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First name: Justin
Last name: Kooyman
Organization: Pacific Crest Trail Association
Title: Acting Director of Trail Operations
Comments: October 2, 2023

Forest Supervisor, Lesley Yen

Inyo National Forest Supervisor's Office

351 Pacu Lane, Suite 200

Bishop, CA 93514-3101

This letter submitted online at: US Forest Service NEPA Projects Home ([usda.gov](https://www.usda.gov))

RE: Pacific Crest Trail Association Comment Letter in response to the Inyo National Forest
Over-snow Vehicle Use Designation Project Proposed Action

Dear Supervisor Yen,

I am writing on behalf of the 15,400 member Pacific Crest Trail Association (PCTA). The PCTA is the Forest Service's primary private partner in the management and maintenance of the Pacific Crest National Scenic Trail (PCT). The foundation for this private-public partnership in the operation of national scenic trails dates to the 1968 National Trails System Act (Act). Section 11 of the Act, titled "Volunteer Trails Assistance" states in Sec. 11 (a), "[hellip] the head of any Federal agency administering Federal lands, are authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and manage, where appropriate, trails

throughout the Nation." As such, it is the PCTA's role within this collaborative management system to partner with the Forest Service to ensure sufficient management of the PCT's nature and purposes.

Fifty-five years ago today, the PCT was designated as one of our nation's first two national scenic trails with the passage of the 1968 National Trails System Act. The Act defines national scenic trails in Section 3(b):

"National Scenic Trails [hellip] will be extended trails so located as to provide for maximum outdoor recreation potential [emphasis added] and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass[hellip] efforts shall be made to avoid activities incompatible with the purposes for which such trails were established [emphasis added]."

Upon reviewing the Inyo National Forest Over Snow Vehicle (OSV) Use Designation Process Proposed Action and the interactive map, we are heartened to see that Forest Plan language and direction relating to the PCT is being incorporated into the planning process. Further, we appreciate that OSV use is not being proposed to be designated right up to the PCT tread. Although these are excellent steps to ensure that the non-motorized character of the PCT is protected for winter users, there are improvements that should be made in the planning process to ensure that the statutory direction in the National Trails System Act is sufficiently carried out within the OSV project. It is in the spirit of partnership that PCTA provides the following recommendations to improve the year-round management of the PCT.

On page 2 of the Proposed Action the document states, "OSV use is not allowed, by law, in designated Wilderness or on the Pacific Crest Trail [emphasis added]." Table D-6 contains a

2150 River Plaza Dr. Suite 155

Sacramento, CA 95833

916-285-1846 (Main Office)

www.pcta.org

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similar statement, "Motorized use is prohibited on the PCT by the National Trails System Act."

While these statements are partially true, they are not entirely accurate. Section 7(c) of the Act states:

"Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail. Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any national scenic trail shall be prohibited[hellip] [emphasis added]"

The Act prohibits the use of motorized vehicles by the general public "along" national scenic trails. The word "on" should not be substituted for or confused with the word or meaning of the word "along". The canons of statutory construction do not permit the assumption that when Congress chooses to use two different words or phrases that Congress intended for them to have identical meaning; and, Congress does use the word "on" in different sections of the Act. As such, it cannot be assumed that "on" and "along" have the same meaning within the context of national scenic trail management.

Building upon this, the use of motorized vehicles by the general public is the only activity that the Act expressly prohibits. This speaks to the strong Congressional intent for national scenic trails to provide primarily non-motorized experiences. Importantly and in relation to Sec. 7(c), motorized use is not grouped in with the "other uses" that may be allowed along the trail that do not substantially interfere with the nature and purposes of the PCT; motorized use has been explicitly and separately called out and prohibited. As a result, motorized use along the PCT is not subject to the substantial interference test; rather, it is a flat prohibition, and this is a key tenet of the Act. We request that you accurately express and carry forward this statutory direction in the OSV project.

While the interactive map is extremely well done and useful in evaluating where OSV use is proposed to be designated, the project maps themselves are not as helpful. In this version of the maps, the PCT isn't more than a faint line and the trail is not included in the map legends. We request that future maps more clearly illustrate the PCT and show the trail in the map legends.

