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October 19, 2023

### **Scoping Comments for the Inyo National Forest Travel Management, Subpart C Proposed Action**

The Sierra Snowmobile Foundation (SSF) is a 501c3 non-profit based in Reno, NV. The Foundation was formed in 2018 specifically to provide meaningful input and educate our user base on Travel Management, Subpart C analyses. To date, we have provided input and maintain standing on five California forests and have been highly involved in the stakeholder meetings held during pre-scoping for the Inyo National Forest. We are involved with all issues involving snowmobile access in California and northern Nevada and are in constant contact with the wonderful snowmobile communities in both states. We are full-time snowmobilers and snowmobile skiers, using snowmobiles to access deeper backcountry ski and snowboard terrain.

The California Off-Road Vehicle Association (CORVA) has advocated for all forms of off-road vehicle recreation and street-legal vehicular access to public land for over 53 years. California Vehicle Code (CVC 38012) includes snowmobiles among the vehicles defined as off-highway motor vehicles, and CORVA has been actively engaged with all the Travel Management, Subpart C analyses undertaken in the forests throughout the state. CORVA believes in preserving the rights of snowmobile owners to traverse snow-covered landscapes and enjoy access to snow-covered public land.

In our considerable years of combined experience, CORVA and SSF have been deeply disturbed to see snowmobile enthusiasts treated differently during the Subpart C analyses compared with our experiences advocating for access for other forms of off-highway motor vehicles during Subpart B. We were glad to see the caustic, derogatory and accusatory language against snowmobiles and snowmobile enthusiasts that was rife in other Subpart C plans released in California is absent from the scoping documents released by the Inyo National Forest (INF).

Overall, we are pleased to see an analytical approach being employed in the scoping documents for over-snow-vehicle (OSV) travel management on the INF, more than we have seen used in other forests. It is clear the INF has staff that are interested in performing a good, well-informed analysis based on real on-the-ground conditions, rather than resorting to an office



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exercise, which we have experienced with other Region 5 forests. We hope this is indicative of an outcome that is based on realistic forest conditions.

We appreciate that through the pre-scoping process, the forest has recognized certain areas in the INF that were previously closed to OSV use were done so without the use of a National Environmental Policy Act (NEPA) public process, as required by the agency. This opens the possibility of revisiting these closures and analyzing them for OSV use in the current planning analysis.

The analysis of potential conflict, and occasional misuse of the terms 'use conflict' and 'user conflict' in the document are disconcerting. Conflict of uses can occur on forested landscapes when different recreational activities do not mix well together. A good example of this is when mountain biking occurs on the same trails as equestrian use. But 'user conflict' is vastly different. It starts when one form of recreation tries to discredit another form of recreation, as so often happens with motorized and non-motorized recreation groups. This conflict is based on opinion, not fact, and is borne of a need to excessively control the use of public land and deny access to others. Most motorized groups want to be free to do what they love and enjoy, and do not seek to interfere with non-motorized enthusiasts. With over-snow travel, many enthusiasts take motorized sleds into the backcountry to find less accessible and more challenging terrain for skiing, a non-motorized activity. We implore the INF to review their usage of the term 'use conflict' and apply that solely to actual fact-based interactions, and discount 'user conflict' which is opinion and grandstanding.

We are therefore concerned when accusatory language starts to edge into the analysis on page 50, that may perpetuate incorrect and negative stereotypes of motorized over-snow enthusiasts. Most of the concerns listed on that page are those the anti-motorized over-snow groups have brought forth in their considerable efforts to paint motorized over-snow recreation and enthusiasts in a derogatory manner. They seek to portray over-snow recreation enthusiasts as 'dangerous' or 'harmful' to the enjoyment of non-motorized over-snow pursuits. Neither of these assumptions are valid and are based on spurious allegations designed to influence the decision-making of the responsible official against motorized over-snow recreation. CORVA and SSF mentions this as a cautionary statement to remind the Inyo National Forest that all forms of recreation are valid and non-motorized forms of recreation have a much larger landscape in the forest to enjoy, therefore their emotional pleas should not hold sway over the designation of areas and trails for over-snow motorized recreation in the INF.



