

Data Submitted (UTC 11): 10/9/2018 7:00:00 AM
First name: Hilary
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Organization: Winter Wildlands Alliance
Title: Policy Director
Comments: OSV

Dear OSV planning team,

Comments from Winter Wildlands Alliance and Snowlands Network concerning the OSV designation project DEIS are attached. There are 7 items attached to this email:

- 1) Stanislaus_DEIS_comments.pdf
- 2) Attachment 1 - Maps.pdf
- 3) Attachment 2_STF_Important_Non-Motorized_Recreation_Areas zip file
- 4) Attachment 3_Designated_OSV_Routes zip file
- 5) Attachment 4_Hatchett et al 2017.pdf
- 6) Attachment 5_Hatchett and Eisen 2018.pdf
- 7) Attachment 6.pdf

Please contact me if you are unable to download any of the attached documents. I would be happy to provide a hard copy, or files on a USB drive, upon request.

thank you,

Hilary Eisen

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Hilary Eisen

Policy Director

Winter Wildlands Alliance

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donate today to help keep winter wild!

Please accept these comments on behalf of Winter Wildlands Alliance and Snowlands Network on the Draft Environmental Impact Statement (DEIS) for the Stanislaus National Forest Over-Snow Vehicle (OSV) Use

Designation. Winter Wildlands Alliance (WWA) is a national nonprofit organization dedicated to promoting and preserving winter wildlands and a quality human-powered snowsports experience on public lands. WWA represents over 50,000 members and 41 grassroots partner organizations in 16 states, including Snowlands Network. Snowlands Network is a membership-based organization that advocates for non-motorized backcountry winter recreation. Snowlands and WWA members often visit Stanislaus National Forest (STF) in the winter and spring seeking opportunities for winter recreation in quiet, non-motorized, conflict-free environments. Members of both organizations will be significantly affected by the OSV Use Designation decision.

Our organizations, together with the Center for Biological Diversity, were plaintiffs in the lawsuit that instigated the OSV planning effort, and we obtained the right in the Settlement Agreement to submit an alternative to be considered in the analysis. Our alternative, submitted August 3, 2015, has been incorporated in the DEIS as the basis for Alternative 3.

SUMMARY

We strongly support Alternative 3 as being the only alternative analyzed in the DEIS that complies with the Travel Rule requirement to minimize conflicts between motorized and non-motorized recreation. Alternative 5, the Preferred Alternative, is unacceptable because 1) it does not address the full impact of snowmobiles on non-motorized recreation, and 2) it designates portions of existing Near Natural Areas for OSV use. Alternative 5 would be acceptable if it were modified such that several important nonmotorized recreation areas and all portions of existing Near Natural areas were not designated for OSV use.

Recommendations

The following recommendations summarize the actions we feel are necessary to adopt in the Final Decision to comply fully with NEPA and Travel Rule requirements.

- * Do not designate for OSV use any of the areas described in the section "Important humanpowered winter recreation areas" starting on page 5, with the possible exception of the Mattley Ridge and Herring Creek areas.
- * Only allow OSV use within Mattley Ridge and Herring Creek backcountry ski areas when the major OSV access points in their respective areas are closed due to spring plowing.
- * Do not designate for OSV use any portion of the existing Near Natural Areas, Recommended Wilderness Areas, or Special Interest Areas, or reduce any of these areas in size by amending the current Forest Plan.
- * Do not designate low elevation areas (below 5,000 feet, and the Interface Area) for OSV use.
- * [bull] Mandate a minimum snow depth of 12 inches for OSV travel on the forest, with greater depth restrictions in Stanislaus Meadow and Highland Lakes (24 inches), and in areas with soils that are particularly prone to compaction (18 inches).
- * Set an OSV use season of December 1 - April 30 for most areas of the forest and in sensitive wildlife areas.
- * [bull] Designate Highway 108 as a PCT crossing point. Do not designate other areas adjacent to the PCT for OSV use.
- * Make thoughtful designations based on quality of experience and minimization criteria rather than numbers of acres open or closed for OSV use.
- * Incorporate adaptive management into the travel plan so that the plan is flexible and responsive to "abnormal" winters and snow conditions.

These recommendations are explained in detail in the paragraphs that follow.

GOVERNING REGULATIONS

The OSV Use Designation project is governed by the National Environmental Policy Act (NEPA) and the 2015 Travel Rule.

NEPA Requirements

NEPA requires that the "EIS shall document the examination of reasonable alternatives to the proposed action"¹ When we submitted our Alternative in 2015 we provided an in-depth explanation of specific concerns related to OSV use on the STF as well as details on a handful of areas that are extremely important to the non-motorized winter recreation community. These areas must not be designated for OSV use if the Forest Service is to minimize conflict between OSV use and other winter recreation use. Although we appreciate that our Alternative has largely been incorporated as Alternative 3, the DEIS lacks an analysis and discussion that puts Alternative 3 in context. For example, there is no mention in the DEIS of specific areas that are important for the non-motorized winter recreation community, much less any acknowledgement that Alternative 3 is the only alternative that would not designate these areas for OSV use.³

Travel Management Rule

In 2015, the Forest Service's Washington Office released the Over-Snow Vehicle Rule providing a framework for winter travel planning efforts on all National Forest lands.² The OSV Rule requires that forests designate routes and areas where OSV use is allowed, publish these designations on an OSV use map, and prohibit any OSV activity that is inconsistent with the published map. The STF is in the midst of this OSV designation process and is among the first forests in the nation to implement the OSV Rule.

The OSV Rule requires national forests with adequate snowfall to designate and display on an "oversnow vehicle use map" specific areas and routes where OSV use is permitted based on resource protection needs and other recreational uses. The STF is obligated to comply with the minimization criteria outlined in Executive Order No. 11,644, 37 Fed. Reg. 2877 (Feb. 8, 1972), as amended by Executive Order No. 11,989, 42 Fed. Reg. 26,959 (May 24, 1977). The 2015 revised Travel Management Rule requires that the designation of areas and trails to be used by OSVs "shall consider effects on the following, with the objective of minimizing:

1. Damage to soil, watershed, vegetation, and other forest resources;
2. Harassment of wildlife and significant disruption of wildlife habitats;
3. Conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands; and
4. Conflicts among different classes of motor vehicle uses of National Forest System lands or neighboring Federal lands." ³

The OSV Rule is about far more than simply designating OSV use in places where OSV users would like to ride. The Forest Service must consider how OSV designations will impact other uses and forest resources and ensure that these impacts are minimized. This may mean restricting OSV use in areas where it is currently allowed, even in areas that are highly desired by OSV users. We appreciate that the purpose and need for this project, as outlined in the DEIS, includes promoting public safety and minimizing conflict and impacts. We worry, however, that the Forest Service is construing the purpose and need of this OSV designation process in such a way as to simplistically consider the issues at hand simply as "where do OSV users desire to recreate". In truth, the STF must consider non-motorized recreation uses, the preservation of wilderness character, wildlife, and natural resources on a level playing field with the desires of the OSV community.

MINIMIZATION

The minimization criteria are the heart of travel management planning. They require the Forest Service, when designating routes and areas open to motorized travel, to: 1) minimize damage to soil, watershed, vegetation, or other resources of the public lands; 2) minimize harassment of wildlife or significant disruption of wildlife habitats; and 3) minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the

same or neighboring public lands. These minimization criteria were codified in the 2005 Travel Management Rule, as amended by the 2015 Over-Snow Vehicle Rule.

Forests must apply and implement the minimization criteria when designating each area and trail where OSV use is permitted,⁴ not as a means of justifying existing management. Any areas where cross-country OSV use is permitted must be "discrete, specifically delineated space[s] that [are] smaller . . . than a Ranger District" and located to minimize resource damage and conflicts with other recreational uses.⁵

The minimization criteria must come first, followed by drawing lines on the map. Application of the criteria requires the Forest Service to minimize impacts [mdash] not just identify or consider them [mdash] when designating areas or trails for OSV use, and to demonstrate in the administrative record how it did so. This duty was recently confirmed by the Ninth Circuit Court of Appeals in *WildEarth Guardians v. U.S. Forest Service*⁶ in which the Court held that the agency must "apply the minimization criteria to each area it designated for snowmobile use" and "provide a more granular minimization analysis to fulfill the objectives of Executive Order 11644, which the [Travel Management Rule] was designed to implement." More specifically, the Court held that "mere 'consideration' of the minimization criteria is not enough." The Forest Service must show not just that impacts have been studied, but specifically demonstrate how effective each of the Alternatives presented in the DEIS is in minimizing impacts from OSVs. As one of the first forests to implement the new OSV rule, it is critical that the STF properly apply the minimization criteria.

