

Data Submitted (UTC 11): 8/6/2015 12:00:00 AM

First name: John

Last name: Buckley

Organization: CSERC

Title:

Comments: -----Original Message-----

From: John Buckley [mailto:johnb@cserc.org]

Sent: Wednesday, August 05, 2015 4:45 PM

To: Ashmead, Phyllis -FS

Cc: Megan Fiske; Julia Stephens; Lindsey Myers

Subject: CSERC's OSV comments

August 5, 2015

From John Buckley

CSERC

P.O. Box 396

Twain Harte, CA 95383

To Phyllis Ashmead

Stanislaus OSV Project Team Leader

Stanislaus National Forest

19777 Greenley Road

Sonora, CA 95370

Dear Phyllis:

Attached is a digital copy of CSERC's written comments, including a text description of a CSERC Alternative that would modify the Proposed Action Map and actions described in the STF OSV Use Designation Proposed Action packet.

I will also be hand-delivering two signed/printed copies of these comments to the S.O. to be passed on to you for your use and consideration. I will also submit comments online electronically as requested.

If your schedule allows a time when I can meet with you at the S.O. to explain the context for these comments and to explain specific requests, to clarify proposed modifications of the Proposed Action, and to answer any questions you may have, I would be glad to schedule an hour for such a discussion.

Please let me know if that would be helpful or not. Unless you see value in having others also participate, I would be glad to simply communicate the highlights of these comments to you, but if you prefer to add other participants to such a discussion, I would be glad to highlight these comments with whoever you judge to be appropriate.

If for any reason the attached comments are not easily opened, let me know, and I will send them in a different format.

Thank you...

John Buckley

CSERC

August 5, 2015

Phyllis Ashmead
Stanislaus OSV Project Team Leader
Stanislaus National Forest
19777 Greenley Road
Sonora, CA 95370

COMMENTS - STANISLAUS FOREST OVER-SNOW VEHICLE USE DESIGNATION

To Phyllis Ashmead and the Stanislaus Forest OSV plan I.D. Team:

PREFACE FOR THESE COMMENTS

For more than 20 years CSERC has been fully engaged in Stanislaus Forest plans, projects, and policy discussions tied to off-highway-vehicle (OHV) and over-snow-vehicle (OSV) use on USFS lands. At every opportunity our staff has attended winter recreation management meetings, met directly with district rangers and forest supervisors, cross-country skied, snow-shoed, ridden snowmobiles, and hiked on foot through snow-covered forest landscapes.

In terms of Near Natural areas, Wilderness, and various areas zoned for non-motorized use, our staff has actually been formally recognized by previous Forest Supervisors and Stanislaus Forest staff for knowing those areas of the Forest better than agency staff. CSERC has consistently worked to ensure that there is protection for the vulnerable wildlife resources that are our highest priority, even as we have tried to be open-minded to motorized group demands or the explanations of their priorities.

The conservation community's successful lawsuit against the Stanislaus Forest Travel Management Plan and designation of new OHV routes was a result of the Forest Service being judged by the court as failing to meet its obligation to minimize environmental impacts in applying the Travel Management Rule. In repeated comments during that process, CSERC continuously raised concern over the Forest's inadequate efforts to minimize impacts in the plan. Yet Forest officials shrugged off our input, resulting in a loss in court for the Forest Service.

Now with this OSV plan, Forest officials are clearly aware that our CSERC staff and interested members of our Center are deeply frustrated by what we perceive to be an Over-Snow Vehicle Use Designation proposed action that is highly negative for at-risk forest resources, is biased towards motorized use, rewards flagrant violators of current Forest Plan land use designations, and deviates from the Purpose and Need. The Proposed Action, as currently presented, also contains major NEPA flaws and deficiencies that are similar to the flaws in the Travel Management Plan that led to the conservation community's successful legal challenge.

Despite a professed desire by Regional leaders and Stanislaus Forest officials to build a trusting, collaborative relationship with the full range of interests, the OSV Proposed Action is a thumb in the eye to the conservation community that has repeatedly urged Forest Supervisors and District Rangers to enforce the existing Stanislaus Forest LRMP and to comply with mandated direction. Instead, Stanislaus Forest leaders continue to align themselves with pro-use, pro-motorized interests as is reflected by the Proposed Action.

A SUMMARY LISTING OF CSERC'S MAIN CONCERNS

- 1) For more than two decades local officials have deliberately avoided implementing clear legal direction in the existing Forest LRMP plan for managing non-motorized areas in order to avoid criticism from politicians and motorized interests. Year after year, the Forest irresponsibly chose not to adopt Forest Orders to enforce the Stanislaus Forest LRMP requirements to keep snowmobiles out of non-motorized Near Natural areas. In a twist of logic, the Forest now uses the fact that snowmobile trespass occurred for years (due to no meaningful USFS enforcement) as grounds for legalizing motorized use in non-motorized areas in the current plan.
- 2) The Purpose and Need for the OSV plan does not provide any proven need or any clear rationale for expanding OSV access into areas not currently legally available for riding.
- 3) Approving legal motorized use in Rare II inventoried roadless Near Natural areas has high potential to eliminate any realistic future possibility for those areas to be designated as Wilderness. Once legal motorized use is the status quo, Congress will not remove it.
- 4) The Proposed Action would significantly increase risk to four at-risk furbearer species; and at least for the Sierra Nevada red fox and the American marten, that risk would be illegal.
- 5) The Proposed Action fails to assure mandated realistic, enforceable protection for the recently listed Sierra Nevada Yellow-Legged Frog and the Yosemite Toad in specific areas known as vulnerable for the two species.
- 6) The basis in the Proposed Action for assuring avoidance of significant impacts caused by OSV use or by snow grooming is dependent upon unenforceable rules or upon totally unrealistic levels of agency monitoring that exceed any feasible staffing levels.
- 7) The Stanislaus Forest OSV plan as proposed deviates from the intended focus of the settlement agreement between the agency and Snowlands, instead shifting from the consideration of snow grooming impacts to a Forest proposal to open wild areas to OSV use.
- 8) The Proposed Action violates NEPA because the potential negative effects of continuing to groom or to start grooming 14 miles of county easement road segments will apparently not be analyzed as a cumulative impact that combines with the effects from the 58 other miles of routes that are formally proposed to be groomed ("not a part of this project").
- 9) Un-groomed routes are not accurately defined, identified, mapped, nor appropriately communicated to the public in either the Proposed Action or at public Open House sessions.
- 10) Insufficient areas are provided in the Proposed Action for either snow-play or for non-motorized over-snow recreation separate from snowmobile use areas.
- 11) The Proposed Action is inconsistent with the clear management direction spelled out and substantiated in the current existing Stanislaus LRMP EIS and ROD.
- 12) Doing a Forest Plan Amendment to change Near Natural management from non-motorized to motorized conflicts with Regional direction to start a full Stanislaus Forest Plan revision next year. Opening a percentage of Wilderness-eligible roadless areas to motorized use in this OSV plan would be an act taken without full analysis or consideration of the suite of management options for roadless areas that will be required to be considered in the Forest Plan revision process.

For all of the key reasons highlighted above, CSERC strongly opposes many of the actions defined in the

Proposed Action. With the detailed comments that follow, we provide context for our concerns, suggest ways to correct the problems, and also identify NEPA flaws or deficiencies that make the Proposed Action unacceptable for being the preferred alternative or selected alternative.