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Our primary concern with the Proposed Action is the OSV use that is proposed to be designated near the PCT in the Reds Meadow and Agnew Meadows areas. In Reds Meadow, while the PCT is located in the Ansel Adams Wilderness, OSV use near the Upper Soda Springs Road is proposed up to the edge of the wilderness boundary. This provides only an area of approximately 50 feet of separation between the PCT tread and motorized use. We do not believe that this level of separation adequately provides for the PCT's nature and purposes as defined in the PCT Foundation Document, nor does it sufficiently comply with the Inyo Forest Plan MA-PCT-DC 03:

"The recreation experience is consistent with or complements a nonmotorized recreation setting. The trail may intermittently pass through more developed settings to provide for a continuous route. In winter, the trail has a natural appearing setting with few sights, sounds, and resource impacts from motorized use [emphasis added]."

Our primary concern with the Proposed Action is the OSV use that is proposed to be designated near the PCT in the Reds Meadow and Agnew Meadows areas. In Reds Meadow, while the PCT is located in the Ansel Adams Wilderness, OSV use near the Upper Soda Springs Road is proposed up to the edge of the wilderness boundary. This provides only an area of approximately 50 feet of separation between the PCT tread and motorized use. We do not believe that this level of separation adequately provides for the PCT's nature and purposes as defined in the PCT Foundation Document, nor does it sufficiently comply with the Inyo Forest Plan MA-PCT-DC 03:

"The recreation experience is consistent with or complements a nonmotorized recreation setting. The trail may intermittently pass through more developed settings to provide for a continuous route. In winter, the trail has a natural appearing setting with few sights, sounds, and resource impacts from motorized use [emphasis added]."

Consistent with the Foundation Document and Forest Plan direction, the PCT Comprehensive Plan states:

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"Snowmobiling along the trail is prohibited by the National Trails System Act, P.L. 90-543, Section 7(c)[hellip]. 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."

This last statement makes it clear that noise impacts associated with motorized use should be mitigated and snowmobile use should be "zoned" to sufficiently provide for the PCT's non-motorized character and intended experience.

To improve this proposal, we recommend that the OSV use designation boundary be moved east so that the Upper Soda Springs Road, and the near loop it makes, will act as the boundary for the OSV area. This will provide a clear physical landmark for the OSV riding area while separating motorized use further from the PCT.

Under the same rationale applied to the Agnew Meadows area, PCTA recommends that the boundary of the OSV area be moved east to the Minaret Summit Road where the road makes a sharp turn and loop. This will provide the PCT with greater separation from the impacts of motorized use, while providing a clear landmark (the road) for OSV riders to know where the OSV boundary is. PCTA does not take issue with the Agnew Meadows Road being opened to OSV use as this is an existing designated motorized route. Further, we appreciate that designated crossings of the PCT are both consistent with policy and needed by OSV riders to connect important riding areas and opportunities. Both proposals with the Reds Meadows and Agnew Meadows areas are consistent with recommendations that PCTA's Northern Sierra Regional Representative Connor Swift provided to the Inyo National Forest staff after the OSV pre-scoping workshops that occurred earlier this year.

PCTA supports mechanized and motorized recreation on National Forest System lands. We understand that OSV riders, just like non-motorized recreationists, are seeking new and fulfilling recreation opportunities on our shared public lands. PCTA supports these opportunities for

motorized and non-motorized users alike. However, we do so in a manner that still advocates for the sufficient management of the PCT as a Congressionally designated trail and area (as defined in the 2012 Planning Rule and Directives) to ensure that the trail's nature and purposes are protected.

Supervisor Yen, we appreciate your time and consideration of PCTA's comments regarding the Inyo National Forest Over-snow Vehicle Use Designation Project Proposed Action. We look forward to working with you and your staff as this project develops further.

In Partnership,

Justin Kooyman

Pacific Crest Trail Association

Acting Director of Trail Operations

CC:

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Lindsey Steinwachs, U.S. Forest Service, Pacific Crest Trail Program Administrator

Adam Barnett, Inyo National Forest, Public Staff Officer

Erin Noesser, Inyo National Forest, Assistant Forest Planner

Megan Wargo, PCTA Executive Director