Table D-10 in the DEIS describes the minimization criteria screening exercise. This is a good start towards applying the minimization criteria, but it is difficult to determine what the different designation recommendation codes mean. As best we can tell, Alternatives 2, 3, and 5 incorporate some boundary adjustments aimed at minimization, but this is not explicitly spelled out in the DEIS. Likewise, the DEIS does not explain how or whether designated trails have been located to minimize impacts in each alternative. The DEIS does list many different mitigation measures, but mitigation is not a substitute for minimization. In addition, many of the mitigation measures listed rely on uncertain future monitoring, are unenforceable, and lack specificity and clear triggers for implementation. Additionally, it is unclear whether these mitigation measures would even be effective in reducing impacts. For these reasons, mitigation cannot be the first line of defense in minimizing OSV impacts. The OSV use system on the forest - designated routes and areas - must be designed to minimize impacts. Mitigation is a secondary measure.

Furthermore, the DEIS does not include a robust analysis of OSV impacts to at-risk wildlife on the STF and fails to offer alternatives that comply with the OSV rule's requirement for minimizing impacts to wildlife, including Pacific marten, fisher, Sierra Nevada red fox, Yosemite toad, and sooty grouse. Designating OSV use within Near Natural areas - areas that were previously deemed unsuitable for motorized use in order to protect forest carnivores - runs contrary to the Forest Service's obligation to minimize harassment of wildlife and significant disruption of their habitat by OSVs. See page 18 below for more details regarding the requirement to minimize harassment of wildlife and significant disruption of wildlife habitat.

Minimize conflicts between motor vehicle use and existing or proposed recreational uses of Forest Service lands or neighboring Federal lands

Page 122 of volume 1 of the DEIS and pages 20-21 of volume 2 accurately describe the types of conflict that occur between motorized and non-motorized winter recreation. However, the DEIS fails to fully describe how or where these types of conflict are occurring on the STF, because it does not recognize or discuss the history of non-motorized recreation and use conflict on the STF or that certain areas on the STF are more valuable for non-motorized winter recreation than others. The DEIS does not fully explain that even safe, legal, operation of OSVs can bring substantial conflict with other recreational uses.

IMPORTANT HUMAN-POWERED WINTER RECREATION AREAS

Rather than utilize the extensive information that we and others provided at scoping detailing where skiers, snowshoers, and splitboarders recreate and where non-motorized recreationists are experiencing conflict on the STF, the DEIS relies on modeling (for example, Table 30 on page 109 of the DEIS) to predict where non-motorized winter recreation might occur and which areas may be valuable for nonmotorized winter recreation. While this sort of modeling provides a useful high-level understanding of non-motorized winter recreation use on the forest, it is no substitute for the on-the-ground knowledge that scoping commenters provided and that the STF appears to have ignored. Likewise, while it is somewhat informative to understand how the Alternatives differ in regards to total acres of NFS lands not designated above 5,000 feet in elevation, within 5 miles of Sno-Parks, within 5 miles of ski resort parking areas, and along Highways 4, 207, and 108, and Dodge Ridge Road, or the percent change in such acres not designated between each alternative and the current condition, it would be far more informative if the EIS ran these comparisons for the specific highly desirable, historically utilized nonmotorized areas that we and others described in our scoping comments. This would also be a more equitable way of conducting the analysis, considering the DEIS specifically examines changes to highly desirable, historically utilized OSV areas.

There are several specific areas within Stanislaus NF that are highly desirable for and historically utilized by skiers, snowshoers, and splitboarders. We described these areas in great detail in our August 2015 scoping comments. After considering the information presented in the DEIS, we have decided to modify slightly the boundaries of Big Meadow, Herring Creek, and Dodge Ridge non-motorized areas from what we proposed in 2015. These modified boundaries are depicted on the maps in Attachment 1. We are also submitting a GIS shapefile of these areas (Attachment 2) with these comments so that the Forest Service is able to more easily analyze these areas. Given that the DEIS never once mentions that there are areas on the STF that are historically used and highly desirable for non-motorized winter recreationists, we feel it is necessary and important to re-iterate our descriptions of these areas. We also encourage the STF to review our August 2015 comments.

While we appreciate that Alternative 3 largely reflects the Alternative we submitted in 2015, it is very concerning to us that the DEIS repeatedly emphasizes "highly desirable, historically available" OSV recreation areas without once mentioning that there are highly desirable, historically utilized nonmotorized winter recreation areas on the STF, or that unmanaged OSV recreation has displaced nonmotorized users from many of these highly desirable, historically utilized areas. We described these issues in extensive detail in our August 2015 comments. OSV recreation is not the only, or even the most popular, form of winter recreation on the STF, but one wouldn't know that by reading this DEIS.

Two of the areas, Round Valley and Dodge Ridge are closed to snowmobiles in Alternative 5. The remaining five areas, which comprise about 1% of the forest, are designated for OSV use in Alternative 5. In order to minimize the conflict between motorized and non-motorized recreation, these areas should also not be designated for OSV use.

Round Valley

This area lies between Mt Reba and Highway 4 and is the most popular area near Bear Valley for backcountry skiing and snowshoeing. This area offers outstanding terrain for intermediate and advanced skiers and snowshoers. The area is easily accessible from the Round Valley Sno-Park. Currently, this is the only non-wilderness area within the Bear Valley region that is closed to snowmobiles and easily accessible from a plowed trailhead. We appreciate that it is not designated open to OSV use in any of the action alternatives. However, OSV trespass into this area is common. Some is directly from the Lake Alpine Sno-Park, where all lands to the north are off-limits to OSV use, but no signage has been present for many years. Signs are also needed along the southern boundary of Bee Gulch and Woodchuck Basin. Here, too, snowmobile trespass is common.

The popularity of this area with non-motorized users indicates the demand for non-motorized areas within the Bear Valley region along Highway 4. Four such areas that should be set aside for nonmotorized winter recreation are described in the paragraphs, below.

Osborne Hill and Lake Alpine

This area is located just south of Highway 4 near Lake Alpine, within the proposed Alpine OSV use area. The area runs from the Lake Alpine Sno-Park on the west to a short distance past Lake Alpine to the east. While not heavily used by either skiers or snowmobilers, this area makes a good area for intermediate skiers seeking a short tour from the Lake Alpine Sno-Park or a longer challenging tour into the Carson-Iceberg Wilderness lying to the south.

The Osborne Hill ski tour is described in a 1985 backcountry skiing guidebook.⁷

This area is designated as open to OSV use in Alternative 5 but should be closed as in Alternative 3. We would support designating an OSV route to the south towards Spicer Reservoir on Forest Road 7N17 to give OSV access to the Spicer North and Spicer OSV areas desired by snowmobilers. This route, and others that we reference in these comments, is depicted in the GIS shapefile included with these comments as Attachment 3.

Big Meadow

This small area is located on the south side of Highway 4 near the Big Meadow campground, partially within the proposed Spicer OSV use area. The area provides excellent beginner terrain south of the highway for short, easy tours with scenic views of the North Fork Stanislaus River valley. Two tours in this area are described on the Backcountry Ski Tours website (<http://www.backcountryskitours.com>). Access is from the plowed-out entrance road to the campground, which normally has parking for a few cars but no easy snowmobile access.

This area has historically been managed for non-motorized winter recreation. Much of the area lies within a near natural area and is not designated for OSV use in any of the alternatives. Alternative 3 does not designate additional land adjacent to the near natural area and around the campground. This additional area encompasses one mile of marked trail and approximately another mile of good terrain for beginner through beginner-intermediate skiers. Approximately 12% of this area is designated for OSV use in Alternative 5 - this does not adequately protect the non-motorized recreational values in the area or minimize conflict between non-motorized and motorized recreation uses. The final plan should not designate any of the Big Meadow area as mapped in Attachments 1 and 2.

Cabbage Patch to Black Spring

This area is north of Highway 4, within the proposed North Highway 4 OSV use area. It is accessed using FR 7N09 (Cabbage Patch Road). It is bounded by St Michele Meadow on the east, FR 7N09 on the north, FR 7N23 (Black Spring Road) on the west, and Highway 4 on the south.