With these comments, CSERC emphasizes our support for the high level of expertise that The Wilderness Society comments contain when it comes to the intent of the national USFS office's policy direction for Subpart C (and in particular how a Forest should minimize conflicts and minimize resource impacts). We ask that the Forest and Enterprise team cross-reference these CSERC comments with those from The Wilderness Society and recognize our Center's strong support for the policy-level input that is being submitted by The Wilderness Society in response to this Stanislaus Forest OSV proposed action.

SPECIFIC DETAILED COMMENTS

1) FOREST OFFICIALS CONSISTENTLY FAILED TO ENFORCE CLEAR LEGAL STANISLAUS FOREST LRMP DESIGNATIONS AND NOW POINT TO THE RESULTING SNOWMOBILE TRESPASS INTO SPNM AREAS AS "HISTORIC USE" AND RATIONALE FOR THE PROPOSED ACTION

The Stanislaus Forest Land Management and Resource Plan is the agency's binding land management agreement between the U.S. Forest Service and the public. Yet despite clear legal language in the Stanislaus Forest LRMP of Forest Supervisor Jan Wold's intent to exclude motorized use from Near Natural roadless areas, agency officials year after year chose not to adopt Forest Orders that were necessary so that staff could legally and effectively enforce the Forest Plan requirements.

Instead, for more than two decades Forest officials have openly spurned environmental community requests for the agency to adopt Forest Orders to fully ensure compliance with the Forest Plan and to enforce the clearly defined land use designation of Semi-Primitive Non-Motorized requirements in Near Natural areas. At past public discussion meetings (such as at Bear Valley where CSERC staff attended Highway 4 winter management planning meetings along with USFS representatives and pro-snowmobile user advocates), some motorized users openly flaunted the fact that they knew the Forest Service had no true enforcement authority to actually fine or to confiscate the equipment of snowmobile riders trespassing into roadless areas. One Calaveras District staff person supportive of the snowmobilers often publicized the agency's lack of enforcement authority and capability at meetings. Other USFS staff openly told snowmobilers (including at 2015 Open House meetings) that the only place they can currently receive a ticket is within congressionally designated Wilderness.

Accordingly, based on the agency's choice not to enforce clear land use designation requirements in the existing Forest LRMP, the public's expectation that the Forest Service can be trusted to abide by and enforce its own, legally adopted Forest Plan has been broken. And now, to further weaken trust, the trespassing violators would be rewarded if the Proposed Action ends up being approved (by having their trespass areas turn into legal riding areas).

Solution: Either as part of the OSV Plan process or separately, Forest Orders or equivalent enforcement regulations need to be adopted to fully enforce the non-motorized land use designations in the existing Stanislaus Forest LRMP. Enforcement by Forest staff also needs to provide clear consequences for violations, rather than weak encouragement to violators to "not violate again" in the future. Forest Orders (or equivalent enforcement policies) and the connected consequences for violations need to be publicly displayed and communicated in all appropriate forms.

2) THE PROPOSED ACTION DOES NOT MATCH THE PURPOSE AND NEED

As presented to the public, the Purpose and Need is described as twofold: first to effectively manage OSV use by providing access, ensuring that OSV use occurs when there is adequate snow, promoting the safety of all users, enhancing public enjoyment, minimizing impacts to natural and cultural resources, and minimizing conflicts among the various uses. (Underlining done for emphasis)

Second, the Purpose and Need for the project aims to identify OSV trails where the Forest Service or its contractors would conduct grooming.

Nowhere in those two portions of the Purpose and Need statement is there any "need" identified to legalize new, expanded motorized snowmobile use into areas that the existing current plan specifies for non-motorized management.

Buried in the third paragraph on page 3 of the Proposed Action is the debatable claim that public OSV use of the majority of the available system continues to be manageable and consistent with current travel management regulations. In reality, district rangers and their staff at OSV open house meetings have frankly acknowledged that boundaries as shown on maps have not been enforced, that trespass into Near Natural areas has gone without consequences for years, and that limited Forest Service staff and resources make it highly challenging for the staff available to manage snowmobiler riders who do not choose to responsibly abide by legal requirements.

In that paragraph, after mentioning "exceptions to where the available system is manageable and consistent with current regulations", the Proposed Action reads: "These include needs to provide improved access for OSV users..."

CSERC strongly disputes that there is any evidence to justify that so-called "need" to improve or expand access for OSV users. That claimed "need" simply reflects the opinions of a very limited number of influential Forest management staff members who believe it is desirable to expand the legal options available for OSV riders. Given that there is no evidence on the matter in the Proposed Action one way or the other, the paragraph could just as easily be written to read that "based upon internal and public input, there is a need to reduce access for OSV users in order to minimize conflicts with resources and other recreational users."

There is no evidence that justifies using the Snowlands Settlement Agreement that was intended to analyze snow grooming to now instead shift the Stanislaus Forest OSV planning process to opening non-motorized Near Natural areas in order to improve access to remote terrain for OSV users.

CSERC re-emphasizes that there is no evidence provided in any form showing that there is any compelling need to provide improved or expanded access for snowmobilers. On the contrary, the only surveys of recreational use done on the Stanislaus Forest identified snowmobile users as being only a tiny percentage (1.7%) of overall recreational visitors to the Forest. In contrast to the fact that most winter visitors are families coming to the forest for snow-play or are quiet recreation snowshoe users or cross-country skiers, snowmobilers tend to be limited to concentrated use areas along the upper Highway 4 and Highway 108 corridors.

CSERC CANNOT OVER-EMPHASIZE OUR OPPOSITION TO THE FOREST STAFF GIVING IN TO PRESSURE BY EXTREME SNOWMOBILE USERS AND PROPOSING TO LEGALIZE OSV USE IN AREAS CURRENTLY DESIGNATED AS NEAR NATURAL SEMI-PRIMITIVE NON-MOTORIZED BY THE EXISTING LAND AND RESOURCE MANAGEMENT PLAN.

That is not just a position based on a desire to protect the long-term potential for an area to be designated as Wilderness (a point covered later in these comments). Nor is CSERC's opposition based only upon the fact that the Forest first legally designated areas for non-motorized roadless management, and then shrugged off the agency's responsibility to manage those areas as per the agency's own legal requirements.

As will be underscored with additional details later in these comments, opening up currently non-motorized Near Natural areas would create negative resource impacts for wildlife, would pre-judge the outcome of new Forest LRMP planning to be launched next year, and would increase the potential for further snowmobile trespass into existing Congressionally designated Wilderness areas. It would also directly conflict with the agency's rationale for why the Near Natural areas were explicitly designated as non-motorized in the first place.

Solution: To be consistent with the stated Purpose and Need, the OSV Plan should only reflect the purposes outlined in the Proposed Action document, and the Forest should not attempt to go beyond the Purpose and Need to add new "snowmobile use areas" in existing roadless Near Natural semi-primitive non-motorized areas.

3) ALLOWING MOTORIZED USE IN RARE II ROADLESS NEAR NATURAL AREAS WILL POTENTIALLY ELIMINATE THOSE AREAS FOR FUTURE CONSIDERATION AS WILDERNESS

Attached at the end of these comments is an e-mail sent by CSERC to Calaveras District Ranger Bill Lorenz in 2007 after representatives of The Wilderness Society, the Sierra Club, and CSERC joined with USFS staff and snowmobilers to ride snowmobiles collectively up to the snowmobilers' most desired high-marking site inside the non-motorized Pacific Valley roadless Near Natural area.