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## **SUGGESTION AND/OR CONCERNS**

### **Proposed Action as an Alternative for Analysis**

We suggest using the proposed action presented in the scoping documents as the basis for one of the alternatives in the Environmental Assessment. Since a 'range of alternatives' is required for the EA, it would be efficient for the INF to continue with the rationale presented in the scoping documents. While we support the proposed action presented in the scoping documents, we are concerned that it will fail to withstand the negative and untruthful rhetoric of anti-OSV advocates. To prove this point, up to now, we have seen Region 5 forests in California dedicated to keeping anti-OSV advocates satisfied, rather than providing a fair and unbiased analysis for OSV recreation. We have every hope that the INF will change this trend. By using the proposed action as the basis of an alternative, the specialists can continue using the same OSV Designation Process Flowchart on page 11 that holistically looks at the entire forest to assess the availability for OSV recreation.

### **OSV and Non-Motorized Use Density Maps**

We appreciate that the INF has shown an interest in determining use numbers for various locales in the forest for motorized and non-motorized over-snow recreation, as we also believe this is a relevant component of a thorough analysis.

Other than a few exceptions, we believe the identified 'very low' to 'very high' usage areas are fairly accurate. However, the upper range numbers for 'high' and 'very high' are overestimated for OSV usage in some areas, and in some cases to an extreme amount. For example, Minaret Summit has never seen 100-200 OSV visits in a single day. Similarly, non-motorized use in the western Sherwins area would only see fifty visits per day on the busiest of weekends, with many days experiencing visitors in the single digits.

We are more acutely aware of the number of recreational enthusiasts in these areas because of our experiences riding sleds up to Minaret Summit, and skiing/boarding the west Sherwins. We have had many occasions to observe actual usage.

We suggest the estimates be tightened to present more accurate amounts on the individual ratings (i.e., high, moderate, low). The brackets for the ranges are far too broad. For example, two non-motorized user visits per day can indicate everything from low to high usage, depending on the area in the forest. As an example, there are no areas in the INF, except for the snowmobile concessionaire at Smokey Bear Flats during the Christmas season, or rentals at



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Mammoth Mountain, that see 200 OSV user visits per day. We also recommend including numerical ranges for each rating on the maps, not in a separate document or appendix.

### **Analyzing Non-Project Areas For Non-Motorized Use Estimates**

Since travel management states that 'conflict of uses' must be considered, we strongly believe that the INF must include non-project area analyses that show the availability of non-motorized over-snow recreation opportunities. Designated Wilderness is not within the project area and is off-limits to all motorized recreation. However, it *is* open to non-motorized use throughout the entire forest area. Without including that analysis and stressing which areas are solely available to non-motorized over-snow recreation, the analysis does not present a fair or equitable picture of winter recreation opportunities in the INF. This scenario gives a false calculation that misrepresents the limited areas available to motorized use, while under-reporting the massive number of areas available to exclusive non-motorized use.

Additionally, by not including the analysis of areas outside of the project area available to non-motorized over-snow recreation, the INF fails to calculate where and how non-motorized over-snow recreation can be dispersed away from mixed use areas. This is critical to truly assess what constitutes conflict of use. If considerable acreage is available solely to non-motorized activities, and these areas are considered 'high value', why would these same activities need to be duplicated in the few areas that are open to motorized recreation? It is an especially vital component of the calculation comparing parity of available experience.

For example, at the Minaret Summit Vista Point, the INF identifies this area as 'very high' for OSV use, and 'high' for non-motorized use. A reasonable analysis would conclude that this area has high potential for conflicts of use on a busy day with clear weather. By ignoring the vast, adjacent Wilderness lands, where OSV recreation is excluded, it paints an inaccurate picture. It ignores the ease that non-motorized over-snow enthusiasts have to escape the presence of OSV. Since non-motorized users are not confined to the project area, the project area needs to expand to explain how 'use conflict' and/or 'user conflict' is being misrepresented.