This area affords good beginner to low-intermediate touring terrain utilizing the many unplowed roads in this area and the moderately-sloped ridge. Three ski tours in this area are described on the Backcountry Ski Tours website at <http://www.backcountryskitours.com>. The December 1999 Ebbetts Pass Area Winter Recreation Guide shows 35 miles of ungroomed trails in the area north of Highway 4 stretching from Cabbage Patch to Black Spring. These trails are open to both motorized and nonmotorized recreation, but use is heavily skewed toward non-motorized use because there is no staging area for snowmobiles.

Over the last several years, on-the-ground experience shows that the Cabbage Patch to Black Spring area receives almost no OSV use. Furthermore, the Cabbage Patch to Black Spring area has the necessary terrain,

roads, and mild ridges to support a major backcountry non-motorized trail system similar to that developed in the Foster Meadow area on Highway 88.⁸

This area is designated as open to OSV use in Alternative 5 but should not be designated in the final plan. We would support designating FR 7N09 (Cabbage Patch Road) as an OSV route to provide access through this area for snowmobiles to OSV areas farther to the north.

Mattley Ridge

This area is north of Highway 4, within the proposed North Highway 4 OSV use area. It is accessible via Forest Road 7N09 (Cabbage Patch Road) from its intersection with Highway 4 just west of the Cabbage Patch State Highway Maintenance station. Beginning skiers and snowshoers can travel into Thompson Meadow and Del Orto Camp utilizing unplowed roads. Intermediate skiers can continue up FR 7N09, turning off onto FR 7N72 and then continuing up Mattley Ridge from where FR 7N72 ends. From the top of Mattley Ridge, skiers can either turn around and ski down the open, intermediate slopes or continue on the ridge towards Flagpole Point and circumnavigate the bowl containing Thompson Meadow staying on a ridge top almost the entire way. The ridge loop tour may also be skied in the other direction (counterclockwise), ending with a ski down the open slopes on Mattley Ridge.

The Mattley Ridge area has historical significance for non-motorized users. Four tours in this area, plus the route along ridges from Bear Valley Ski Resort to Flagpole Point and then to Cabbage Patch, are described in a 1985 backcountry skiing guidebook.⁹ The description of the tour along the ridges begins with: "If there is a classic tour in the Bear Valley area it is the ski along the high ridges." Today these ridges are inundated with OSV use, and non-motorized recreationists have been displaced by the heavy snowmobile use. Five miles of ridge connect Bloods Point near Bear Valley to Flagpole Point. If the Mattley Ridge area were not designated for OSV use, as in Alternative 3, it would reduce the amount of ridge terrain open to OSVs by one mile.

This area is designated as open to OSV use in Alternative 5 but should not be designated in the final plan without a seasonal restriction in order to alleviate use conflict and halt displacement of non-motorized visitors. We would support designating FR 7N09 (Cabbage Patch Road) as an OSV route season to provide access for OSVs to the residences in the St Michele Meadow area and to the OSV areas farther to the north and west.

This area could also be closed to OSV use on a conditional basis depending upon the status of Highway 4. Under this plan, the Mattley Ridge area would be closed when the season begins, but would be designated as open when OSV access to Highway 4 starting at the Lake Alpine Sno-Park is unavailable due to the plowing of the highway. This concept is described below in the section "Conditional OSV Designation" on page 9.

Dodge Ridge

There are two areas on either side of the Dodge Ridge Wintersports Area near Pinecrest on Highway 108. These areas are the location of marked backcountry ski and snowshoe trails. The area is patrolled in the winter by the Pinecrest Nordic Ski Patrol and is the most popular area for backcountry skiing and snowshoeing along Highway 108. There is parking at either of two trailheads: Crabtree on the south side of the downhill ski area and Gooseberry on the north.

Nine tours in this area are described in a 1985 backcountry skiing guidebook.¹⁰

This area is not designated for OSV use in either Alternative 3 or 5, but is in Alternative 4 (within the proposed Highway 108 West OSV area). This area should not be designated for OSV use in the final plan.

Herring Creek

The junction of Herring Creek Road and Highway 108 and the junction of Forest Road 5N40Y and Highway 108 at Cow Creek are the only two other trailheads of value for non-motorized winter recreation along Highway 108. The snow-covered roads that emanate from these trailheads crisscross the lands to the east of Highway 108, and it is possible to reach all points to the east from either trailhead. There are 25 miles of ungroomed roads in this area currently available for OSV use. 23 of these miles are also designated for ATV use, which rut the snow such that they are impassable by nonmotorized winter recreationists and difficult for OSVs to traverse as well. We would like to see a small portion of this area not open to OSV use in the winter.

The area of value for non-motorized recreation is located south of Highway 108 north of Pinecrest Lake, within the proposed Highway 108 OSV use area. This area is not designated for OSV use in Alternative 3.

This would reduce the mileage of ungroomed road available for OSVs from 25 miles to 20 miles, but maintain access for snowmobiles to Bull Run, the Punch Bowl, and the loop around Hammill Canyon. Five miles of Herring Creek Road (Forest Road 4N12) from Highway 108 to its intersection with Forest Road 5N17, and lands north and adjacent to the road should be non-motorized in winter to provide a non-motorized loop for skiers and snowshoers.

Herring Creek Road provides access to snow play areas and also beginner level tours into the Punch Bowl area. This area is the best location for creating an additional non-motorized opportunity area for skiing, snowshoeing, and family snow play along Highway 108 to supplement the areas at Dodge Ridge as described above.

Three tours in this area are described in a 1985 backcountry skiing guidebook.¹¹

The Herring Creek area could be closed for OSV use during the winter season but open for OSV use when plowing of Highway 108 ends access beyond the Highway 108 Sno-Park. This conditional designation is described in the section "Conditional OSV Designation" on page 9, below.

Recommendations

* Do not designate for OSV use the important non-motorized areas described above: Round Valley, Osborne Hill/Lake Alpine, Cabbage Patch to Black Spring, Big Meadow, Dodge Ridge

* Designate OSV use with a restricted season, as described in the Conditional OSV Designation section below, for Mattley Ridge and Herring Creek.

CONDITIONAL OSV DESIGNATION

The concept of conditional OSV designation is a way to separate conflicting uses of the forest for most of the winter season, but also permit the sharing of the diminishing snowpack resource in the spring. At that time, much of the forest normally open to OSV use becomes inaccessible due to the plowing of highways, which can begin when there is still adequate snow on the ground for recreation. At that time, areas normally set aside for non-motorized recreation could be opened to motorized use. This adaptive management strategy would be more flexible than using fixed dates to determine when areas should become shared-use.

There are two areas on the STF that are important for human-powered winter recreation but could be designated for OSV use in the spring. These areas are Mattley Ridge and Herring Creek, both of which we described in the previous section of these comments. When Highways 108 and 4 are plowed OSV users are unable to visit the remote areas normally accessible from the Lake Alpine and Highway 108 Sno-Parks. To compensate for this and to allow late-season OSV access to STF lands, the STF could allow OSV use in Herring Creek and Mattley Ridge areas once their respective highways begin to be plowed.

This management plan would allow both non-motorized and motorized over-snow recreation in these areas, with use conflict minimized through a seasonal separation of uses. Skiers and snowshoers would have access to both Mattley Ridge and Herring Creek for quiet recreation for much of the winter. As we have previously described, these areas both have a long history of non-motorized use and are highly valued by backcountry skiers and snowshoers. However, we believe it is reasonable to allow late-season use in both Herring Creek and Mattley Ridge. This seasonal restriction would allow both non-motorized and motorized over-snow recreation to enjoy these areas, with use conflict minimized through a seasonal separation.

Recommendation

* If designated, only allow OSV use in the Mattley Ridge and Herring Creek areas once plowing begins on Highways 4 or 108, respectively.

PACIFIC CREST TRAIL

Considering that almost the entirety of the Pacific Crest Trail (PCT) on the STF lies within designated Wilderness, recommended wilderness, or a near natural area, the only place where the STF should even consider designating OSV use along the trail is where the trail crosses Highway 108. In areas where the trail is located on the Toiyabe National Forest but within 500 feet of the STF, the Forest Service should not designate areas for OSV use within the Scenery Management System definition of Foreground for the trail. Doing otherwise will bring high potential for conflict between motorized and non-motorized uses on and along the PCT and conflict with the Forest Service's mandate to manage the PCT as a Congressionally-designated national non-motorized trail.