In that e-mail, CSERC reaffirms previous conversations between the staff and Forest Service officials that explain our position that opening up a roadless area to motorized use is a significant negative environmental impact that has high potential to cause a resulting elimination of that area for realistic consideration or successfully designation as Wilderness in the future by Congress. As noted then and in many direct conversations by CSERC staff with current Forest officials, there is no realistic probability of Congress halting motorized use in an otherwise wild area and to then designate the area as Wilderness. In almost all cases when the question is remote national forest land, Congress will not remove existing motorized use (which is not consistent with Wilderness management) to then designate the area as official Wilderness. Any EIS analysis of the Proposed Action must assess the potential permanent negative impact to wilderness values if the OSV Plan changes the land use designation from non-motorized to motorize for areas that are eligible for future Wilderness consideration.

Thus, the Proposed Action's intent to open up the Pacific Valley Near Natural roadless area and the Eagle Near Natural roadless area and portions of the Night Near Natural roadless area to motorized use must be considered for the potential impact on Wilderness eligibility. Any DEIS analysis must consider the Proposed Action's potential for the new legal motorized use in roadless areas to have a significant impact on each area's potential to be designated for Wilderness in the future.

Solution: There is no proven or established need to eliminate any portion of the three roadless Near Natural areas from having full consideration for future designation as Wilderness. On the contrary, it would be a significant negative effect to strip (or to significantly diminish) the Near Natural SPMN roadless areas of their otherwise high quality eligibility to be eventually designated Wilderness by Congress. The Proposed Action's plan to adopt a Forest Plan Amendment to open SPNM areas to motorized use should be dropped.

4) THE PROPOSED ACTION WOULD SIGNIFICANTLY INCREASE RISK TO RARE FURBEARERS

The status of furbearers such as the Sierra Nevada red fox, the American marten, the Pacific fisher, and the wolverine ranges from the species likely being already extirpated from the Stanislaus Forest (the wolverine), to having low potential to still be found in the Stanislaus Forest (the fisher), to having extremely low population

numbers and very high risk for near-term extirpation (the Sierra Nevada red fox), to having low population numbers that continue to make the species sensitive and at-risk (the marten).

So despite uncertainty as to whether or not all four of the highly vulnerable furbearer species are all still presently inhabiting the higher elevations of the Stanislaus Forest, there is absolutely no debate that the four species are at-risk and in need of protection in the national forests of the Sierra Nevada. Accordingly, suitable habitat for the four species, and especially for the fisher, wolverine, and Sierra Nevada red fox, must be given careful consideration for a high level of habitat protection and for management planning that will avoid unnecessary disturbance. From a legal perspective, allowing snowmobile disturbance to intrude into currently off-limits areas of suitable habitat for an at-risk furbearer species would not be "minimizing" a resource conflict, but would instead be clearly causing or exacerbating a resource conflict.

The Forest Service is obligated under Executive Order 11644 and agency regulations (36 CFR 212.55(b), 212.81(d)) to make OSV designations to minimize impacts to furbearers and other resources.

Yet in direct conflict with that legal obligation to protect sensitive at-risk species and to minimize resource conflicts, the Stanislaus Forest OSV Proposed Action plan would allow OSV use in areas that are not only highly suitable furbearer habitat, but that are also presently off limits to all motorized use. Thus, the action would add stress and disturbance for those species.

It is also important to consider the cumulative impacts of opening the Near Natural areas (noise, disturbance, snow compaction, etc.) because those impacts will be cumulative with snow grooming that would continue to intrude into areas of highly suitable habitat for the four at-risk furbearers (Highway 4, Highland Lakes Road, Clarks Fork Road, Highway 108). By allowing that grooming to continue, the proposed action will result in the potential for coyotes and other competing carnivores to travel on packed snow high into otherwise difficult-to-access Sierra Nevada red fox habitat, threatening that vulnerable species with predation and competition for prey. Noise and active disturbance by the snowmobiles themselves, especially in newly legalized snowmobile use areas, would further aggravate the cumulative effects of the overall OSV management plan on furbearers.

The U.S. Forest Service is currently coordinating with the U.S. Fish and Wildlife Service, university research scientists, scientists with the State Department of Fish and Wildlife, CSERC, and the National Park Service to increase scientific understanding of exactly where the Sierra Nevada red fox still persists, what the status of its small population is, and what risks continue to threaten the Sierra Nevada red fox.

For the Sierra Nevada red fox as well as other identified at-risk furbearers, there are two distinct categories of risk created by the proposed action of the Stanislaus Forest OSV plan.

First, there would be the continuation of the "status quo" potential negative impacts to furbearers, which include:

- * Grooming of upper Highway 4;
- * Grooming of the Highland Lakes Road;
- * Allowing snowmobilers to ride in the Bloomfield to Highland Lakes area;
- * Allowing snowmobilers to continue to ride on routes in the Spicer area;
- * Allowing snowmobilers to ride in the Eagle Meadow to Sardine Meadow area; and
- * Allowing snowmobilers to continue to ride within a block of habitat on the south side of Hwy 108 along the very top of the Sonora Pass,

All of these status quo "continuing" impacts of snowmobile riding use or grooming activity followed by snowmobile use would result in noise, disturbance, potential alteration of furbearer movement, as well as impacts on hunting, breeding, or denning by marten and by the Sierra Nevada red fox (and also potentially for the wolverine and fisher).

IMPORTANT NOTE:

IN AN ATTEMPT TO PROPOSE A BALANCED OSV PLAN SOLUTION THAT IS REALISTICALLY BENEFICIAL FOR MOTORIZED INTERESTS AS WELL AS AFFECTED RESOURCES, CSERC IS NOT PRESSING FOR GROOMING TO BE ENDED IN MOST AREAS NOW GROOMED DESPITE THE POTENTIAL NEGATIVE IMPACTS THAT EXISTING GROOMING NOW HAVE AND CONTINUE TO HAVE FOR AT-RISK WILDLIFE SPECIES. CSERC IS NOT ASKING THAT SNOWMOBILE USE BE CURTAILED ALONG HIGHWAY 4, ALONG AN UNGROOMED HIGHLAND LAKES ROAD CORRIDOR, IN THE SPICER AREA, OR IN THE EAGLE MEADOW TO SARDINE MEADOW AREA.

CSERC IS GENERALLY ACCEPTING OF ALLOWING MOST OF THE LEGAL "STATUS QUO" USE AREAS TO CONTINUE TO HAVE SNOWMOBILE USE IN RECOGNITION OF THE NEED FOR BALANCED TRADE-OFFS WITH FOREST MANAGEMENT PLANS. BUT WHEN IT COMES TO IMPACTS ON FURBEARERS, CSERC BELIEVES THAT THE PROPOSED ACTION IS HIGHLY VULNERABLE TO A LEGAL CHALLENGE EVEN IF THE SOLE ISSUE IS ITS IMPACT TO RARE, AT-RISK WILDLIFE.