### **Usage Estimate Numbers and Boundaries Have Set the Stage for Predetermination in the Sherwins and Minaret Summit**

In addition to questionable usage estimation numbers, we find it disconcerting that the INF has drawn the line between moderate and high usage for non-motorized users in the Sherwins. This boundary is specifically where anti-OSV advocates are pushing to extend closures, and it is inaccurate.

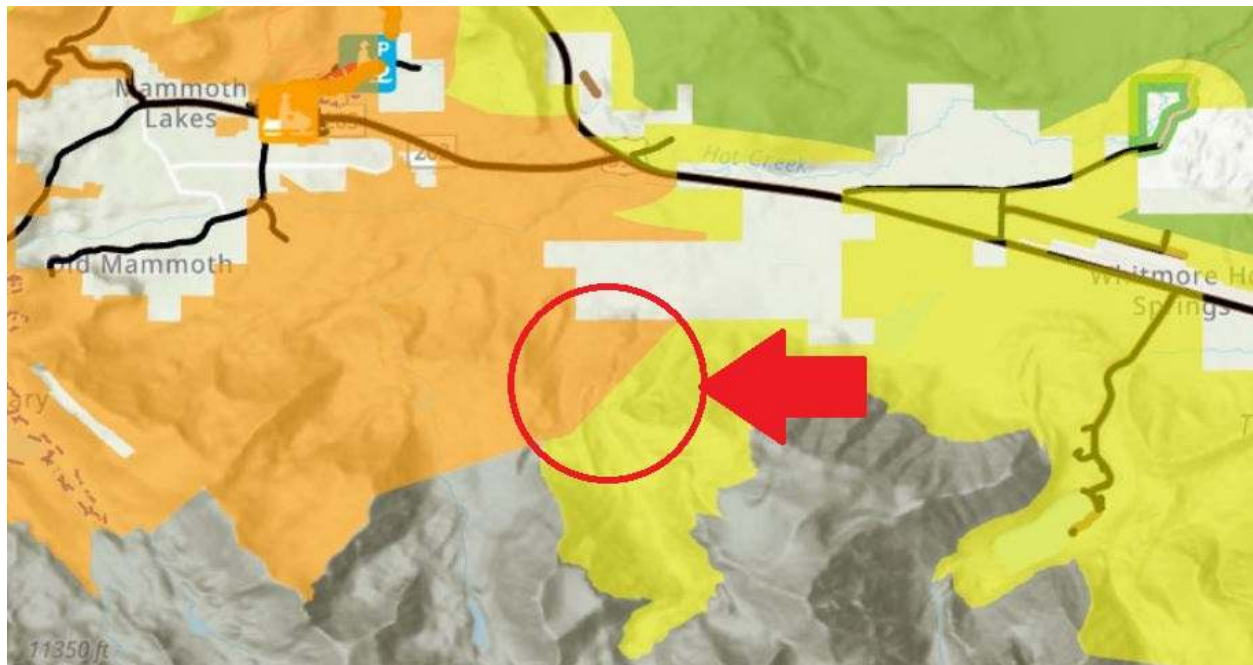


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As in the example above for the Minaret Summit area, we are concerned the INF is setting itself up for a case of predetermination regarding a future non-designation of these areas, which would represent a violation of the goal and intent of NEPA. The INF has presented the public with overly high use estimations that lead us to believe the INF already knows that it wants to exclude motorized use from this area and is finding reasons to support this predetermined decision. This is further supported by where the high/moderate transition line is in the Sherwins. Non-motorized use occurs regularly throughout the ridge and in comparable numbers to the moderate rating given to the eastern portion.



Reading between the lines, in addition to comments we heard during pre-scoping meetings, we believe the forest has received many complaints from groups that claim to represent non-motorized use. These comments regarding the Minaret Vista and West Sherwins are conjecture, and do not represent true activity in the area. On-the-ground reality is vastly different, and we hope the INF will not assume these comments support the need for closure to OSV use.