Snowmobiling along - not simply on, the trail is specifically called out as a management concern in the Comprehensive Plan¹² and listed among the reasons that a Comprehensive Plan was necessary. 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—not merely the tread of the trail itself—to be managed as non-motorized, 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."¹³

The STF's final winter travel plan must be forward-looking. Although winter use on the trail may currently be relatively limited, long-distance backcountry ski touring is on the rise worldwide, and winter use on the trail is highly likely to increase significantly over the life of the travel plan.

In addition to complying with the PCT Comprehensive Plan, we see no practical reason to designate areas for OSV use within close proximity to the PCT. OSVs are not allowed to cross the PCT unless the STF designates specific crossing points. There is little to be gained for OSV users if they are allowed to ride within the area directly adjacent to the PCT, but allowing this use invites the temptation for OSV users to cross the trail at points outside of the designated routes. In addition, while there is nothing to be gained in this scenario, it will be extremely frustrating for OSV users if they're allowed to ride right up to the trail on either side but not cross it. In reality, the non-motorized status of the trail will be ignored. Designating OSV use areas directly adjacent to the PCT, regardless of how far the particular section of trail is from a plowed road, or how many people are visiting the trail or area in the winter, is a recipe for non-compliance and failure of the travel plan.

Finally, we want to bring attention to, and raise issue with, a statement that is repeated several times in the DEIS: "Access to the PCT on the Stanislaus National Forest is very limited in the winter due to the distance of the trail from plowed roads and parking areas (two segments outside of Wilderness are 15 and 26 miles from plowed

roads and parking). The only access to the Stanislaus National Forest segments of the PCT in the winter would be by OSV." This statement reflects a lack of understanding both about human-powered winter recreation and PCT travel. Just as many hikers enjoy backpacking, there is a significant sector of the backcountry/cross-country ski and snowshoe community who enjoy winter camping and multi-day trips. People travel all or portions of the PCT in winter, including on multiday trips. And, in certain conditions (supportable crust), traveling over 30 miles in a day on foot, on skis, is not an unreasonable feat. Especially in the spring along the Sierra Crest, where the PCT is located, cross-country skiers enjoy "crust cruising" - essentially skate skiing but with no need of a groomed trail - and can cover dozens of miles in just a few hours.¹⁴ There is no basis for the Forest Service's claim that the only way to access the PCT in winter, presumably once one is more than 5 miles from a plowed road, is by OSV.

Recommendations:

* Designate Highway 108 as a PCT crossing point. Do not designate other areas adjacent to the PCT for OSV use.

NEAR NATURAL AREAS

Each of the Alternatives in the DEIS, except Alternative 3, propose to designate OSV within designated near natural areas. This would require a forest plan amendment, as the Stanislaus forest plan unequivocally states that near natural areas are not suitable for motorized use and that they should be managed as semi-primitive non-motorized.¹⁵ Forest plan direction is that near natural areas, including Eagle/Night and Pacific Valley, are closed to motorized use. It is unfortunate that the STF has not enforced this forest plan direction for decades, but that does not alter the fact that these areas were designated near natural and were supposed to be closed to motorized use for a reason. Eagle/Night and Pacific Valley both contain important habitat for rare forest carnivores (Sierra Nevada red fox and Pacific marten), are popular with non-motorized winter recreation visitors, and have high potential for future Wilderness recommendation in the upcoming forest planning process. Just because the STF has allowed unauthorized OSV use to proliferate by turning a blind eye in the past is insufficient justification to overrule all of the reasons that these areas were designated near natural in 1991. If the STF no longer feels these areas are deserving of a near natural designation that is a decision that must be made in as an example, on page 115: "Emphasis is placed on providing a natural appearing landscape in a non-motorized setting. Public motorized use is not normally allowed, and no timber harvest is scheduled." And "It meets the Forest Service criteria for the Recreation Opportunity Spectrum class of Semi-primitive Nonmotorized." forest planning when the Forest Service takes a more holistic look at the desired future for these areas and the appropriate management to achieve that future.

Travel planning does not drive forest planning, but, rather, must comply with the forest plan. We recognize that this can put the Forest Service in a difficult position if they have not fully enforced their forest plan in the past. We recently witnessed a similar situation on the Bitterroot National Forest, where the forest plan dates back to the 1980's but the travel plan was just completed in 2016. As part of the travel planning process the Forest Service concluded that, to maintain and manage for wilderness character, OSV use would no longer be permitted in recommended wilderness areas. Similar to the STF, OSV use had proliferated across the Bitterroot in the absence of any management decision-making by the Forest Service. However, the Forest Service recognized that the travel plan needed to comply with the Forest Plan and made the politically difficult decision to prohibit OSV use in recommended wilderness areas and wilderness study areas where it had long been established. Snowmobile groups challenged the travel plan decision, but it was recently upheld by the Montana district court.¹⁶

Not only is travel planning not an appropriate time to make forest plan amendments of this magnitude, especially considering that the STF is on pace to begin forest plan revision shortly, amending the forest plan is far more complicated than the DEIS believes. If the STF were to proceed with a forest plan amendment, the amendment is subject to the 2012 planning rule provisions at 36 C.F.R. part 219, and not the provisions of the 1982 planning

rule under which the current forest plan was developed.¹⁷ In addition, the amendment would need to comply with the amendment provision of the 2012 planning rule, which outlines how to amend forest plans written under the 1982 rule.¹⁸ The proposed plan amendments in Alternative 4 would be directly related to the substantive requirements within [sect][sect] 219.8 through 219.11 of the 2012 Rule, and therefore the Forest Service must ensure that the amendment satisfies these requirements. These requirements include providing for ecological sustainability by "maintain[ing] or restor[ing]": (a) "the ecological integrity of terrestrial and aquatic ecosystems and watersheds," including "structure, function, composition, and connectivity;" (b) air and water quality, soils and soil productivity, and water resources; and (c) "the ecological integrity of riparian areas," including their "structure, function, composition, and connectivity."¹⁹ Plans must also provide for: (a) "the diversity of plant and animal communities;" (b) "the persistence of native species;" and (c) "the diversity of ecosystems and habitat types."²⁰ In providing for social and economic sustainability, plans must account for "[s]ustainable recreation; including recreation settings, opportunities, and access; and scenic character."²¹ The decision document for the plan amendment "must include . . . [a]n explanation of how the plan components meet [those substantive] requirements."²²

In addition to its substantive provisions, the 2012 planning rule prescribes the process for a plan amendment. The process for amending a plan includes: Preliminary identification of the need to change the plan, development of a proposed amendment, consideration of the environmental effects of the proposal, providing an opportunity to comment on the proposed amendment, providing an opportunity to object before the proposal is approved, and, finally, approval of the plan amendment. The appropriate NEPA documentation for an amendment may be an environmental impact statement, an environmental assessment, or a categorical exclusion, depending upon the scope and scale of the amendment and its likely effects.²³ All of these 2012 planning rule prescriptions would need to be complied with if the STF were to revise the forest plan to accommodate OSV use in near natural areas.

Both the Pacific Valley and Eagle/Night Near Natural Areas are prime candidates for wilderness recommendation and are currently closed to motorized use under the existing forest plan. They should not be designated for OSV use unless and until the Forest Service determines through a full forest plan revision that winter motorized use in these areas is warranted and consistent with all relevant legal obligations. At that time (during forest plan revision), amendments to the winter travel plan and OSVUM could be proposed and considered. Although Alternative 5 only designates portions of both the Pacific Valley and Eagle/Night Near Natural Areas for OSV use, these designations would erode the Near Natural values across the entirety of both areas and conflict with current forest plan direction (not just the semi-primitive non-motorized ROS but also direction to protect their exceptional wildlife habitat, ecological, and primitive recreation values). Alternative 5 would allow two long fingers of OSV use areas to extend far into the heart of the Pacific Valley Near Natural Area, essentially eliminating that area from future wilderness consideration by allowing extensive motorized use into its wild heart. It would also allow the entire western half of the Eagle Near Natural Area to be open to OSV use, all the way to the Emigrant Wilderness boundary. Like Pacific Valley, designating so much of the Eagle area for OSV use will severely limit the possibility of adding this highly desirable wild area to the Emigrant Wilderness in the future. OSV planning should not foreclose on future opportunities for wilderness recommendation, especially when forest plan revision is just around the corner.