These are some of the NEW potential negative impacts for furbearers that would be caused by approval of the Proposed Action:

* Opening the vast, diverse high elevation habitat area of the Pacific Valley Near Natural area would pose significant risks for furbearers because:

- (a) The area is supposed to be given special consideration protection for fisher and marten as per the 1991 Stanislaus Forest LRMP and Map 3, Appendix 1; thus it is specifically identified by the current LRMP as an area of importance to those two furbearer species. The Forest cannot simply dismiss that existing special consideration and switch to opening up the area to currently illegal motorized use.
- (b) The roadless Near Natural area contains a proven population of marten based on CSERC and FS photo-detection stations;
- (c) The area contains some areas with valuable middle elevation as well as high elevation suitable winter habitat for furbearers, including habitat for Sierra Nevada red fox;
- (d) The Pacific Valley Near Natural area lies closely adjacent to proven detections of the Sierra Nevada red fox (contact STF biologists for verification), and
- (e) Once snowmobilers are legally allowed into the upper ridges and slopes of the Pacific Valley Near Natural Area in areas around Lookout Peak and Black Dome, there is no realistic agency capacity to keep trespassing riders out of the directly adjacent Carson-Iceberg Wilderness and its high value furbearer habitat.

* Similar to issues affecting the Pacific Valley Near Natural area, opening a large portion of the extremely diverse, upper elevation habitat area of the Eagle Near Natural area also poses significant potential risks for furbearers because:

- (a) The area is specified for special consideration protection for fisher and marten as per the Stanislaus Forest LRMP and Map 3, Appendix 1,
- (b) The Eagle Near Natural roadless area contains a proven population of marten based on CSERC and FS photo-detection stations,
- (c) Similar to the Pacific Valley Near Natural area, the Eagle/Night Near Natural area contains portions of upper middle elevation as well as high elevation suitable winter habitat for furbearers;
- (d) The Eagle/Night Near Natural area lies directly adjacent to the Emigrant Wilderness, so legalizing snowmobilers to ride up to the undefined boundary of the Wilderness assuredly increases potential for increased levels of trespass into Wilderness areas that are suitable habitat for not just Sierra Nevada red fox, but also for marten and potentially for wolverine.

* In terms of opening roadless area to snowmobilers and the resulting risk such an action would create for furbearers, the proposal to open up a slice of the Night roadless area at the top of the Sonora Pass is inconsistent with the requirement to minimize travel management conflicts with resources:

(a) Similar to the Pacific Valley and Eagle roadless Near Natural areas, the Night roadless area is supposed to be given special consideration protection for marten as per the Stanislaus Forest LRMP and Map 3, Appendix 1,

(b) The area contains a proven population of marten based on CSERC and FS photo-detection stations, plus it contains proven scat evidence of Sierra Nevada red fox and includes areas adjacent to acres with proven photo evidence of Sierra Nevada red fox;

(c) The area contains very little attractive riding for snowmobilers in the lower slope area down along the flatter terrain along the Highway corridor itself, so most riding would likely see OSV riders push high into the upper slopes where habitat suitability is highest for the Sierra Nevada red fox; and

(d) The mapped area showing supposed existing OSV riding area on the south side of Highway 108 along much of the last two miles in the Sonora Pass deviates from the official map in the Stanislaus Forest LRMP EIS. Thus CSERC does not agree that the broad swath of area in brown (12" depth open to OSV use) on the current map is actually mostly currently available for OSV use. That is not what the LRMP EIS map shows. Our staff would be glad to discuss this in person with the team.

* Finally, to underscore the highest wildlife conflict, all of the Near Natural areas that are proposed to be open to OSV use contain potential or proven suitable habitat for the highly vulnerable Sierra Nevada Red Fox. Impacts and concerns regarding the SNRF that need OSV Plan consideration include:

(a) There is presently a lack of basic information about Sierra Nevada Red Fox - In the 2010 SNRF Conservation Assessment, USFS researchers acknowledge that the "ecology of mountain red foxes in North America is poorly known ... only 3 comprehensive ecological studies have been conducted...majority of the scientific understanding of red fox ecology in North America is based upon research conducted in the eastern and mid-western United States (Aubry 1983) in profoundly different habitats than inhabited by the Sierra Nevada Red Fox" (Perrine 2010).

(b) Breeding - The breeding biology of the SNRF is not definitively known, though other mountain foxes' habits suggest breeding occurs in mid-February, with pups being born in late April. This also is a time when snowmobiles are typically regularly accessing the high country, and when mid-size carnivores may be particularly "vulnerable to human uses during the stressful winter period" (Olliff et al. 1999). Red fox reproduction is strongly correlated with local prey availability, particularly in the winter (Perrine 2010). Mortality of small mammals in the winter "is markedly increased under areas compacted by snowmobiles" (Olliff et al. 1999). This reduction in prey base for SNRF may lead to lower reproductive rates. It is too risky for such a small population to experience potential reductions in recruitment - especially when facing the additional threat of non-native red foxes successfully interbreeding with SNRF.

(c) Habitat requirements - It is unclear what the lower elevation limit for SNRF is during the winter period in particular. It is believed to be "150m to 500m lower" than its summer range (Perrine 2010). This means there is the potential for SNRF to range as far down as 1200m / 3937 feet into the areas proposed for snowmobile access. The importance of protecting SNRF access into middle upper elevation habitat areas in winter is not known, but these lower than summer season elevation areas could provide a crucial habitat component for SNRF.

(d) Given the lack of research about the ecology and basic biological aspects of the SNRF, it is unsurprising that there is not information available about the potential impacts of over snow-vehicle use on the SNRF. An at-risk species should be given the benefit of the doubt, and the agency should assume that there will be an impact from a potential significant threat until further study suggests otherwise. An older study from Canada documented from surveying red fox tracks to conclude that foxes used the compacted snowmobile trails more frequently than the nearby snowy forest (Neumann and Merriam 1972). This could increase the potential for collisions between snowmobiles and foxes, but at the very least, it also should be evidence that coyotes can, and will, also use groomed routes or snowmobile routes where snowmobiles compact the snow. Additionally, higher levels of glucocorticoids, an indicator of stress, were documented in wolves and elk in areas where snowmobile use was

high (Creel et. al 2002). Indirect effects, such as mortality or decreased fitness from sustained high levels of glucocorticoids, are more difficult to document, as they may not become apparent until sometime after the stressor is no longer present.

CSERC acknowledges that at this time, there are not narrowly focused scientific studies that conclusively prove that snowmobiles do or don't diminish hunting success by the Sierra Nevada red fox or affect its travel movements or affect the fox's prey species. But that lack of proven negative impact also cuts both ways. Without evidence to prove that snowmobiles are a benign influence upon the Sierra Nevada red fox (and potentially also upon the wolverine, fisher, and marten that could or do inhabit the various Near Natural areas), it would be inappropriate for the agency to approve the legal use of motorized snowmobiles intruding into the exceptionally quiet, remote, and often frigid landscapes of the existing non-motorized Near Natural designated areas.

In terms of furbearer impacts that may come from snowmobile use, at a Summit District open house meeting a USFS representative made a reference to the motorized study by Zielinski et al, 2008, - suggesting that martens apparently were not shown to have negative impacts from off-highway-vehicle use in that study. CSERC staff has reviewed that study and disagrees that it dismisses wildlife impacts from OHV's or snowmobiles. It simply showed that animals did not abandon their territories.

The study compared occupancy rates between undisturbed areas and areas with low levels of motorized use disturbance. The authors of the study clearly stated: "...although we found little evidence for negative effects of OHVs on martens, our results can be applied to other locations only if OHV use at the other locations is no greater than we measured "(1568).

The amount of use that would occur from the OSV plan, particularly in high quality marten habitat, has not been analyzed, thus the study should NOT be directly applied to the STF.

