



May 2, 2019

Objection Reviewing Officer Randy Moore, Regional Forester
USDA Forest Service
Pacific Southwest Region
1323 Club Drive
Vallejo, CA 94592

This letter submitted online at: objections-pacificsouthwest-regional-office@fs.fed.us

RE: Pacific Crest Trail Association Objection in Response to the Stanislaus National Forest Over-snow Vehicle Use Designation Project Draft Record of Decision

Responsible Official: Jason Kuiken, Forest Supervisor, Stanislaus National Forest

Dear Objection Reviewing Officer Randy Moore,

I am writing on behalf of the 13,300 member Pacific Crest Trail Association (PCTA). PCTA is the Forest Service's primary private partner in the management and maintenance of the Pacific Crest National Scenic Trail (PCT). The foundation for this private-public partnership in the operation of National Scenic Trails dates back to the 1968 National Trails System Act. Section 11 of the Act, titled "Volunteer Trails Assistance" states in Sec. 11 (a), "... the head of any Federal agency administering Federal lands, are authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and manage, where appropriate, trails throughout the Nation." Sec. 11 (b) continues, "Each Secretary or the head of any Federal land managing agency, may assist volunteers and volunteer organizations in planning, developing, maintaining, and managing trails."

The involvement of volunteer and private organizations in the operation of National Scenic Trails was re-emphasized in the 2001 Executive Order 13195, "Trails for America in the 21st Century." The Order states, "Section 1. Federal Agency Duties. Federal agencies will, to the extent permitted by law and where practicable—and in cooperation with Tribes, States, local governments, and interested citizen groups—protect, connect, promote, and assist trails of all types throughout the United States. This will be accomplished by: ... (g) Fostering volunteer programs and opportunities to engage volunteers in all aspects of trail planning, development, maintenance, management, and education as outlined in 16 U.S.C. 1250." Based on this direction, it is PCTA's role to work with the Forest Service to ensure the best possible management of the PCT and the experience it affords trail users, year-round.

PCTA has reviewed the Stanislaus National Forest Over-Snow Vehicle (OSV) Use Designation Final Environmental Impact Statement (FEIS), and we appreciate the Forest selecting Alternative 5-Modified, as the preferred Alternative. Alternative 5-Modified best meets the legislative requirements established in the National Trails System Act regarding the management of the PCT. As well, Alternative 5-Modified best complies with the management direction found in the Forest Service Pacific Crest National Scenic Trail Comprehensive Management Plan (PCT Comprehensive Plan).

We commend the Forest for sufficiently identifying the PCT on the project maps and for including the Season of Use design feature in the portion of the HWY 108 cross-country OSV area located near Sonora Pass. The season of use restriction is also consistent with management of the adjoining Bridgeport



Winter Recreation Area on the Humboldt-Toiyabe National Forest. The Final Environmental Impact Statement (FEIS) states on page 36,

- “Season of Use A: The portion of the Highway 108 cross-country OSV-use area located at Sonora Pass (411 acres, FEIS map package, Map 5) is closed to cross-country over-snow travel by vehicles designed specifically for that purpose, every year on April 15, unless the Forest Supervisor issues a Forest Order for an earlier or later closure date (but no later than the last Sunday in April) in coordination with the Bridgeport Ranger District’s seasonal management of the Bridgeport Winter Recreation Area (USDA Forest Service 2010, Bridgeport Winter Recreation Area Management Plan).”

PCTA also commends the Forest for including the design feature to not designate OSV use in the Tryon Peak and Bald Peak Proposed Wilderness areas. This design feature supports Forest Service management direction for proposed wilderness areas. It also provides for the non-motorized experience the PCT is intended to provide as a National Scenic Trail. The FEIS states on page 137, “Alternative 5-modified would not designate OSV use adjacent to the segment of the PCT that is outside of designated Wilderness in the northeastern portion of the forest within the Tryon Peak Proposed Wilderness.”