To remedy this, we suggest the INF work with the Town of Mammoth Lakes to achieve an accurate estimate of usage levels as well as *where* this usage is occurring, both along the western and eastern reaches of the Sherwins. A more accurate representation in the Sherwins



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for non-motorized use would be 'moderate' throughout the area. For the Minaret summit area, a 'low' estimate of use for OSV users would be more accurate.

### **Snowmobile Registrations in California Have Remained Stable For Years**

We are aware the INF will continue to receive erroneous comments on levels of snowmobile use in the state that may either claim that snowmobile use has exploded, or that snowmobile use is very limited, which may accompany calls for closure. Neither of these allegations are true. The International Snowmobile Manufacturer's Association (a trade organization representing snowmobile manufacturers) maintains registration numbers nationwide. Please see the attached nationwide spreadsheet, as well as the most recent available numbers provided by each state. For California you will notice a dip from 2012-2015 understandably during the drought years, and then an elevation of registrations since that time.

### **Non-Designation of Non-Groomed Routes Within Open Areas**

We agree with the forest-wide use of this approach and would support keeping it in the continued proposed action. Additionally, we appreciate the designated routes in the Buttermilks area.

### **Backcountry Ski Access in the Inyo National Forest is Well Documented and Under No 'Threat' from OSV Use**

Many guidebooks exist documenting the incredible backcountry ski access on the INF. None of the guidebooks mention snowmobiles or point to conflict with snowmobiles. In fact, one of the most recent guidebooks promotes the use of snowmobiles as a tool to access Wilderness boundaries for backcountry ski access. These books represent a reality well known to the backcountry ski user. Backcountry skiing is well-served on the INF and will be harmed if the forest restricts OSV access.

<https://www.wolverinepublishing.com/store/backcountry-skiing-eastern-sierra/>

<https://www.barnesandnoble.com/w/backcountry-ski-snowboard-routes-jeremy-benson/1125951175>

<https://www.amazon.com/Backcountry-Skiing-Californias-High-Sierra/dp/1560449136>



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### **Snowmobile Access for Skiing/Snowboarding/Backcountry Skiing**

While most snowfall areas in the country enjoy a number of backcountry skiers and snowboarders using snowmobiles to access terrain, the proportion of these users on the INF is larger. This is partially due to the abundance of excellent ski terrain in Wilderness areas. This is why snowmobiles are necessary, so they can provide access to remote boundaries for skiers and snowboarders. Because skiing and snowboarding are the only legal way to access this terrain, snowmobiles provide an ability to transport backcountry enthusiasts as far as possible and enable them to enjoy this challenging sport. Truly little true mountainous terrain exists in the snowbound regions of the INF outside of Wilderness, and every area that is available for snowmobiling is very precious.

### **Sherwins Provide a Unique Mountain Riding Experience for OSV users**

Given that the vast amount of mountainous terrain on the INF is within Wilderness areas, there are only three regions left for designation that provide steep mountainous terrain for snowmobiling:

1. Glass Mountain: Although this area is difficult to reach between the seasonal closure on Hwy. 120 east, and the south facing Bald mountain to Glass Mountain ridge that mostly faces south and is therefore subject to thinner snowpack.
2. Coyote Flat: There is excellent, high elevation steep terrain on the western flank, however given the horrendous road access, and incredibly steep slopes that surround it, is never, if ever otherwise accessible.
3. The Sherwins: This is the only consistently accessible mountainous terrain available for OSV use in the forest. We appreciate the designation and hope it remains designated throughout the process. This is the only area that the snowmobile community has left for this type of riding terrain, and therefore is extremely valuable.

McGee Peak is also worth mentioning when access is allowed due to sufficient snowpack. OSV users will ride the flank of McGee to access the steeper north-facing ski and snowboard terrain. This is less of a destination for OSV only use, but having OSV access here does provide for access to rugged ski and snowboard opportunities.