Additionally, the study also openly admits that measuring occupancy is not the best measure of impacts on wildlife. Instead, they cite Gill et al. 2001, that the "most useful responses to measure are those that affect populations, such as reproduction, mortality and turnover rates." Instead, all this study revealed was that at low levels of disturbance, martens in the study area were not found to disperse to new territories. This could be explained by a lack of suitable habitat to disperse into or numerous other factors. In the case of the study area, the snowmobile use may have affected the habitat value, but in this case it was not to the point that the habitat became less suitable than the surrounding habitat. That does not prove that there are no detrimental effects of snowmobile disturbance on American marten, but instead only that low levels of snowmobile use did not cause them to completely leave the study area.

CSERC notes the following selected quotes from that study's ABSTRACT:

"Martens were ubiquitous in use and non-use areas in both study sites, and there was no effect of vehicle use on marten occupancy or probability of detection. We predicted that females might be less common and martens more nocturnal in use than in non-use areas, but neither occurred. Martens were exposed to low levels of noise in our study sites. We estimated that a marten might be exposed to 0.5 vehicle passes/hour and that this exposure had the greatest effect on <20% of a typical home range. Furthermore, vehicle use usually occurred when martens were inactive. We did not measure behavioral, physiological, or demographic responses, so it is possible that vehicles may have effects, alone or in concert with other threats (e.g., timber harvest) that we did not quantify. We encourage additional studies to determine whether other montane species that are year-round residents demonstrate the same response to motorized vehicles." JOURNAL OF WILDLIFE MANAGEMENT 72(7):1558-1571; 2008)"

(underlining and blue highlighting added for emphasis)

Also in that Zilienski et al study:

"We add, however, that our approach did not measure the potential direct effects of OHV on individual marten behavior and, thus, we do not know how they would react in the presence of OHVs or their sound or whether marten exposure to OHVs generated a stress response that could produce deleterious effects on reproduction or survival." p 1566, Zilienski et al, 2008 (bold added for emphasis)

CSERC emphasizes that the referenced study was done to determine primarily if martens abandoned use of an area due to exposure to infrequent OHV use. Thus, even that referenced study does not attempt to conclude that martens may not be negatively affected by the presence of motorized vehicles or the vehicles' sound. It instead clarifies that the study approach did not measure the potential direct effects of the vehicles on martens, and it encourages managers to apply the study only to areas that receive the same low levels of use documented in their study areas.

Zielinski et al. also noted: "...maintenance of wilderness and non-motorized areas, where motorized human impact is minimal, in close proximity of areas where martens are subjected to less benevolent conditions, may allow martens to persist in diverse landscapes" (1569). The Near Natural areas that are proposed to be opened to OSV use provide these refuges that the marten likely needs to persist despite other threats and pressures.

For this Over-Snow Vehicle management plan, the substantive obligation under the executive order minimization criteria - which courts have repeatedly affirmed - requires the agency to minimize impacts to at-risk species (and to other forest resources). Given how sensitive the furbearer species are and how limited their habitat is, permitting OSV use in their habitat will fail to minimize impacts. CSERC also reiterates the point that doing so is inconsistent with governing Forest Plan direction, which allocates the management direction of those roadless Near Natural areas to be semi-primitive non-motorized -- in part, to protect furbearer species.

Accordingly, in the Stanislaus OSV plan, the agency cannot assume that sensitive species such as the marten, wolverine, and fisher do not suffer from noise and disturbance when speeding snowmobile riders attempt to high-mark up steep slopes or race along groomed routes toward distant destinations at use levels that are currently undetermined. Furthermore, the priority management consideration in the areas identified by the Stanislaus LRMP on a map of furbearer habitat clearly identifies fisher - marten habitat across all of the Near Natural areas being advocated for legal OSV use by the Proposed Action.

Working in cooperation with biologists of the Stanislaus National Forest for more than two decades, CSERC has proven that martens are present in the Pacific Valley, Night, and Eagle Near Natural roadless areas, including in areas proposed to be converted to "legally open" to OSV use.

Given that there is no evidence that additional access is truly needed for snowmobilers beyond the winter season dominance of use they already have on the entire upper network of the Highway 4 corridor, Spicer road system, and Highland Lakes areas and the Highway 108 Sonora Pass - Clarks Fork area, CSERC asserts that there is no need established for the OSV plan to propose OSV use to be legalized in Near Natural habitat. Those wild, non-motorized habitat areas provide high value sanctuary for furbearers from motorized noise and disturbance.

Solution: No action approved by the OSV plan should allow stress or disturbance from motorized use in suitable habitat of at-risk furbearers that is currently managed as non-motorized, and in particular, no expansion of legal motorized use should be allowed in areas known to be highly suitable for the extremely vulnerable Sierra Nevada red fox. Furthermore, the OSV Plan should be consistent with the existing LRMP direction as reflected in the mapped areas of special consideration for the American marten and Pacific fisher - assuring that their protection is prioritized over recreational desires by motorized users.

5) THE PROPOSED ACTION FAILS TO PROVIDE MANDATED PROTECTION FOR THE RECENTLY LISTED

SIERRA NEVADA YELLOW-LEGGED FROG AND YOSEMITE TOAD

As has been openly discussed by CSERC with Forest staff at OSV open house meetings, one consideration by the agency for this plan must be an evaluation of how to minimize or completely avoid "take" of threatened and endangered amphibian species - the Yosemite toad and the Sierra Nevada yellow-legged frog.

Both the Sierra Nevada yellow-legged frog and Yosemite toad have had areas of critical habitat identified, some of which overlap and have conflicts with areas proposed to be open to OSV use. CSERC's understanding is that the USFWS has not yet come out with a clear plan for analyzing impacts and providing specific management directives for protecting these amphibians and their habitats from potential OSV impacts.

Breeding areas in particular warrant special protection and prioritization when the Forest is considering resource conflicts. Authorizing snowmobile use in breeding areas could result in a highly unacceptable impact for a listed species when impacts are unknown. Compaction from snowmobile use and repeated passes in open areas where the amphibians breed and where SNYLF tadpoles are overwintering can combine to cause an unacceptable level of impact.

Additionally, contamination from emissions from OSV's is another potential threat to otherwise pristine high elevation water sources, upon which the two listed amphibians rely for clean habitat for breeding. At Stanislaus Meadow, one of the few populations of SNYLF that breed outside of Wilderness is known to be located. If the Proposed Action is approved, a 24" snow depth would be the condition applied to attempt to ensure that the SNYLF was adequately protected. But that proposal has two clear legal flaws. First, there is no strong evidence that a 24" snow depth will avoid compaction of subnivean layers or otherwise protect the frog, and second, there is no clear assurance that there will be consistent enforcement of the 24" snow depth requirement.

Up at the Highland Lakes area, many seasonal ponds, patches of lupine, seeps, springs, and other special aquatic features all support breeding populations of Yosemite toad. In the past, CSERC staff members have found dead Yosemite toads along the Highland Lakes Road, clearly run over by vehicles. Proposing to groom the road and provide access into areas of high value to a listed species would create snowmobile use risk on top of summer season vehicle risk. Thus it would be unacceptable for the FS to attempt to avoid analyzing these miles of groomed route or even the use of the Highland Lakes Road as an un-groomed route. Allowing for potential take of a threatened species violates the ESA and must be analyzed.