Alternative 5 also provides for the non-motorized purpose of the trail north of Highway 108. The FEIS states, “Alternative 5-modified would also not designate OSV use adjacent to a 2.2 mile section of the PCT located north of Highway 108 at Sonora Pass, a long section where OSV use is currently occurring under the existing condition and current management (alternative 2). This section of the PCT also crosses a corner of the Bald Peak Proposed Wilderness area.”

PCTA strongly supports these design features included in the preferred Alternative, Alternative 5-Modified, of the FEIS, as they support management of the PCT that provides for the nature and purposes of the Trail. A Forest Plan Amendment designating OSV use within Proposed Wilderness areas through which the Trail passes would substantially interfere with the nature and purposes of the PCT, and not provide the non-motorized trail opportunity that is legislated by the National Trails System Act.

Similarly, PCTA is concerned about the Forest Plan Amendment that does allow OSV use within Near Natural Areas throughout the Forest. This degrades Forest Service management direction and the Recreation Opportunity Spectrum (ROS), setting a poor example that this management direction can be ignored or altered when it is inconvenient or unpopular. Near Natural Areas provide opportunity for solitude in a near primitive wildland environment, year-round, and should be managed as such throughout all seasons and not just outside of the winter months. Please consider a revision of the Near Natural Areas and Forest Plan Amendment within the preferred Alternative, Alternative 5-Modified, and the Final Record of Decision (ROD).

PCTA’s first objection to the Stanislaus National Forest OSV Designation Project Draft ROD which chooses Alternative 5-Modified, as the preferred alternative is that this alternative proposes to designate OSV use along the PCT in a .48-mile segment located within the Highway 108 OSV use area.

The designation of OSV use immediately adjacent to or along the PCT does not comply with the legal requirements for National Scenic Trail management as directed by the National Trails System Act, nor the management direction found in the PCT Comprehensive Plan.

On page 137, the FEIS states, “OSV use adjacent to the PCT in this location is not expected to impact the winter non-motorized trail experience. Winter access from the west in the Stanislaus National Forest to the PCT segment is approximately 26 miles from plowed roads and plowed parking

areas. Winter access from the east through the Humboldt-Toiyabe National Forest is approximately 10 miles from plowed roads and trailheads, making winter access by non-motorized means very unlikely.” The FEIS continues, “The proposed areas to be designated, and not designated for OSV use *along* [emphasis added] the PCT provide for multiple uses along the trail, while also considering the existence of the trail and where winter recreationists are likely to use the PCT, consistent with the management direction for the PCT in the Stanislaus Forest Plan and the purpose and nature of the PCT (as expressed in the National Trails System Act of 1968 and the PCT Comprehensive Management Plan).”

PCTA strongly feels that the designation of OSV use for .48 miles, or any specified length, is not consistent with the management direction found in the National Trails System Act or the PCT Comprehensive Plan. Based on the language found in the National Trails System Act and the PCT Comprehensive Plan, the Forest Service is responsible for managing the land along the PCT in a manner that harmonizes with the nature and purposes for which the PCT was designated a National Scenic Trail. The Act states in Section 7(c), “The use of motorized vehicles by the general public along any national scenic trail shall be prohibited and nothing in this Act shall be construed as authorizing the use of motorized vehicles...” The Act continues to state, “*Other uses along the trail* [emphasis added], which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary.” This straight-forward language makes it clear that **the other uses along the PCT that may be permitted are not motorized uses**. Motorized use is explicitly addressed and strictly prohibited along the Trail, as stated in the Act, regardless of distance from a plowed trailhead.

In addition, the Act proclaims in Section 3(b), “National Scenic Trails ... will be extended trails so located as to provide for *maximum outdoor recreation potential* [emphasis added] and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.” The Act continues, “... *efforts shall be made to avoid activities incompatible with the purposes for which such trails were established* [emphasis added].” The Act is directing the agency to manage the PCT to maximize the Trail’s recreation potential to provide quiet, primarily non-motorized trail opportunities, regardless of the length and duration of motorized impacts. Therefore, the PCT should provide a non-motorized experience for those who seek it out, year-round.