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## **Rock Creek**

After researching jurisdiction on this road, it has become evident that this is a Mono County road, not USFS managed, at least as far as the Inyo County boundary. As such, it is not within the INF's purview to designate or not designate this route. The INF needs to recognize this, starting with the upcoming winter season.

We are encouraged to see at least part of the Rock Creek drainage designated in the proposed action, especially the Sand Canyon OHV trail, and routes 30E301/30E301A. However, the agency may have missed the importance of having the Rock Creek drainage designated for OSV use. The reason for this is to get closer proximity to the headwaters for ski/snowboard access. This area had previously been improperly closed to OSV access, at the time to accommodate the grooming and lodge operations. But grooming does not occur here anymore and has not for many years, and it is time to permanently restore it to OSV access.

The INF understands that designating Rock Creek will serve solely as a transportation corridor for backcountry ski access to the larger peaks beyond the wilderness boundary by foot. This would be motorized access to a non-motorized activity. Rock Creek is not a highly appealing destination OSV area because legal terrain is limited. As such, the road and drainage would be subject to at most, two passes throughout the day, for ingress and egress, with little to no riding occurring for a period within the drainage. Because of this, the snowmobile community is not served by a partial OSV designation, as in the proposed action. Access up the OHV trail cherry stem to Wheeler Crest, east of the drainage, is appreciated, but the vast interest in the drainage is to enable snowmobilers to reach the end of the road. We strongly urge the forest to designate this area in its entirety, or at least most of it, allowing for passage to the Little Lakes Valley paved parking lot, where motorized vehicles are allowed all summer.

## **June Mountain**

Alterra Mountain Company/Mammoth Mountain does not own the land where June Mountain Ski area operates. The collective citizenry of the United States has ownership since it is public land. The INF will have a tough time citing environmental concerns as a reason for eliminating OSV access, while continuing to allow a ski area to operate. A handful of recreational snowmobiles cannot equate to the amount of environmental impact caused by the operation of an entire ski area. The minimization flowchart correctly states that designated OSV use during the ski resort operating season is a conflict of use, however during the postseason, that conflict no longer





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applies. We can presume that non-designation is due inappropriately to management pressure from the ski area. Mammoth Mountain management is concerned about having snowmobile access after they close for the season, but the snowmobile community is equally concerned about handing ownership of public lands over to a multimillion dollar, publicly traded corporation to treat as their property and incorrectly exclude members of the public from using and enjoying the area when they are closed. It is perfectly reasonable to allow the company two weeks for equipment breakdown after their closing date. However, if/when they don't open at all, or seasonally close during years with copious amounts of snowfall and a substantial snowpack, there is no good reason to not designate this area for OSV use once operations cease.

OSV users know how to use our machines, and how to control them. We avoid trees, rocks, cliffs and other snowmobilers every time we go out. We can certainly avoid any remnant activity occurring on the mountain, especially since all activity will be reduced after their initial breakdown for the season. If snowmobilers were granted access post closure date, there would still be fewer snowmobiles on the mountain than during ski season.

Since threats of avalanche are listed as a concern, the forest must therefore explain how thousands of skiers venturing into the side-country and several hundred avalanche ski cuts used as avalanche mitigation by the ski area, are somehow safer than an OSV recreational use. Snowmobiles, especially on consolidated spring snow, pose no greater avalanche threat to the properties than standard ski area operations.

The June Mountain Ski Area's steep terrain lies only at the base of the mountain. There is a graded road that serves as the Canyon trail during the area's operations. This would be a logical ascent and descent route, which lies out of the potential slide paths for avalanches.



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For example, Stevens Pass in Washington State has been allowing access such as this for several decades now.

<https://northwestactive.blogspot.com/2010/05/we-all-know-stevens-pass-is-world-class.html>

<https://www.xtremespots.com/motor-sports/snowmobile/stevens-pass-ski-resort-wenatchee-washington-usa-3/>

Although less recognized, Mt Rose by Lake Tahoe, operating on a special use permit with the Humboldt-Toiyabe NF, functions similarly.

