific Accuracy

“Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix. (40 CFR 1502.24)”

Remedy: Minimum snow depth is not included or required by the Travel Management Rule for Subpart C, or the Supplemental Subpart C Final Rule. Therefore, the ENF must either provide a scientific basis, in the form of appropriate references or other supporting documentation, or remove any reference to a need for a minimum snow depth, and if necessary propose an amendment to remove the 12 inch minimum snow depth requirement from the 1989 Forest Plan.

Economic Analysis

In our comments on the DEIS we stated that the analysis ‘Significant Impacts’ fails to include an adequate analysis of the effects of the preferred alternative on small communities and businesses that cater to over-snow enthusiasts. The Forest Service touts its ‘3-legged stool’ of sustainability, which requires forests to include an analysis of socioeconomic impacts in all NEPA decisions. Although the FEIS includes references to socioeconomic viability for surrounding communities, the ENF arbitrarily excluded an analysis of potential negative effects of this proposal to over-snow motorized recreation businesses and failed to include this as a Significant Impact. Instead, the ENF relegated consideration to page 38 of the DEIS, and erroneously concluded there would be no change in socioeconomic conditions regardless of which alternative was chosen. The

businesses that CORVA has contacted strongly disagree with this statement, and further report that the ENF never contacted them.

The economic analysis provided in the FEIS is flawed because it depends in part on the 2012 NVUM. The sampling methodology of the NVUM is well known to underestimate motorized use, and specifically winter motorized use, because surveyors frequently use staging areas that may receive low levels of visitation on a particular weekend when other areas of the Forest may receive high levels of use. Snowmobile use in particular is widely dispersed on forested land, and is not centered in staging areas. Visitor use estimates provided by the State of California Off Highway Vehicle program in support of grant applications submitted by the Forest Service generally provides higher use figures, for example the California Winter Recreation Program estimated that 150,000-200,000 visitors used snowmobiles on California National Forests in 2014 (OHMVR Program Report, 2014). In addition, approximately one third of users would still participate in snowmobiling without groomed trails (Over Snow Vehicle Final Impact Report, 2010-2020).

Law, regulation, or policy violated:

USFS NEPA Procedures, Environmental Consequences.

This section forms the scientific and analytic basis for the comparisons under §1502.14. This section should not duplicate discussions in §1502.14. It shall include discussions of:

- (a) Direct effects and their significance (§1508.8).
- (b) Indirect effects and their significance (§1508.8).
- (h) Means to mitigate adverse environmental impacts (if not fully covered under §1502.14(f)). (40 CFR 1502.16)

Remedy: the ENF must conduct a true socioeconomic impact study and include the potential for negative socioeconomic consequences for all alternatives.

Safety Concerns

CORVA commented that the DEIS mentions public safety in a variety of places. This includes the FEIS, Volume 1, Chapter 3, page v, which lists the safety of non-motorized uses in shared use areas as a Significant Issue.

The document fails to provide:

1. Any information indicating that the safety of non-motorized users in these areas is an issue,

2. That there is a problem with the existing OSV system,
3. Fails to prove there have been any reported instances of public safety issues.

In fact, the FEIS, Table 10, Comparison of Alternatives, page 6, states that “The current Eldorado National Forest Winter Recreation Opportunity Guide map provides adequate maintain a reasonable level of public safety and avoid traffic conflicts”, and that an OSVUM would maintain a reasonable level of public safety. This statement is repeated for all alternatives.

A NEPA analysis has to be based on the best available science, and the ENF fails to prove that fear of public safety is anything more than hearsay. While the Travel Management Rule requires the forest to consider public safety concerns, if the forest finds there are no problems with the existing system in regards to public safety the forest must conclude that no justification exists for changing the current OSV system.

Law, regulation or policy violated:

Forest Service NEPA requirements – 23.33 - Identification of Methodology and Scientific Accuracy

“Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix. (40 CFR 1502.24)”

Remedy: remove ‘Concerns for Personal Safety’ from the list of Significant Impacts

Pacific Crest Trail Crossings

In our comments on the DEIS, CORVA stated that “The crossings in the DEIS are not based on actual patterns of use, and would very likely lead to hazardous situations for OSV enthusiasts. In this case, public safety concerns must trump statements in the PCT that are not based on actual situations. Because of potentially serious public safety issues due to designated crossings, the ENF cannot designate specific PCT crossings. The ENF can designate that crossings must be perpendicular to the PCT which will discourage accidental travel on the trail itself.”

We would like to add that we are pleased to see that Alternative 5 includes PCT crossing areas that coincide with areas of OSV use rather than specific and limited trail crossings. This alternative partially addresses our concerns about safety that would be caused by changing snow conditions including cornices and potential avalanche conditions if crossings are overly restrictive.