In addition, the PCT Comprehensive Plan states, “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* [emphasis added] appropriate for snowmobile use.” The use of the word “areas” in the PCT Comprehensive Plan makes it clear that the PCT is not meant to be managed in a manner that only protects the trail tread; rather, the “areas” around the Trail must be managed in a way that does not allow other uses to substantially interfere with the nature and purposes of the PCT. The 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* [emphasis added].” This last statement makes it clear that OSV use should not occur immediately adjacent to the PCT, and that noise impacts should be mitigated for. If the lands around the PCT are not “zoned” and OSV use is designated adjacent to the Trail, skiers and snowshoers will be displaced and discouraged from using the PCT on the Stanislaus National Forest. This ultimately negates providing for the maximum outdoor recreational potential of the Trail. It is also very clear that if there is adequate snow for skiing and snowshoeing, those specific uses need to be planned for the Trail. In other words, if there is adequate snowfall to support an Over-snow Vehicle program, there is adequate snowfall for non-motorized use to be planned for along the PCT and that motorized use should be “zoned” to sufficiently provide for this planned use of the Trail.

Management direction can also be found in Forest Service Manual 2350. The Manual specifically addresses the agency's responsibility for managing National Scenic Trails as more than just a 24- or 36-inch trail tread. The Manual states on page 29, "Administer National Scenic and National Historic Trail *corridors* [emphasis added] to be compatible with the nature and purposes of the corresponding trail." FSM 2353.42. This straightforward language found in the Manual directs the agency to manage the area around each National Scenic Trail as an integral part of the Trail. In essence, the entire corridor is the 'Trail'. This Forest Service direction is based on the National Trails System Act which states in Section 7(a)(2), "Pursuant to section 5(a), the appropriate Secretary shall select the rights-of-way for national scenic and national historic trails and shall publish notice thereof of the availability of appropriate maps or descriptions in the Federal Register... The location and width of such rights-of-way across Federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that agency and the appropriate Secretary. In selecting rights-of-way for trail purposes, the Secretary shall obtain the advice and assistance of the States, local governments, private organizations, and landowners and land users concerned." This language is specifically referencing National Scenic Trail rights-of-ways passing through Federal lands and not those of private ownership. This directs the federal agencies to include the adjacent lands as part of the Trail corridor and to align with the nature and purposes for which it was designated.

Furthermore, the Bureau of Land Management (BLM) has already developed more extensive direction at the manual level to implement the National Trail System Act and have addressed this issue and specific terminology through extensive review. The BLM's Manual 6280-Management of National Scenic and Historic Trails and Trails Under Study or Recommended as Suitable for Congressional Designation (Public), specifically addresses both the terms "rights-of-ways" and "corridor" regarding these trails. The following definitions are taken from the BLM 6280 Manual under section 1-3, "Key Terms."

“1. National Scenic Trail. A continuous, long-distance trail located on the ground by the land-managing agency along the congressionally designated route, in coordination with the trail administering agency. A National Scenic Trail provides maximum compatible outdoor recreation opportunity and conservation and enjoyment of the nationally significant scenic, historic, natural, and cultural resources, qualities, values, and associated settings and the primary use or uses of the areas through which such trails may pass. National Scenic Trails represent desert, marsh, grassland, mountain, canyon, river, forest, and other areas, as well as landforms that exhibit significant characteristics of the physiographic regions of the Nation. *National Scenic Trails include the tread, or the trail path, and the trail setting which is included within the National Trail Management Corridor* [emphasis added]. National Scenic Trails may contain water sources or structures which are designed to support and provide for the safety of travelers along the trail. (page 1-4)

10. National Trail Right-of-Way. Term used in Section 7(a)(2) of the NTSA to describe the area selected by the National Trail administering agency in the trailwide Comprehensive Plan and which includes *the area of land that is of sufficient width to encompass National Trail resources, qualities, values, and associated settings, and the primary use or uses* [emphasis added]. (page 1-6)