We would like to see a seasonal designation of the parcel for snowmobile use under the Special Use Permit for June mountain, opening after ski area operations cease for the year, or in cases when the mountain remains closed the entire winter, for full season designation.

**Tioga Pass/Saddlebag Lake**

We are encouraged to see a reopening for this area considered, as it was improperly closed several years ago. Due to the nature of Tioga Pass, with roads ranging from difficult to impossible to travel primarily due to large avalanche paths, the forest’s estimate of ‘low’ use is accurate. We estimate this area does and would receive only a handful of OSV visitors a year



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given the treacherous approach. Below is a video still of Tioga pass road that had effectively become impassable due to avalanche debris.

The picture below was taken January 22, 2023, well before the massive February, March, and April storms later in the season. The grade of the road was gone and became impassable for the rest of the season. This is a far greater limiting factor than any snow depth requirement can provide.



Due to the fact the staging area at the Poole Powerplant turnoff is so much lower than the Saddlebag Lake area (gate at 7,400', Saddlebag Lake at 10,100') as well as being further east and more orographically shadowed, if there exists enough snow to stage at the closed gate, we know that snow further up by the pass and further west than the staging area will be substantially deeper.

Given the difficulty of reaching the area there tends to be little use, but if enough snow reaches the gate to stage, there will be a guaranteed deep snowpack to protect Yosemite Toad populations in the meadows and marshes. The area will be well protected from any OSV contact. Pictures below were taken, December 24, 2022, Mt Dana is seen in the background.



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## **Yosemite Toad**

The Preliminary Biological Review and Proposed Action contradict one another in assessing potential threats to Yosemite Toad habitat. The assumption that OSV use will occur on a snowpack sufficient to avoid contact or mortality contained in the Preliminary Biological Review is consistent with research. This is especially true on Tioga Pass during most of the winter due to the above-listed access concerns. However, there is also mention in the Proposed Action about 'vibrations' posing a physical disturbance to the toads.

*"Physical disturbance is a product of noise and vibration related issues that would have the 12-inch minimum snow depth requirements would reduce the effects of OSVs compacting or disturbing riparian vegetation (bending / breaking of leaders), soils, and/or snow. See the rationale below for vegetation, soil, and watershed for more detailed support. A 12-inch minimum snow depth would also provide additional noise attenuation. Vegetation trampling from snowmobiles and potential impacts to riparian resources from OSV use would be discountable and extremely unlikely to occur with adequate snow cover. 18 greatest risks during overwintering or at the onset of breeding. There is very little literature to support adverse impacts, but they are vulnerable to additional stressors during overwintering (Tattersall and Ultsch 2008)."*

We are not aware of any literature to date that credibly cites 'vibrations' as any sort of physical disturbance concern for overwintering Yosemite Toad. In fact, the topic only ever seems to come up when anti-OSV advocates begin searching for reasons to malign OSV activity when faced with the sparse hard data available for the species. We suspect this is how this concern, or hypothesis, made it into the document. The concern and any mention of potential snowmobile vibration causing harm to toads needs to be removed from the document unless backed by sound research. The citation mentions nothing of this in the abstract. It's grasping for justification rather than best available science. Likewise, given the other occupied habitat in the lakes basin, the forest will have a hard time making the case that OSV use on Tioga Pass disturbs overwintering toads, but groomers, occasional OSV use, and several thousand skiers a year, in addition to several thousand vehicles a year in the summer, do not disturb toads in the Lakes Basin.



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A very real danger to toad habitat is posed by the backcountry skiing population, that primarily access the area late in the spring, once the road is plowed, during the time that toads are emerging from hibernation. See photo from a San Francisco Backcountry Skiers Facebook post, showing skiers irresponsibly traversing terrain on an inadequate snowpack.