Finally, Alternative 5 would allow OSV use to occur far up into Long Valley. It is likely this designation will inadvertently allow for OSV use up the steep open slopes on both sides of the designated area, within the eastern portion of the Eagle Near Natural area. Alternative 5 would also open a portion of the Night Near Natural Area adjacent to Highway 108 at the very top of the Sonora Pass on the south side of the highway. Similar to the problem of containing snowmobiles within the area in Long Valley proposed for OSV use, this new open area at the top of the Sonora Pass would also be very difficult if not impossible to enforce to keep trespass out of the rest of the Near Natural Area and out of adjacent wilderness.

MINIMIZE DAMAGE TO SOIL, WATERSHED, VEGETATION AND OTHER FOREST RESOURCES

The National Core Best Management Practices (BMPs) for OSV use in Forest Service Manual 7716 instruct the Forest Service to designate a minimum snow depth and OSV season dates, and to manage by class of vehicle in order to protect underlying vegetation and soil. We are pleased to read in the DEIS that the STF intends to continue utilizing snow depth as a management tool, and we ask that the STF consider how season dates and managing by class of vehicle²⁴ could be utilized to further comply with these BMPs as part of the overall goal of minimizing impacts to forest resources. Recent research examining early season snowpack loss in the Sierra Nevada, and implications that these changes have for OSV travel planning indicates that the onset of the over-snow recreation season in the Sierra has shifted by approximately 2 weeks.²⁵

The Sierra Nevada is already seeing the effects of a changing climate, particularly in relation to the snow season. In a recent study, scientists identified an alarming and statistically significant decline in winter snow levels in the northern Sierra Nevada over the past 10 years.²⁶ Over this time period, the winter snowline in the northern Sierra Nevada has risen by approximately 1,200 feet. This trend is expected to continue into the future. Due to these impacts, land managers and recreationists cannot assume that areas that supported winter recreation in the past will continue to do so into the future. These findings support the STF's proposals to only designate areas above 5,000 feet in elevation for OSV use. It makes sense that in winter travel planning the STF would only designate areas for OSV use that receive consistent and ample snow throughout the winter. The STF should not designate areas that rarely receive sufficient snow for OSV travel (including the Interface Area), as these areas likely won't continue receiving snow into the future. Low elevation areas provide, at best, low quality OSV riding opportunities and generally don't receive enough snow to support OSV riding at all. However, they do contain other values like habitat for species including the California red-legged frog, mule deer, and bald eagles. Considering that climate change is causing the STF's snowline to move higher, designating low elevation areas for OSV use does not comply with the OSV Rule's requirement to conduct winter travel planning in areas that receive sufficient snow to support over-snow recreation. We fully support not designating low-elevation areas for OSV use.

Defining a minimum snow depth for OSV use is also an important tool for managing winter recreation in the era of a rapidly changing climate. Minimum snow depths help management be flexible and responsive to changing snowpack. The STF should set seasonal bookends that define the OSV use season beyond what the forest has proposed in Alternative 5 for Sonora Pass. Season dates can help minimize conflicts between uses (as proposed in the previous section), help to minimize impacts on wildlife (for instance, implementing a limited operating period during a sensitive species breeding period), and minimize impacts to resources (for example, eliminating use when vegetation is producing new growth or soils are beginning to thaw). There are other adaptive management approaches that the STF could consider incorporating into this plan to address changes in early-season snowpack. Adaptive management tools should be considered as tools that the STF may incorporate later, if monitoring indicates they are necessary. Although some of these tools may not be (and, unless necessary, should not necessarily be) utilized initially, if STF OSV plan includes monitoring questions, clear triggers, and management responses the STF may be able to adapt management to continue to support a winter recreation program even as snow seasons change. Some adaptive management ideas are presented in the following table from Hatchett and Eisen 2018²⁷:

SEE SUBMISSION - TABLE, Adaption Measure, Benefits and Challenges

SNOW DEPTH

We are pleased to see that each action alternative in the DEIS includes at least a 12 minimum snow depth for all OSV use on the forest. The DEIS makes a strong argument for requiring a minimum snow depth of at least 12 inches across the forest. For example, on page 18 the DEIS states "forest resource specialists, unanimously agreed that designating a minimum snow depth requirement in order to allow OSV use to occur was mutually beneficial and provided a means in which to minimize the likelihood of resource damage occurring as a result of

OSV use." The DEIS also goes into great detail describing the many impacts that OSVs may have on forest resources without sufficient snowpack to protect these resources. In addition, the DEIS is clear in explaining that less than 12 inches of snow, and less than 24 inches in both Stanislaus Meadow and Highland Lakes would be insufficient for resource protection. For these reasons, we support the minimum snow depths proposed in Alternative 5.

There are a number of ways in which the STF can measure and enforce minimum snow depths, and we were pleased to see that the STF described its intended management and enforcement approach on page 43 of the DEIS. As winter backcountry recreationists, we are aware that there is never a uniform level of snow across the landscape and that some areas can have extremely deep snow while nearby wind-swept ridges or south-facing hillsides may have none. This is the first time we have seen a forest in Region 5 actually describe how it intends to monitor and enforce minimum snow depth, including accounting for variations in snow depth, and we are pleased to see a viable plan presented. We do suggest, however, that the STF also consider how it will determine, and announce, when OSV trailheads are open for use (when minimum snow depth has been achieved).

We understand that the STF (and other forests) has limited staff capacity for snow depth monitoring. For that reason, we are working with Dr. Ben Hatchett, a snow scientist at the Desert Research Institute, to develop a predictive model relating SNOTEL and SNODAS data to snow depth at OSV trailheads in the northern and central Sierra Nevada.²⁸ Although the model is still under development, several findings from the preliminary study are applicable for STF OSV planning right now. One, it may be more useful for the STF to consider minimum snow density (measured as SWE). Two, snow depth and density can change dramatically throughout the snow season, and it is important that land managers be responsive to these changes in order to guard against resource damage. And, three, it is possible to utilize existing snow measurement stations to determine when there is sufficient snow on the landscape to open specific OSV trailheads.

Finally, we would like to alert the STF to ongoing research examining the issue of minimum snow depth. To our knowledge there has not been any quantitative research confirming a precise minimum snow depth necessary to protect against resource damage for Sierra Nevada snow conditions. However, we are also working with Dr. Hatchett at the Desert Research Institute to answer this question as well. Unpublished data from this ongoing research indicates that at least 18 inches of uncompacted snow is needed to protect against soil compaction. For this reason, we suggest the STF consider increasing the minimum snow depth to 18 inches in areas with sensitive soils.

SEASON DATES

To further comply with the requirement to minimize damage to forest resources, we urge the STF to expand the usage of OSV season dates beyond what is proposed in Alternative 5. Season dates should be considered bookends to the over-snow season, with minimum snow depth dictating more precisely when OSV use is allowed. Season dates help to protect forest resources in the shoulder season - both in the fall when people are eager to start their winter sports and in the spring when they are stretching the winter season to its very end. In both cases it is well documented that people - OSV users and skiers alike - are willing to travel over bare ground or ignore very low snow levels in order to reach areas with deeper snow. While skiers have the same impact as a hiker in this scenario, OSVs traveling over bare ground or minimal snow have the same impact as any other vehicle. These impacts include soil compaction, erosion, and vegetation damage. Season dates also help to separate uses to minimize conflict and minimize harassment of wildlife during the breeding season or other sensitive time periods.

As we discussed earlier in these comments, the snow season in the Sierra Nevada is changing significantly. On average, snow accumulation at OSV trailheads is now significantly later than was common 15 years ago.²⁹ In considering an appropriate season-opening date, the STF should consider historic "opening dates" based on

snow accumulation as described in the research cited here. We suggest December 1 as an average opening date for the forest, but this may need to be adjusted depending on the elevation of various OSV trailheads.

As described on page 163 and elsewhere in the DEIS, the STF uses April 30 as the assumed end to the OSV season for the purposes of wildlife impact analyses. Given the reasons stated in the DEIS30 we suggest that the STF winter travel plan set April 30 as the end of the OSV season across most of the forest and prohibit OSV use on the forest between May 1 and November 30. Considering OSV use drops off dramatically after March 31, an April 30 end-date is quite liberal and accommodates those who desire off-trail spring riding opportunities.