11. National Trail Management Corridor. Allocation established through the land use planning process, pursuant to Section 202 of FLPMA and Section 7(a)(2) of the NTSA ("rights-of-way") for. To determine the width of the National Trail Management Corridor, the BLM conducts an inventory and analyzes the National Trail Right-of-Way as a key consideration. The location and management of the National Trail Management Corridor is governed by FLPMA. The BLM uses the term "corridor" to refer to the area of public land surrounding the National Trail "Right-of-Way" which is described in section 7(a)(2) of the NTSA. (page 1-7)"

Based on the above language from the BLM Manual, Forest Service Manual 2350 and the language in section 7(a) of the National Trails System Act, it is apparent that the protection of the trail tread alone is insufficient to safeguard the non-motorized experience the PCT affords trail users, year-round. Managing an area of “sufficient width” is necessary to ensure that the PCT provides for the highest quality trail experiences for trail-wide users. Although it is beyond the scope of this project to designate a “corridor” around the PCT, designating motorized use along the Trail, even for only .48 miles, clearly conflicts with the direction found in the Act and succeeding agency policy and direction to manage the area around National Scenic Trails in a manner that harmonizes with the nature and purposes of the PCT.

Proposed Remedy:

PCTA’s proposed remedy to our first objection is to include the below design features to the Final ROD:

- One additional, 0.25-mile wide, designated OSV crossing of the PCT in the HWY 108 OSV use area, connecting to the Pacific Crest Trail crossing route within the Bridgeport Winter Recreation Area.
 - Designated OSV crossings 0.25-mile wide have been proposed by the Tahoe and Plumas National Forests; PCTA is supportive of 0.25-mile wide crossings of the PCT amongst all Forests in Region 5.
- No OSV use designated within 500’ of the Trail centerline for the remainder of the .48-mile segment (0.23 miles).
 - Supporting these design features is language from the PCT Comprehensive Plan addressing motorized winter use and the designation of OSV crossings. The Plan states, “*Snowmobiling on the trail is prohibited but crossing at designated locations is consistent with the purpose of the trail* [emphasis added].” Designating a single OSV crossing of the PCT at the Eastern edge of the HWY 108 OSV use area would align and feed directly into the designated PCT crossing route within the Bridgeport Winter Recreation Area on the adjacent Humboldt-Toiyabe National Forest. The PCT crossing route is used for entering/exiting the Bridgeport Winter Recreation Area and a designated crossing on the Stanislaus National Forest would provide an option for connecting the Bridgeport Winter Recreation Area and the HWY 108 OSV use area. PCTA feels this remedy would better serve for the nature and purposes of the PCT, as well as the OSV community and stakeholders. An additional crossing does comply with the National Trails System Act and the Bridgeport Winter Recreation Area management direction.
 - As a supplement to PCTA’s objection letter and remedy proposal, a **map detailing the location of the additional designated crossing of the PCT has been included.** This map reflects both the proposed crossing and the PCT crossing route within the Bridgeport Winter Recreation Area.

PCTA’s second objection to the Stanislaus National Forest OSV Use Designation Project is if any of the below three design features were removed from or significantly altered in the Final ROD.

- Alternative 5-modified would not designate OSV use adjacent to the segment of the PCT that is outside of designated Wilderness in the northeastern portion of the forest within the Tryon Peak Proposed Wilderness.
- Alternative 5-modified would not designate OSV use adjacent to a 2.2 mile section of the PCT located north of Highway 108 at Sonora Pass, a long section where OSV use is currently

occurring under the existing condition and current management. This section of the PCT also crosses a corner of the Bald Peak Proposed Wilderness area.