### **Citation and Assumption Issues**

*Appendix C table c-1 1a; "Slopes greater than 30 percent are more prone to snow removal during intensive use, leading to a risk of erosion or soil loss during snowmelt (Olliff et al. 1999). Steep slopes above sensitive soils may create runoff onto barren areas or create deposition on soils that can lead to degradation."*

The Olliff study cited is primarily an analysis of winter recreation use on wildlife, although vegetation and soils receive a brief mention. The section on soils specifically states the following:

#### ***"EROSION***

*Snowmobile activities may indirectly contribute to erosion of trails and steep slopes. If steep slopes are intensively used, snow may be removed and the ground surface*



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*exposed to extreme weather conditions and increased erosion by continued snowmobile traffic. The same results could occur when snowmobiles use exposed southern exposures. Because compacted snow generally takes longer to melt, trails are often wet and soft when the surrounding areas are dry. Consequently, these trails are susceptible to damage by other users during the spring (Masyk 1973). In the GYA, the Potential Opportunity Areas in which vegetation is most affected include:*

- (4) Groomed motorized routes*
- (5) Motorized routes*
- (6) Backcountry motorized areas*
- (7) Groomed nonmotorized routes*
- (8) Nonmotorized routes*
- (9) Backcountry nonmotorized areas*
- (10) Downhill sliding (nonmotorized)"*

We are not clear on where the assumption above stated in Appendix C table c-1 1 in proposed action appendix derives, as the assertions in the Oliff study primarily mention motorized 'routes', and do not reference cross country or free travel by snowmobiles across open terrain. Designated routes in the proposed action sit on summer designated roads and none of these sits at a 30 percent grade. The term 'erosion' appears only three times in the entire Oliff document, twice in the above quoted text and once regarding travel on open water referencing potential impacts on lake banks. This citation and its assumption need to be removed because it is not backed by the cited study. Relevant studies for reference purposes would only include work done on California snowpack, and do not reference an Alberta British Columbia snowpack, which is quite different from California's. This is true of the Masyk citation from the 1970's. We have included the Oliff study so that the forest may read it in its entirety.

Pg 19, Table 2 of the Proposed Action Package, Soil impacts

*Although all of these variables affect potential soil impacts, a minimum snow depth requirement of 12 inches is expected to prevent damage to soil and vegetation (Hatchett and Eisen 2019).*

*Hatchett, B.J and H.G. Eisen. 2019. Early season snowpack loss and implications for oversnow vehicle recreation travel planning. European Geosciences Untion, Vol. 13, Issue 1, p. 21-18*



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This paper is co-authored by Hillary Eisen, a then 4–5-year employee of Winter Wildlands Alliance (still employed), who has a demonstrated history of doing anything and everything possible to limit OSV use.

The forest is citing someone paid to work to remove snowmobiles from public lands. This is highly inappropriate, and the forest needs to find better sources. We can assure the conclusion was the goal before even beginning this work with this author as she was proclaiming it for years on scoping comments on other forests. We can provide these if necessary. This is not science, it's propaganda.

### **Pacific Crest Trail**

Much investigatory work has been conducted into allegations, primarily by the Pacific Crest Trail Association (PCTA), that the Pacific Crest Trail (PCT) is entitled to a buffer zone or corridor, to protect the trail. Oddly, this allegation never arose during Travel Management, Subpart B analyses throughout the forests in California, which resulted in numerous designated crossings of the PCT by motorized vehicles. The most insistent calls for limited to no designated crossings of the PCT have come during the Travel Management, Subpart C over-snow vehicle analyses. The requests by PCTA have bordered on the absurd, accompanied by vague statements alleging the National Scenic Trails Act allows or even encourages these corridors around the PCT. After much investigatory work, we have found this is not the case. We submit the following conclusions from the Congressional Research Service, the ultimate authority on the intent of congressional acts. With credit given to Elizabeth Norton for exhaustive research, we cite the following, with italics added for emphasis:

#### ***1968 National Trails System Act excerpts:***

The Act proclaims in Section 3(b), "National Scenic Trails ... will be extended trails so located as to provide for maximum outdoor recreation potential 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 in Section 7(c), "*... efforts shall be made to avoid activities incompatible with the purposes for which such trails were established.*"