The final plan should also include more restrictive season dates for certain areas of the forest. For example, the STF could minimize conflict between uses in the Cabbage Patch to Black Spring and Herring Creek areas if it were to only authorize OSV use in these areas in the spring. Additionally, the Forest Service should apply a limited operating period for OSV use in Sierra Nevada red fox denning habitat to protect this rare species during a particularly vulnerable time of the year. The OSV season that the STF has proposed in Alternative 5 is wholly inadequate and contradicts recommendations by submitted to the STF during scoping by Sierra Nevada red fox (SNRF) experts. The forest plan requires limited operating period for SNRF from January through June to protect potential breeding. Because the most sensitive SNRF habitat proposed for designation is along Highway 108 starting at the Kennedy Gate, OSV use should only be allowed in this area prior to January 1. This and other wildlife-related minimization measures are described in the next section of these comments.

Given that climate change is altering snow seasons in the Sierra Nevada, including on the STF, the Forest Service should consider a variety of adaptive management strategies as part of this travel plan in order to further minimize impacts to soils, vegetation, and other natural resources. Several potential adaptive management tools are noted in Hatchett and Eisen 2018.

Recommendations:

- * Do not designate low elevation areas (below 5,000 feet, and the Interface Area) for OSV use.
- * Mandate a minimum snow depth of 12 inches for OSV travel on the forest, with greater depth restrictions in Stanislaus Meadow and Highland Lakes (24 inches), and in areas with soils that are particularly prone to compaction (18 inches).
- * Set an OSV use season of December 1 - April 30 for most areas of the forest and in sensitive wildlife areas.
- * Incorporate adaptive management into the travel plan so that the plan is flexible and responsive to "abnormal" winters and snow conditions.

MINIMIZE HARASSMENT OF WILDLIFE AND SIGNIFICANT DISRUPTION OF WILDLIFE HABITATS

We incorporate by reference here comments submitted by Dar[ccedil]a Morgan on behalf of our organizations. Among the concerns addressed in Ms. Morgan's letter, we wish to highlight that the DEIS does not include a robust analysis of project impacts to at-risk wildlife on the STF, and it has not yet proposed a responsible approach to managing for viable populations of at-risk wildlife. At-risk wildlife species include Pacific marten, fisher, Sierra Nevada red fox, Yosemite toad, and sooty grouse. The DEIS also fails to offer alternatives that comply with the OSV rule's requirement for minimizing impacts to wildlife. For example, designating OSV use within Near Natural areas - areas that were previously not deemed suitable for motorized use in order to protect forest carnivores - runs contrary to the Forest Service's obligation to minimize harassment of wildlife and significant disruption of their habitat by OSVs. Alternative 3 is the only alternative that minimizes impacts to wildlife, as it is the only alternative that does not propose to designate OSV use within areas that the Forest Plan determined should be non-motorized for the purposes of wildlife conservation.

ALTERNATIVES

The DEIS analyzes five alternatives. The Preferred Alternative, Alternative 5, does not fully comply with the minimization criteria of the Travel Rule, as it would designate important non-motorized recreation areas and sensitive ecological areas for OSV use. Alternative 3 does much more than Alternative 5 to minimize the conflict between motor vehicle use and other uses, and protects all important ecological areas on the forest, while still maintaining a robust OSV recreation program. Alternative 4 does not account for any other uses on the landscape, prioritizing OSV recreation above all other recreation and management uses and wildlife. Alternative 1, the Proposed Action, was first described in the scoping period in June, 2015. It would designate several important non-motorized recreation areas and two near-natural areas for OSV use and, like Alternative 5, does not minimize impacts to quiet recreation uses, wildlife, or natural resources. Alternative 2 does not meet the purpose and need of the project and reflects a status-quo in which the Forest Service has essentially not managed OSVs, allowing use to proliferate with no guidance.

As written, Alternative 3 is the only Alternative in the DEIS that complies with the Over-Snow Vehicle Rule. However, there are many positive elements in Alternative 5 and with some changes, incorporated from Alternative 3, a modified Alternative 5 could be a viable selected alternative.

Our thoughts on each of the alternatives are shared in more detail below.

Alternative 1

This alternative is the Proposed Action alternative and was first described in the scoping period in June, 2015. The alternative would designate 140,895 acres (15.7% of the forest) to OSV use, including the Pacific Valley and a portion of the Eagle/Night near natural areas, and all or part of five highly desirable, historically utilized non-motorized recreation areas. The important non-motorized recreation areas that would be designated in this Alternative are: Cabbage Patch to Black Spring, Mattley Ridge, Osborne Hill and Lake Alpine, a portion of Big Meadow, and Herring Creek. In addition, Alternative 1 would designate 24,767 acres and 44.68 miles of trail for OSV use in places that have previously received low to no OSV use. It also designates OSV use in populated areas where OSV use is not generally accepted, namely the Interface area, the Highway 108 West OSV area surrounding the Pinecrest/Dodge Ridge Designated Recreation Area, and the area surrounding the Experimental Forest.

Alternative 1 fails to minimize conflict between recreational uses in the four important non-motorized recreation areas listed above, as designating any portion of these areas for OSV use will do nothing to address the conflicts that currently exist in these areas, nor will it help stop displacement of nonmotorized winter recreationists from desirable terrain across the STF. In addition, this alternative designates areas that provide little to no OSV opportunity and in places where OSV use would cause conflicts with people living nearby. It is not a thoughtful consideration of how best to designate OSV use on the STF, and we are pleased to see that the STF has developed additional alternatives to consider in this DEIS.

Alternative 2

This is the No-Action alternative that would maintain the current management of OSV use on the forest. This alternative does not meet the purpose and need of the project because it would not designate any areas or routes for OSV use and would continue the current approach of essentially not managing OSVs on the STF. This alternative does not comply with the Over-Snow Vehicle Rule or the Purpose and Need of this project and cannot be adopted.

In addition to not complying with the OSV Rule and Purpose and Need for the project, this Alternative as mapped and described paints an inaccurate and misleading picture of current OSV use on the STF. The maps and descriptions of Alternative 2 in the DEIS leave the reader with the impression that OSV use is currently feasible and occurring across 684,505 acres on the STF - every acre of the STF that is outside of designated Wilderness.

This is inaccurate for several reasons. For one, much of the STF is either inaccessible (due to terrain or vegetation) for OSV use or does not receive enough snow, if any, to operate an OSV (generally, lands below 5,000 feet). Also, Forest Plan direction states that motorized use, including OSV use is not suitable in recommended wilderness, near-natural areas, special interest areas, or research natural areas. Therefore, the STF should never have allowed OSV use to occur in these areas. Where OSV use does occur within these designated areas it is not in compliance with forest plan direction.

In order to provide a useful and accurate baseline in this analysis, Alternative 2 should accurately reflect the current condition - it should depict where OSV use actually occurs on the STF and note where current usage is not in compliance with forest plan direction. In the FEIS the STF should revise its descriptions of Alternative 2.

Alternative 3

This alternative is based on the proposed alternative submitted by Snowlands Network and Winter Wildlands Alliance during the scoping phase. The alternative would designate as open 116,868 acres or 13.0% of the forest for OSV use and would not designate as open for OSV use about 18,000 acres or 2.0% of the forest where significant non-motorized recreation activity is currently taking place. That is, it would not designate any of the areas that we have described as highly desirable for non-motorized=winter recreationists. Also, this alternative would not designate any Near Natural or Proposed Wilderness areas for OSV use. Thus, this alternative would fully comply with all of the minimization criteria of the Travel Rule and would be consistent with the existing Forest Plan.

As written, this alternative would designate portions of the Emigrant Road and Sonora-Mono Toll Road special interest areas for OSV use, encompassing 7.4 acres in total. These areas should not be designated for OSV use, and Alternative 3 should be modified accordingly. Likewise, at Big Meadow= Campground on Highway 4, no portion of 7N02 above the 6400-foot level should be designated for OSV use.

Alternative 4

This alternative was submitted by motorized advocates during the scoping phase. The alternative would designate 191,099 acres (21.2%) open for OSV use, including 34,556 acres of Near Natural areas and 3,374 acres within Proposed Wilderness areas. This alternative, like Alternative 5, would designate OSV use in several of the areas where non-motorized recreation is taking place. Specifically, it would designate all or portions of Dodge Ridge, Herring Creek, Cabbage Patch to Black Spring, Big Meadow, Mattley Ridge, and the Osborne Hill and Lake Alpine backcountry ski and snowshoe areas. This alternative is also not consistent with the current Forest Plan as it would designate OSV use in areas where the Forest Plan states that OSV use is not suitable. It would also designate at least 24,767 acres and 44.68 miles of trail where there is little to no current or historic OSV use and no demand for OSV usage.