- Season of Use A: Closing the area to cross-country OSV use, by vehicles designed specifically for that purpose, annually on April 15, unless the Forest Supervisor issues a Forest Order for an earlier or later closure date (but no later than the last Sunday in April) in coordination with the Bridgeport Ranger District's seasonal management of the Bridgeport Winter Recreation Area (USDA Forest Service 2010, Bridgeport Winter Recreation Area Management Plan).
 - Use restrictions of this nature are effective mechanisms that assist land management agencies in complying with legislation and management direction. This specific restriction encourages opportunity for a quiet, non-motorized experience on the PCT and reduces the impacts motorized use has on the trail and the experience it is meant to offer. With increasing non-motorized recreation and year-round recreation on the PCT, the designated season of use would directly support multiple uses on public lands, while at the same time not interfering with the nature and purposes for which the trail was established.

Incorporating PCTA's proposed remedy and including the described design features to the Final ROD will allow the Forest to comply with the National Trails System Act and PCT Comprehensive Plan and support the Trail in providing a primarily quiet and non-motorized trail experience, year-round and trail-wide. These features will also help to meet aspects of the project's Purpose and Need to, "...promote the safety of all users, enhance public enjoyment, minimize impacts to natural and cultural resources, and minimize conflicts among the various uses of National Forest System lands."

Concern with the Draft ROD rationale:

PCTA believes the Draft ROD rationale to be inadequate as to why the decision to designate OSV use along the PCT complies with legislation and management direction. The Draft ROD states on page 18, "As described in the "Decision Rationale" section of this ROD, although this Decision does designate OSV use adjacent to a 0.48 miles section of the PCT located south of Sonora Pass in the HWY 108 OSV use area, I have determined that Alternative 5-Modified is consistent with both the National Trails System Act and the Pacific Crest National Scenic Trail Comprehensive Plan." The FEIS does not provide any analysis or documentation supporting this decision and the very absence of visitor-use monitoring for the PCT within the FEIS indicates an insufficient analysis. On page 137, the FEIS states, "An existing legal motorized crossing point of the PCT exists where Highway 108 crosses the PCT at Sonora Pass. This crossing is located directly adjacent to the acres designated for OSV use in alternative 5-modified in this area. The topography in the area naturally focuses motorized crossings to this point and also focuses OSV use in the play area, rather than near the trail. Due to the trail's close proximity to a national highway (Highway 108) in this OSV-use area, OSV use in the area and adjacent to the PCT in this location is not expected to impact the non-motorized trail experience in a measurable way." The assumption that OSV use along the PCT will not impact the intended trail experience is an insufficient rationale to designate OSV use along the Trail for any specified length. Furthermore, the statement, "topography in the area naturally focuses motorized crossings to this point and also focuses OSV use in the play area, rather than near the trail", additionally supports a decision to not designate OSV use within 500 feet of the PCT. As stated in the FEIS, due to topography, OSV use will be occurring in the OSV use area away from the Trail and the Forest is responsible for justifying why OSV use should be designated immediately adjacent to the PCT and how the nature and purposes of the Trail are being provided for.

It is for the reasons addressed above that we urge the Stanislaus National Forest to adopt our suggested remedies to include one additional crossing of the PCT and to not designate OSV use within 500' of the

Trail. With the incorporation of these remedies, the project will sufficiently provide for the nature and purposes of the Pacific Crest National Scenic Trail.

Forester Moore, we appreciate your time and consideration of PCTA's objection to the Stanislaus National Forest Over-snow Vehicle Use Designation Project Draft Record of Decision. We look forward to discussing our objection with you and your staff and collaborating through the Objection Resolution process.



Connor Swift
Northern Sierra Regional Representative
Lead Objector



Justin Kooyman
Associate Director of Trail Operations

CC:

James Bacon, U.S. Forest Service, Pacific Southwest Region, Director of Public Services

Beth Boyst, U.S. Forest Service, Pacific Crest Trail Program Administrator

Jason Kuiken, U.S. Forest Service, Stanislaus National Forest Supervisor

Liz Bergeron, PCTA, Executive Director and CEO

Jennifer Tripp, PCTA, Director of Trail Operations