Section 5(a)(1) and 5(a)(2) established the Appalachian Trail (AT) and the PCT as two initial units of the National Scenic Trails System. The AT description includes protected lands adjacent to the trail (the Appalachian Trailway) that were approved under previous





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agreements dating back to 1938 and 1939. *A similar protective buffer or zone was not described nor intended for the PCT.*

Section 7(a) states: "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 in the Federal Register, together with appropriate maps and descriptions. Provided that in selecting the rights-of-way full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation. *Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple use plans for that specific area in order to insure continued maximum benefits from the land.*

Research Summary by the Congressional Research Service:

The Congressional Research Service (CRS) was asked for their interpretation of the National Trails System Act and determine whether the Act designated or intended for a protective trailside corridor to be established for the PCT. The CRS works exclusively for the US Congress providing policy and legal analysis to committees and members of both Houses.

The CRS concluded; "Based on a search of the history behind the passage of the National Trails System Act, CRS was not able to identify any specific consideration by Congress for the establishment of buffer zones in and around the Pacific Crest National Scenic Trail. As part of the lead up to passage of the National Trails System Act, the Department of Interior's Bureau of Outdoor Recreation (no longer in existence) released a nationwide trails study in 1966 (Trails for America). This study provided recommendations on national scenic trails. In this excerpt, you can find recommendations made regarding the establishment and management of the Appalachian National Scenic Trail, as well as the 1938 trailway agreement.

Where the state of development of adjacent lands will permit, or where special wild land and wilderness values exist, a wider buffer zone protected against incompatible developments by scenic easements or agreements should be provided, with width in specific areas depending upon availability of land, costs, and the requirements necessary to safeguard trail values. Within the National Forests, the area to be designated for control for trail purposes should in general be no less in width than the two miles



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provided for under the Appalachian Trailway Agreement of 1938. Similarly, provision should continue to be made on State-owned lands for a width of one-half mile.

*This recommendation was specific to the Appalachian National Scenic Trail and not the Pacific Crest Trail.* Similar debates regarding the degree to which surrounding lands of the Appalachian Trail could or should be managed in accordance with the National Trails System Act continued following its passage. For example, in 1976, oversight hearings were held that included some discussions regarding the level of protection for lands surrounding the Appalachian Trail. . .”

The conclusion provided by the CRS: *There was no discussion for PCT protection.*

The conclusion is clear that congressional intent provided for a buffer zone for the Appalachian Trail, but it is equally clear that congressional intent did not provide for a buffer zone to exist for the Pacific Crest Trail. To manage the PCT otherwise is to violate congressional intent, for which the US Forest Service has no authority. Furthermore, the Travel Management Rule at CFR 212.21 states; “*The Pacific Crest National Scenic Trail as defined by the National Trails Systems Act, 82 Stat. 919, shall be administered primarily as a footpath and horseback riding trail by the Forest Service in consultation with the Secretary of the Interior. The use of motorized vehicles may be authorized by the Federal Agency administering the segment of trail involved when use of such vehicles is necessary to meet emergencies or to enable landowners or land users to have reasonable access to their lands or timber rights.*”

Motorized over-snow enthusiasts are land users in the Inyo National Forest, and as such are authorized through the Travel Management Rule to have "reasonable access." The proposed action calls for an effective buffer zone where the PCT crosses the parking lot at Agnew Meadows. While not an OSV destination, travel through this area to the Wilderness boundary for backcountry ski access to the Minarets and beyond is critical. This access need not and should not be impeded by the presence of a trail no one is using in winter months, without supporting documentation. In short, regardless of what the PCTA alleges, there is no actual justification for anything resembling a PCT corridor or buffer zone. We wish to see the designated area in this parcel extended to the Wilderness boundary. If necessary, designate this as a PCT 'crossing' even though no such designation was deemed necessary for the paved road that exists as the surface in the summer.



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Both the Sierra Snowmobile Foundation and the California Off-Road Vehicle Association look forward to continued dialogue with the Inyo National Forest as the Travel Management, Subpart C analysis progresses. We remain available for consultation at any time and can be reached at the email addresses below.

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