CSERC has attended science workshops and conferences over recent years with biologists and representatives of the U.S. Fish and Wildlife Service during discussions concerning the need for the Forest Service to do all reasonably possible to avoid significant impacts to T & E species and their critical habitat. Yet in contrast to that legal mandate, the Proposed Action would open up snowmobile use to occur directly on top of known occupied habitat by Sierra Nevada yellow-legged frogs in Stanislaus Meadow. It would permit snowmobile use to compact snow across wet meadows and stream corridor areas where the subnivean pockets of under-snow habitat may be highly critical for the survival of individual frogs or toads. There are numerous sites scattered throughout the upper elevations where occupied habitat has been documented by Forest Service specialists or where CSERC staff has in the past provided photo documentation of SNYLF or YOTO.

CSERC urges the Forest to consult early in the process with U.S. Fish and Wildlife Service to not just jointly identify specific areas of critical amphibian habitat that should be avoided, but to also ascertain what the USFWS staff judges to be acceptable levels of disturbance by snowmobile use, grooming, or associated OSV impacts. CSERC also emphasizes with that it is the Forest Service and USFWS aquatic specialists, biologists, and hydrologists who have the best database of where the SNYLF and YOTO sites need special protection.

In terms of the proposal to double the minimum snow depth for snowmobile use to 24" at Stanislaus Meadow, CSERC strongly opposes any motorized use within the meadow area. As noted previously, there is simply no

assurance that most OSV riders will have the slightest sense of whether the snow depth they are riding on is 16" or 21" or 25", so despite a 24" standard, the varying snow depth will make that depth standard impossible to enforce.

Second, petroleum contamination from snowmobiles, both from exhaust as well as leaking petroleum products, reinforce the potential for pollution to affect SNYLF within the Stanislaus Meadow area. Third, the cumulative impacts caused by livestock degradation of the habitat at the meadow combined with snowmobile impacts are clearly enough to be potentially significant. Fourth, making the Stanislaus Meadow area open to snowmobiles will create the likelihood of concentrated use because in the past that meadow was used for snowmobile racing and other concentrated uses. For all of these reasons, instead of a 24" snow depth purported to be adequate for protecting the at-risk amphibians, the Forest should throw out any alternative except for full avoidance of known occupied habitat by SNYLF and YOTO.

Solution: Snowmobile use should not be proposed in any area of critical habitat designated for the SNYLF or the Yosemite Toad, nor should snowmobile use be allowed in any site known to contain breeding areas or where tadpoles or juvenile amphibians are known to over-winter. Stanislaus Meadow should not be opened to any legal OSV use regardless of snow depth. All aspects of the Stanislaus Forest OSV plan should focus on ensuring that OSV use does not cause further harm to the listed amphibian species. Any proposed action that overlaps with either critical habitat or known sites with proven occupancy by the T & E amphibians should be fully analyzed for extra protection measures. Consultation with USFWS should occur sooner rather than later.

6) PROPOSED REQUIREMENTS SUCH AS A 12" SNOW DEPTH OR KEEPING SNOWMOBILES OUT OF OFF-LIMITS AREAS HAVE LOW POTENTIAL TO BE EFFECTIVELY ENFORCED - MAKING THEM PAPER RULES UNLESS THERE IS CLARITY HOW TO REQUIRE REALISTIC COMPLIANCE.

Having talked directly numerous times with local Forest employees who have been (or are currently) responsible for enforcing OHV and OSV management regulations out in remote areas, they bluntly acknowledge that snowmobile riders who don't voluntarily come to FS employees or who simply choose to slip away into wilderness or into forest cover are rarely confronted. Experienced trespassing riders may have an advantage over FS staff who may not have as much experience riding beyond groomed trails in un-groomed areas where violators are likely to be. With so many ridges without signs defining where Wilderness boundaries exist or where Near Natural SPNM boundaries are defined, enforcement is likely to continue to be weak, even with enhanced enforcement authority.

Just focusing on the snow depth issue, if snow depth requirements are purportedly established as the basis for protection of plants, amphibians, etc., it is just not realistic to expect that agency staff will be able to effectively enforce requirements that snowmobilers must not ride when snow depth is less than 12". Unrealistic enforcement expectations could legally diminish the adequacy of the proposed action as now presented. Another concern is that, while it is important to ensure some buffer between the machines and the underlying vegetation, establishing minimum snow depth restrictions and other mitigation measures alone will not be sufficient to satisfy the minimization criteria, which requires that areas and trails be "located" to minimize impacts in the first instance.

Nevertheless, CSERC and others in the conservation community agree that providing a minimum snow depth is positive for those who will willingly comply with posted regulations. The challenge is to make existing conditions easily known for the majority of visiting motorized users, to assure that compliance is achieved by the highest possible level of enforcement, and to provide consequences for egregious or repeat offenders.

At least for the issue of snow depth, one suggested condition would be for any final OSV plan to require that there be publicly identified measurement locations (perhaps two or three representative sample areas) along

both the Highway 4 and Highway 108 corridors. For example, one snow depth measuring site could be located near the 5,000' elevation point along the Highway 4 corridor, a second could be at the Highway Closure at Highway 4 where most snowmobiles now travel, and possibly a third might be located up Highway 4 east of Lake Alpine in an area not fully shaded by forest cover and thus representative of broad areas.

Along the Highway 108 corridor, one measurement location could be just beyond the Snow Park parking area, a second could be at the intersection with the Clark Fork road, and a third could be at 3N01N at a site where it is reasonable to define snow depth when snowfall makes that trail system accessible. To the extent that is feasible and realistic, any posting of the snow depths should be clearly provided with large, easily visible signs and clarity as to whether or not OSV use IS or ISN'T legal at the time of posting. Nevertheless, CSERC reinforces that unless an area is designated and posted as open to use, the responsibility is on the user to know what is permissible and where OSV use may legally occur.

To aid in that personal responsibility for visitors to know necessary information, the agency should attempt to assure that the latest snow depth measurements (perhaps taken at least twice a week during November through April) are posted online for public viewing and can be kept current, since there is the potential for quickly changing conditions.

In this section of our comments, CSERC underscores one of the most important legal and relevant comments that we see as a priority. A plan without realistic assured funding and staffing for full enforcement becomes a paperwork plan that has no substance or relevancy for resource protection or for building expectations from recreational visitors.

At this time, the Forest Service is generally understaffed and has limited resources available for the diverse workload and obligations it faces as mandates or desired work. We specifically asked Stanislaus Forest staff at public meetings, for example, "How often is OSV enforcement monitoring done by Calaveras District staff along the vast expanse of potential OSV use areas along the Highway 4 corridor?" The answer we heard is that one or two district staff share the enforcement work for the entire district, and due to so many other commitments, realistically someone is out on a snowmobile enforcing district and Forest policies only one to two days per week.

When it comes to the skills and capacity for those employees or other USFS public contact-enforcement staff to ride in the vast acreage that lies beyond the groomed routes, we have also heard that only one Calaveras District employee has the skill level experience to comfortably take on extensive un-groomed riding. Thus many tens of thousands of acres of OSV use area might have enforcement compliance dependent upon a single District employee who may only get out into OSV use areas one or two days per week. Furthermore, when there are holiday periods during extended seasons such as surrounding Christmas, New Years, or other times when out-of-area snowmobile recreational visitors may ramp up their visits to the national forest, key Forest Service staff members are often on annual leave, holiday leave, or otherwise not available to enforce the rules.

Thus, enforcement cannot be assured to be a compelling constraint or influence on OSV riders to abide by legal restrictions.