The current PCT management plan clearly states on page 25 under ‘Recommendations for Disposition or Revision of Existing Agreements, Regulations and Criteria’; “...*delete language that requires the establishment of zones or corridors...*”

Although this statement references agreements and MOUs with partner agencies, the intent of this statement is clear enough to understand that zones and corridors defining and/or limiting use around the PCT are inappropriate management practices for recreation activities that occur in and around the trail. This statement also does not differentiate between summer and winter activities, therefore different management strategies should not be proposed by the Forest Service. We find no precedence to define crossing areas/zones/corridors for winter activities when none have been put in place for summer activities when the PCT experiences the heaviest traffic. There is no common sense to the inclusion of this criteria, nor is it based in statute.

From page 21 of the PCT mgt plan: “*Winter use (cross-country skiing and snowshoeing) should be accommodated **where practical and feasible.***” [emph.ad]

The areas where PCT crossing zones have been proposed are not presented as ‘practical and/or feasible’ areas suitable for cross-country skiing or snowshoeing and these uses have never been signed and/or marked for winter use. Cross-country skiing and snowshoeing have not been ‘planned’ for these areas as they are far beyond where such uses can be expected. The draft ROD ignores the tenet ‘practical and/or feasible’, and presents no plan in the FEIS for the required trail signage for winter.

The National and Scenic Trails Act states;

Section 7(a) of the 1968 Act establishes the relationship between the trail and the management of adjacent land: Management and development of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple use plate for that specific area in order to ensure continued benefits from the land.

*Within Federal lands outside National Parks and Wilderness (57% of the trail), **the trail must co-exist in harmony with all other resource uses and activities of the land as determined through the land management planning process.** The trail will cross a mosaic of areas differing in primary management emphasis. This could be grazing, key wildlife habitat, special interest such as scenic or geologic, developed recreation, unroaded recreation research natural, or intensive timber management. Viewing and understanding this array of resources and management is one of the primary recreation opportunities to be made available over these portions of trail. Some activities such as road construction, logging, prescribed burning, herbicide application, mining, etc., will*

require considerable informational and interpretive skills to be placed in a positive perspective from the standpoint of the user. The agencies should look at this as an opportunity to explain the multiple-use concept,

It is anticipated that even though some resource activities may occur immediately adjacent to or across the trail, the agencies will protect the integrity of the trail proper by modifying management practices as needed.

Timely construction of and signing of temporary locations to avoid other resource activities such as logging and road construction is essential to maintaining a safe and enjoyable trail for the users and will do much to mitigate any negative feelings.

The idea that logging and resource extraction can occur adjacent to and even over the PCT during summer months, yet OSVs cannot cross this impenetrable barrier outside of designated crossings the trail lies unmarked and unsigned under feet of snow tests the limits of believability. Intelligent management should indicate a need to designate *no-crossing zones* near trailheads, and advocate caution and awareness beyond these staging areas.

The MOU between the Pacific Crest Trail Association, Forest Service and multiple additional partners dates 2015 contains no reference to winter management, no references to designated crossings. It fails to acknowledge any winter use of the PCT requiring different management than summer use. This MOU also does not serve as a legally binding document therefore any reliance on the MOU to justify designated crossings for winter motorized use must be discarded.

Although the FEIS is vastly improved by expanding proposed crossing sizes in the now preferred alternative 5, the very existence of designated crossings (and resulting no-crossing zones) multiple miles from plowed trailheads above Lost Lakes, behind The Nipple, by Richardson Lake and by Blue Lakes Road does not match the intent, nor does it meet the qualifying tenets of designating crossings in the PCT management plan. The Forest's failure to identify an important crossing near Indian Valley and Little Indian Valley, further indicates that true use patterns are poorly understood.

Law, regulation or policy violated:

Forest Service NEPA requirements – 23.33 - Identification of Methodology and Scientific Accuracy

This section forms the scientific and analytic basis for the comparisons under §1502.14. This section should not duplicate discussions in §1502.14. It shall include discussions of:

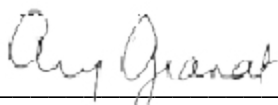
- (a) Direct effects and their significance (§1508.8).

(b) Indirect effects and their significance (§1508.8).

(h) Means to mitigate adverse environmental impacts (if not fully covered under §1502.14(f)). (40 CFR 1502.16)

Remedy: Remove all references to snowmobile crossing areas or crossing zones in places that are not practical or feasible for non-motorized activities.

Name of Lead Objector (please print) Amy Granat

Signature of Lead Objector 

From: [Brown, Nevia -FS](#)
To: [Marsolais, Jennifer - FS](#)
Subject: FW: ENF OSV Project
Date: Friday, December 21, 2018 8:05:19 AM
Attachments: [CORVA objection letter final 12.16.2018 - 2.pdf](#)

From: Amy Granat [mailto:granat.amy@gmail.com]
Sent: Monday, December 17, 2018 4:31 PM
To: FS-objections-pacificsouthwest-regional-office <objections-pacificsouthwest-regional-office@fs.fed.us>
Subject: ENF OSV Project

Please accept the attached Objection Letter for the Eldorado National Forest draft FEIS from the California Off-Road Vehicle Association, Lead Objector: Amy Granat

*Amy Granat
Managing Director
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916-710-1950*



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