Alternative 4 would not minimize conflict between OSV use and other recreational uses, nor would it minimize impacts to and harassment of wildlife and their habitat. It does not offer any level of compromise or consideration for other uses and management goals. For these reasons, Alternative 4 is unacceptable.

Alternative 5

Alternative 5, the Preferred Alternative, would designate 97,963 acres (10.9%) open to OSV use, even less than Alternative 3. However, Alternative 5 would designate as open 6,053 acres within existing Near Natural areas and 382.3 acres within Special Interest areas. Alternative 5 would also designate as open for OSV use several areas where significant non-motorized recreation is occurring. Our specific concerns with Alternative 5 regarding quiet recreation are that it:

* Designates all of Mattley Ridge and Cabbage Patch to Black Spring as part of the North Highway 4 OSV area. This is a serious concern for us because these are among the primary areas on the STF for skiers and snowshoers looking for beginner to intermediate terrain. This North Highway 4 OSV area should be modified in the selected alternative to exclude the Cabbage Patch to Black Spring area and place a seasonal restriction on OSV use on Mattley Ridge. As noted earlier in these comments, Mattley Ridge should only be open for OSV use in the spring when Highway 4 is plowed.

* Although the Big Meadow Campground is not designated, road 7N02, the ski route to the Stanislaus River Overlook, is designated for OSV use because it falls within the Spicer OSV area. The Spicer OSV area should be modified in the selected alternative to exclude all of the Big Meadow non-motorized recreation area, including road 7N02 down to an elevation of 6400 feet.

* Includes both Osborne Hill and the Lake Alpine important non-motorized recreation zones within the Alpine OSV area. Both of these areas were previously closed to OSV use. Designating either of these areas is unacceptable for the non-motorized community. Designating the east end of Lake Alpine not only reduces the non-motorized area around the lake but requires a long ski or snowshoe through a motorized area to get to non-motorized lands. The once nonmotorized area along the east and south sides of Lake Alpine would be open for OSV use and the non-motorized route to Duck Lake would no longer exist.

* Includes all of the Herring Creek area within the Highway 108 OSV use area, failing to set any seasonal restrictions on OSV use in Herring Creek. As stated earlier in these comments, OSV use should only be allowed in Herring Creek in the spring once Highway 108 is plowed.

We appreciate that the STF at least recognizes 2 historic backcountry ski zones on the forest and that the Round Valley and Woodchuck Basin Near Natural Areas and Dodge Ridge area would be nonmotorized in Alternative 5. However, these are the only places (that skiers and snowshoers actually visit) that are set aside for non-motorized winter recreation on the entire forest. Round Valley and Woodchuck Basin would be the only accessible non-motorized areas along the Highway 4 corridor. All other non-motorized areas are too far from parking areas to access by most skiers and snowshoers.

Alternative 5 designates portions of both the Eagle/Night and Pacific Valley Near Natural Areas for OSV use. As we've already discussed in these comments, designating near natural areas for OSV use, purely to satisfy a small contingent of the public and reward decades of unauthorized use, is not adequate justification for designation and would not comply with the OSV Rule's requirements to minimize impacts to other uses, wildlife, and the natural environment.

Like Alternative 4, this alternative fails to satisfy the minimization criteria and is not consistent with the current Forest Plan. Alternative 5 is unacceptable as it stands. Throughout our comments we have proposed several modifications to Alternative 5 that would make it an acceptable option.

CLIMATE CHANGE

It is well documented that climate change is leading to a reduced snow season in the Sierra Nevada. Not only is the season getting shorter, the physical footprint of where snow occurs is shrinking.³¹ This means that in the future winter recreationists will have less space in which to recreate. Even in the high Sierra, where climate impacts are projected to be less severe than other locations, scientists predict that the snow season will decrease by at least 20 percent by 2050.³² This change is already happening. As we've already discussed in these comments, recent research in the Tahoe region reveals that snow accumulation is now occurring significantly later than it did just 10 years ago, and the average winter snowline has moved significantly uphill.³³

Climate change and accompanying changes in snow accumulation and snowpack on the STF will have significant repercussions for winter recreationists. As the total acreage covered by deep snow decreases there will be less space for recreationists to spread out to avoid conflict. Likewise, as traditional winter trailheads lose snow cover for all or part of the traditional winter season, use patterns will change.

The STF winter travel plan should be forward-looking and proactively address the conflict and access issues predicted to occur as snowpack continues to retreat.

Recommendations:

- * Do not designate low elevation areas (below 5,000 feet) for OSV use.
- * Include a minimum snow depth restriction of at least 12 inches for OSV use on the forest.
- * Make thoughtful designations based on quality of experience and minimization criteria rather than numbers of acres.

ECONOMIC IMPACTS

According to the STF's visitor use monitoring surveys and the DEIS, significantly more winter visitors to the STF engage in cross-country skiing than in snowmobiling. In the most recent NVUM survey crosscountry ski visits were more than double snowmobiling visits. In addition, downhill skiing (which overlaps with backcountry skiing, as there is no NVUM category for backcountry skiing) is one of the most popular activities on the forest. Nationally, all forms of undeveloped skiing (backcountry skiing, splitboarding, and cross-country skiing) are on the rise³⁴ and the Forest Service and USDA both see backcountry skiing as a top activity in terms of growth, predicting participation increases between 55%- 106% by 2060.³⁵ In contrast, as noted in the DEIS, OSV registrations in California are on the decline, and snowmobile sales nationally have declined precipitously over the past decade.³⁶ For these reasons, we find it curious that the economic impact section in the DEIS does not include details on the economic benefits of non-motorized winter recreation on the forest. In fact, non-motorized winter recreation is a primary factor in the region's winter economy and a key piece of the economic puzzle. The DEIS concludes that Alternative 3 would not measurably decrease OSV visitation to the ENF and therefore would not change the economic picture relative to today. However, if the DEIS more fully considered the economic benefits of non-motorized recreation, it might also conclude that improving recreation opportunities for skiers and snowshoers and minimizing user conflict, as Alternative 3 does, would significantly benefit the region's economy.

MONITORING AND ENFORCEMENT

Regardless of exactly where the specific areas and trails are designated for OSV use, the Selected Alternative must include a clear plan for monitoring and enforcement. The DEIS includes monitoring procedures designed to: (1) measure effectiveness of designations in avoiding or minimizing resource damage; (2) measure public compliance with designations; (3) document enforcement of designations; and (4) measure use levels and patterns of use, and identify concentrated use areas and notes that site- specific controls (including increased on-site patrol personnel) will be implemented as needed annually.³⁷ The DEIS also states that the STF will enforce minimum snow depth requirements by monitoring with routine patrols and issuing citations if necessary. Likewise, the STF proposes to rely on routine patrols to document any signs of damage occurring to forest resources. Without dedicated funding to support these procedures we're concerned that this element of the OSV plan will fall by the wayside. In addition, if routine patrols do not occur in places, and at times, where non-compliance is most likely, these patrols will not be effective. The monitoring plan should include a baseline schedule so that the STF collects consistent data that can inform adaptive management as the plan is implemented. In addition, by setting a schedule for monitoring and patrols, the Forest Service will be better able to direct staff and resources to this critical aspect of the OSV plan.

To ensure better compliance with the OSV plan, especially in light of limited enforcement capacity, the STF must create an OSV plan that does invite unauthorized use. For example, in Alternative 5 the STF proposes to authorize OSV use to occur far up into Long Valley where it will be impossible to ensure that OSVs always stay within the designated road corridor and don't "high-mark" on the open slopes on both sides of the corridor. Likewise, Alternative 5 would open a portion of the Night Near Natural Area adjacent to Highway 108 at the very

top of the Sonora Pass on the south side of the highway. Similar to the problem of containing snowmobiles within the area in Long Valley proposed for OSV use, this area at the top of the Sonora Pass would also be very difficult if not impossible to enforce to keep OSVs out of the rest of the Near Natural Area and adjacent Wilderness. We also have concerns about how the STF will enforce OSV restrictions around Highland Lakes and other areas where OSVs are known to trespass into non-motorized areas.

The STF must address funding - or the lack thereof - available to support the proposed mitigations, monitoring, and enforcement elements of the OSV plan. For example, although the Forest Service proposes to increase signage and compliance patrols to reduce or prevent OSV incursions into Wilderness, the DEIS does not discuss whether the STF has the resources necessary to support signage and patrols. Likewise, we would like to know if the STF actually has the resources needed to support education and enforcement measures, or whether the Forest Service hopes to work with partners to achieve at least some of these proposals.