Solution: The Forest should post current existing snow depth conditions during the snowmobile use season in a manner that motorized use visitors to the Forest can easily be made aware of existing snow depths in various locations. Such measurements and postings should be kept current. While it is accurate that under the new Subpart C rule, the onus is on the individual OSV user to remain on the motorized system designated on the OSV Use Map, it is also a legal responsibility for the Forest Service to set conditions and mitigation requirements that have realistic expectations to be met and to be enforceable. While snowmobile use outside of the designated system may be prohibited, the Forest cannot assume compliance with rules posted on paper or the Internet. Instead, given the Stanislaus Forest's incredibly weak enforcement track record, the Forest Service must ensure that it designates an appropriately sized system to reflect its limited enforcement capabilities and

resources.

7) THE SETTLEMENT AGREEMENT WITH SNOWLANDS NETWORK WAS FOR THE FOREST SERVICE TO COMPLETE APPROPRIATE NEPA ANALYSIS TO IDENTIFY SNOW TRAILS FOR GROOMING ON THE STANISLAUS NATIONAL FOREST AND FOUR OTHER FORESTS.

The Proposed Action focuses analysis narrowly on the grooming of 58 miles of currently groomed trails (while not even including in the plan any intended analysis of the grooming of 14 miles of county-easement groomed routes). And instead of truly describing in the Proposed Action a range of issues tied to grooming that need analysis and public consideration, a major thrust of the Proposed Action is to legalize the expansion of motorized snowmobile use into three Near Natural roadless wild areas that are prohibited currently from having motorized use by the existing Forest LRMP.

No evidence has been provided to the public that there is any such need for expanded OSV access, nor has there been any balanced, unbiased broader winter recreation management assessment done to determine if the true access need is for quiet recreation, family snow play, or other less intrusive recreational use. Accordingly, without any evidence to justify a need for more snowmobile access, the Stanislaus Forest under Warren's parting leadership promoted a Proposed Action that not only deviates from the Settlement Agreement, but which requires a Forest Plan amendment.

The timing of the OSV proposed action (promoting a Forest Plan amendment now, rather than when the Forest Plan revision begins) is a significant legal matter in and of itself. The Forest Service at the Regional level announced that the Stanislaus Forest and other northern National Forests in Region 5 are expected to begin a Forest Plan revision process in 2016. Yet rather than wait until next year for the Forest Plan revision process to assess all the roadless Near Natural areas within the Stanislaus Forest and to evaluate the entire suite of roadless areas for suitability as potential recommended wilderness or for opening up to a new use, the Forest instead would legally over-ride any such big picture assessment of existing roadless areas by arbitrarily designating all or portions of three Near Natural roadless areas to motorized use by OSVs.

Furthermore, as currently proposed, the OSV analysis does not appear intended to carefully consider the full amount of grooming that would come from the 58 miles of defined groomed routes as well as the 14 miles of grooming planned to be done on roads with easements under the authority of Alpine County and Tuolumne County. (More on this in following comments...)

Solution: All 72 miles of roads intended to be groomed need to be fully and cumulatively analyzed for potential negative impacts. In addition, in order to be consistent with the Settlement Agreement, the focus of the current OSV plan process should primarily assess the effects of snow grooming and over-snow cross-country use, rather than plans to open up management direction allowing motorized use in roadless Near Natural semi-primitive non-motorized areas that are more appropriately considered for management changes as part of a Forest Plan revision big picture analysis.

8) THE PROPOSED ACTION FAILS TO ENSURE THAT THERE WILL BE LEGALLY REQUIRED ANALYSIS OF THE PROJECT AND THE CUMULATIVE IMPACTS OF THE COMBINED ACTIONS

The matter of apparently postponing analysis of the 14 miles of county-easement roads (that are planned to be groomed) is legally problematic. On the top of page 4, the Proposed Action explains that the Forest is proposing "several actions:"

Item 2 states that 58 miles of designated OSV trails would be groomed. Item 3 states that 9 miles on the Clark Fork Road and 5 miles on the Highland Lakes Road would also be approved for grooming by Tuolumne and Alpine Counties and the Forest Service. Those 14 miles of roads are not contained within the 58 miles of groomed trails, but instead: "Mileage is not included in the Proposed Action." Where are those groomed miles evaluated if they are not part of the 58 miles identified for approval? How are those 14 miles of route captured in Table 1 or in Table 3 on page 7 where 17.3 miles (Lake Alpine Sno-Park to Highland Lakes) is defined as the current OSV management as well as the Proposed Action? Since the 5 miles of historically groomed Highland Lakes Road "is not included in the Proposed Action," where is that 5 miles of snow grooming impact analyzed, and why isn't that mileage added to the 17.3 miles for the OSV trail system?

At Open House meetings, Forest staff acknowledged that the agency already has in the past groomed the Highland Lakes Road (Alpine County road easement) and intends to continue to do so by coordinating with Alpine County for the correct authority. Thus, the Stanislaus Forest has already groomed the 5 miles up to the time of this plan and continues to expect that grooming will be done. Yet the Proposed Action does not identify that there are effects caused by grooming the Highland Lakes Road in combination with the 58 miles of other groomed routes and the 9 miles of the Clark's Fork Road. This is a significant NEPA issue that must be considered and discussed in the DEIS. If the agency partners with the counties in an action that will take place on national forest land in critical habitat for a federally listed species (Yosemite Toad), there clearly is a need for the agency to analyze the environmental impacts of that use and associated effects.

Next, for the Clark Fork Road, Forest staff at open house meetings pointed out that the first three miles of the road are on Tuolumne County easement and the next six miles of the road are on Alpine County easement. Yet Alpine County has no feasible ability to even reach that road section with equipment due to its remote location. Accordingly, Forest staff expects that Alpine County will partner with Tuolumne County to support Tuolumne County agreeing to join with the Forest Service in having the 9 miles of the Clark's Fork Road groomed.

Again, whether or not the Stanislaus Forest has previously groomed the 9 miles of the Clark's Fork Road, the NEPA document should discuss and analyze the effects of grooming the Clark's Fork Road in combination with the 58 miles of other groomed routes and the 5 miles of the Highland Lakes Road. This is a matter needing NEPA analysis because the agency openly plans to partner in an action that will take place on national forest land.

Solution: As identified in the previous comment, the Forest needs to carefully analyze the full, cumulative impacts of all snow grooming associated with forest management actions of winter season motorized use.

9) UNGROOMED ROUTES HAVE NOT BEEN PROPERLY DEFINED, IDENTIFIED, MAPPED, OR DESCRIBED TO THE PUBLIC IN THE PROPOSED ACTION OR AT THE OPEN HOUSE MEETINGS

Item 4 on page 4 of the Proposed Action proposes to designate 98 miles of un-groomed OSV routes. No text identifies where those 98 miles of un-groomed OSV routes are located, what the benefits or impacts might be of defining un-groomed routes, or why at least one un-groomed route starts in the middle of an over-snow use area and never connects to a groomed or other un-groomed route. No definition of what qualifies as an un-groomed route is given, nor is it made clear how or why an un-groomed route is different than a road that isn't groomed within an area designated for open OSV use.

The original website map showing the 98 miles of un-groomed routes was not clear, however Forest staff at Open House meetings were very helpful in identifying the locations of those proposed 98 miles of un-groomed routes. But an obvious NEPA issue is that within the "open to OSV cross-country travel" brown mapped area

there are literally hundreds of miles of additional un-groomed routes that would be open to OSV use if the Proposed Action is approved. Thus, the public is unlikely to understand (our Center's staff certainly doesn't) why only the 98 miles of un-groomed OSV routes are highlighted and provided as a total for un-groomed routes, when in reality there are apparently a total of 300-500 miles of total un-groomed routes open for un-groomed OSV riding in the Proposed Action.