We strongly support education, monitoring, and enforcement as tools for implementing the OSV plan. However, the STF must be honest with itself, and the public, about its capacity to actually carry out any of these proposed actions. The STF must design an OSV plan that it has the capacity to implement. If the Forest Service does not have the staff or resources educate the public about the new plan, monitor for compliance, and enforce OSV restrictions the plan will be nothing more than a nice idea. For it to be reality it must be designed such that it can be implemented. This includes not designating areas or routes that invite incursions into non-designated areas.

CONCLUSIONS Thank you for the opportunity to submit comments at this stage in the Stanislaus OSV use designation process. We appreciate the substantial amount of work that has gone into this analysis, and we hope that our comments will provide helpful information for the Forest Service to develop a Selected Alternative that meets the interests of all stakeholders and complies with the OSV Travel Rule. As currently written, Alternative 3 is the only Alternative we can support and is the only Alternative that minimizes conflict between recreational uses on the forest and OSV impacts to natural resources and wildlife. However, with the modifications we've described in these comments, Alternative 5 may prove to be a viable Selected Alternative.

In summary, we submit the following recommendations:

- * Do not designate for OSV use any of the areas described in the section "Important humanpowered winter recreation areas" starting on page 5.
- * Only allow OSV use within Mattley Ridge and Herring Creek backcountry ski areas when the major OSV access points in their respective areas are closed due to spring plowing.
- * Do not designate for OSV use any portion of the existing Near Natural Areas, Recommended Wilderness Areas, or Special Interest Areas, or reduce any of these areas in size by amending the current Forest Plan.
- * Do not designate low elevation areas (below 5,000 feet, and the Interface Area) for OSV use.
- * Mandate a minimum snow depth of 12 inches for OSV travel on the forest, with greater depth restrictions in Stanislaus Meadow and Highland Lakes (24 inches), and in areas with soils that are particularly prone to compaction (18 inches).
- * Set an OSV use season of December 1 - April 30 for most areas of the forest and in sensitive wildlife areas.
- * Designate Highway 108 as a PCT crossing point. Do not designate other areas adjacent to the PCT for OSV use.
- * Make thoughtful designations based on quality of experience and minimization criteria rather than numbers of acres open or closed for OSV use.
- * Incorporate adaptive management into the travel plan so that the plan is flexible and responsive to "abnormal" winters and snow conditions.

FOOTNOTES:

1 36 CFR Section 220.5(e)

2 80 Fed. Reg. 4500, Jan. 28, 2015, 36 C.F.R. part 212, subpart C

3 36 CFR Section 212.55(b)

4 36 C.F.R. [sect][sect] 212.81(d), 212.55(b).

5 36 C.F.R. [sect][sect] 212.1, 212.81(d), 212.55(b).

6 WildEarth Guardians v. U.S. Forest Service, 790 F.3d 920 (9th. Cir. 2015).

7 Ski Tours in the Sierra Nevada Volume 2, M. Libkind, Bittersweet Publishing Co., 1985, pg. 103.

8 See http://www.backcountryskitours.com/pages/tours_1000/1008_tour.htm.

9 Ski Tours in the Sierra Nevada Volume 2, M. Libkind, Bittersweet Publishing Co., 1985, pp. 88-100.

10 Ski Tours in the Sierra Nevada Volume 2, M. Libkind, Bittersweet Publishing Co., 1985, pg. 109-121.

11 Ibid, pp. 122-126.

12 Pacific Crest Trail Comprehensive Plan at pages 13 and 15,

https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5311111.pdf

13 Pacific Crest Trail Comprehensive Plan at page 21

14 See for example: <https://fasterskier.com/fsarticle/sierra-backcountry-skating/>

15 STF Forest Plan Direction. 2017. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd535378.pdf
Stating,

16 Bitterroot Ridge Runners Snowmobile Club vs. United States Forest Service. Case 9:16-cv-00158-DLC, Filed 06/29/18

17 36 C.F.R. [sect] 219.17(b)(2) (following a 3-year transition period that expired May 9, 2015, "all plan amendments must be initiated, completed and approved under the requirements of this part").

18 36 C.F.R. [sect] 219, https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd527654.pdf

19 36 C.F.R. [sect] 219.8(a).

20 36 C.F.R. [sect] 219.9.

21 36 C.F.R. [sect] 219.8(b)(2).

22 36 C.F.R. [sect] 219.14(a)(2).

23 36 C.F.R. [sect] 219.5(a)(2)(ii); see also id. [sect] 219.13(b)(1) (explaining that "[t]he responsible official shall .

. . [b]ase an amendment on a preliminary identification of the need to change the plan").

24 For example, the Tahoe National Forests has proposed differentiating between 2 classes of OSVs based on vehicle size, and only permitting larger tracked vehicles on groomed routes rather than also allowing them to travel cross-country.

25 Hatchett, B. J. and Eisen, H. G.: Brief Communication: Early season snowpack loss and implications for over-snow vehicle recreation travel planning, *The Cryosphere Discuss.*, <https://doi.org/10.5194/tc-2018-181>, in review, 2018.

26 Hatchett et al. 2017. Winter Snow Level Rise in the Northern Sierra Nevada from 2008 to 2017. *Water*: 9(11), 899; <https://doi.org/10.3390/w9110899>. Included as Attachment 4.

27 Table 1: Adaptation strategies to address loss of early winter snowpack for OSV recreation. from Attachment 5 - Hatchett, B. J. and Eisen, H. G.: Brief Communication: Early season snowpack loss and implications for over-snow vehicle recreation travel planning, *The Cryosphere Discuss.*, <https://doi.org/10.5194/tc-2018-181>.

28 Hatchett, Benjamin. 2017. Evaluation of Observed and Simulated Snow Depths for Commencing Over Snow Vehicle Operation in the Sierra Nevada. Report prepared for Winter Wildlands Alliance. Included as Attachment 6. And Hatchett, B. J. and Eisen, H. G.: Brief Communication: Early season snowpack loss and implications for oversnow vehicle recreation travel planning, *The Cryosphere Discuss.*, <https://doi.org/10.5194/tc-2018-181>, in review, 2018.

29 Id

30 DEIS pg. 164: "Based on surveys of Forest Snow Parks and designated OSV route access points, OSV use was documented until the end of April, at which point snow levels no longer allow continued use of designated OSV routes (California Department of Parks and Recreation 2010). Therefore, for the purpose of this analysis, April 30 is used as a cut-off date for the maximum period of interaction between snowmobiles and wildlife."

31 Wobus et al. 2017. Projected climate change impacts on skiing and snowmobiling: A case study of the United States. *Global Environmental Change* 45 (2017) 1-14.
<https://www.sciencedirect.com/science/article/pii/S0959378016305556>.

32 Id.

33 Hatchett et al. 2017. Winter Snow Level Rise in the Northern Sierra Nevada from 2008 to 2017. *Water*: 9(11), 899; <https://doi.org/10.3390/w9110899>.

34 See <https://winterwildlands.org/wwa/wp-content/uploads/2018/08/2018-Trends-and-Impact-Report.pdf>

35 Cordell, Ken H. (2010) Outdoor recreation trends and futures: a technical document supporting the Forest Service 2010 RPA Assessment. USDA Forest Service Southern Research Station. Available at: www.srs.fs.usda.gov/pubs/gtr/gtr_srs150.pdf and USDA Forest Service. (2016). See also National Visitor Use Monitoring Survey Results; National Summary Report. Available at www.fs.fed.us/recreation/programs/nvum/pdf/508pdf2015_National_Summary_Report.pdf

36 SnoWest Magazine, October 2017, pages 10-12. Fronts and Forecasts. Snowmobile Sales: No Snow = Low Snowmobile Sales. United States snowmobile sales dropped from 114,927 units in 1993 to 50,659 units in 2017. Although unit sales do not decrease every year, the overall trend is downwards. This trend is in part driven by low snow years.

37 DEIS at 42.

ATTACHMENTS:

Attachment 1: Included in Main Document - MAPS of Important Non-Motorized Areas

Attachment 4: Included in Main Document - Reference Hatchett et al 2017

Attachment 5: Included in Main Document - Reference Hatchett and Eisen, In Press

Attachment 6: Included in Main Document - Reference Hatchet 2017