This is problematic for two reasons. First, at public meetings where many extreme snowmobilers showed up to defend their ability to ride into remote locations, there have been strong public comments complaining about all the perceived limitations and restrictions supposedly limiting their fun. So if only 98 miles of un-groomed routes are identified and depicted on the Forest OSV map, that is a huge difference in the eyes of snowmobilers compared to the actual reality that there may be more than 400 or 500 miles of un-groomed routes fully open to OSV riding if 12' snow depth is present.

Any EIS discussion of un-groomed routes should fully correct this lack of accurate depiction of un-groomed routes available under the Proposed Action. The DEIS should ensure that the agency locates OSV routes - as with all areas and routes on the system - to minimize resource damage and conflicts with other recreational users. The DEIS should also explain why one individual un-groomed road segment is shown within one brown "open to OSV cross-country use" designated area, while all surrounding or nearby un-groomed routes are not shown as available for "un-groomed" riding.

Solution: Any EIS discussion of un-groomed routes should fully correct the lack of an accurate depiction of un-groomed routes in the Proposed Action. The DEIS should also explain why one particular un-groomed road segment is shown within brown colored "open to OSV cross-county use" designated area, while all surrounding or nearby un-groomed routes are not shown as available for "un-groomed" riding. All routes that are open to OSV use and that are un-groomed should be quantified and described accurately in the DEIS - producing a clear total of un-groomed routes. A definition for what constitutes an un-groomed route should be provided, as well as clear explanation of how and why a road within an open area would not be considered an un-groomed route for either purposes of Forest administration or for other reasons.

10) INSUFFICIENT AREAS ARE PROVIDED FOR EITHER SNOW PLAY OR FOR NON-MOTORIZED OVER-SNOW USE.

In the Proposed Action, the preponderance of areas along the main Highway corridors would be open to snowmobiles. That is a key conflict for quiet recreation visitors who may feel negatively affected by noise, safety concerns, the smell of OSV exhaust, and infringement of motorized use upon their attempt to experience a quiet national forest setting.

Snowmobilers under the Proposed Action would continue to have "open for snowmobile use" nearly the entire Highway 4 corridor, the entire Highway 108 corridor, the Clark Fork's Road corridor, the road from Niagara Creek all the way to above Lower Relief Reservoir, 3N01N out to the Granite area in the Rim Fire, and broad areas stretching across upper elevation forest lands of the MiWok District between the Experimental Forest boundary all the way south to the Granite burn area.

The Proposed Action would continue to allow the dominance of snowmobile use along all of the most easily accessed paved roads serving the upper elevations of the Stanislaus Forest. That vast amount of opportunity serves a relatively small overall number of OSV riders at the expense of the quiet recreation members of the public who also desire winter recreation experiences within the snow-covered portion of the Stanislaus Forest.

Accordingly, CSERC strongly supports the designation of the three additional non-motorized "no OSV" areas on the north side of Highway 4 and at Herring Creek at Highway 108 (see Winter Wildlands Alliance Alternative Map) in order to minimize conflict between users. Providing quiet winter season recreational visitors with blocks of non-OSV use area separate from the designated OSV areas would provide the clearest opportunity to avoid

conflicts.

Solution: To minimize conflicts between motorized and non-motorized users, the Forest should carefully locate and publicize opportunities for family snow play or quiet non-motorized snowshoe or cross-county ski use along both major highway corridors where snowmobile use will dominate. CSERC supports the specific quiet recreation non-motorized snow-use areas recommended by Winter Wildlands in their Alternative map.

11) NOTHING IN THE PROPOSED ACTION RESPONDS TO THE INCREASINGLY PERVASIVE LACK OF SNOWPACK DUE TO A WARMING CLIMATE TREND WITH LESS SNOW AND MORE RAIN.

The past 4 years of Dry to Critically Dry weather are reflective of a trend towards a minimal snowpack compared to historic snowpacks. If that trend continues, then snowmobile use will be concentrated even more up along the Highway 4 and Highway 108 arteries that lead up into the highest elevations. Accordingly, there may be many years when there will be long periods without suitable snow for snowmobile use except at the highest elevation levels. That climatic trend and the concentration of use in upper elevation areas needs to be carefully addressed when it comes to minimizing impacts from OSV use on natural or cultural resources or the conflict between OSV use and quiet, non-motorized recreation. No assessment or consideration is provided on this important issue in the Proposed Action.

Solution: The DEIS should at least provide a realistic discussion of what the consequences could be from overlapping demands for non-motorized quiet snowshoe or cross-county ski use in available snow-covered terrain if a warming climate continues to result in rain being the main form of precipitation up to 7,000' or even higher during much of the winter. How will established dominant snowmobile use be adjusted or constrained so that quiet recreation snow use areas are realistically available? How will now dispersed OSV use that may be concentrated entirely along the two Highway corridors be managed so as to minimize conflicts with resources and other users?

12) THE PROPOSED ACTION IS INCONSISTENT WITH THE CLEAR MANAGEMENT DIRECTION SPELLED OUT AND SUBSTANTIATED IN THE CURRENT EXISTING STANISLAUS FOREST LRMP EIS AND RECORD OF DECISION.

Cited below are pertinent portions of text in the existing Stanislaus National Forest Land and Resource Management Plan EIS or ROD that support non-motorized management in the Pacific Valley, Eagle, and Night "Near Natural" SPNM "roadless" areas.

A) The 1991 Stanislaus Forest LRMP very specifically allocated roadless areas created by RARE II planning analysis into either Semi-Primitive Non-Motorized or Semi-Primitive Motorized designations. Roadless areas that were designated for SPNM were inarguably intentionally assigned to non-motorized use because the Forest Service chose to designate them as SPNM rather than SPM. (This is a key legal point that the agency must now carefully consider when it comes to proposing to change Forest Plan management direction prior to a Forest Plan revision process.)

The Pacific Valley Near Natural roadless area, the Eagle Near Natural roadless area, and the Night Near Natural roadless area were all very clearly designated SPNM (semi-primitive non-motorized).

B) The Pacific Valley, Night, and Eagle roadless areas were all designated not only as SPNM, but were designated as Near Natural Management Area 3 land allocations.

Under Near Natural management direction on page IV-108 FEIS, under "General Direction":

"Give consideration to Threatened, Endangered and Sensitive species in the management of unroaded and Near Natural Areas, with special attention to Fisher and pine marten habitat areas over 7000 feet elevation (see Map 3, Appendix I)."

Map 3, Appendix I shows that the areas now being proposed for OSV use (by the current proposed action by the Stanislaus National Forest) actually overlap with mapped Fisher and Marten Habitat in the Eagle roadless area and overlap completely with both Fisher and Marten Habitat or Marten Habitat in the Pacific Valley roadless area. In addition, a majority of the Night roadless area is also shown as Marten Habitat.

The current existing Stanislaus Forest LRMP designates the Pacific Valley, Eagle, and Night roadless Near Natural areas as areas to be managed with consideration for special attention for rare furbearers such as fisher and marten; yet the new OSV plan proposes to allocate these wildlife areas for wintertime motorized snowmobile use. This is a clear "conflict" with resource protection and a conflict with minimization. A determination was already made that these areas are closed to motorized use to protect sensitive wildlife habitat, quiet forms of recreation, potential future wilderness recommendation, etc. If there is now a Forest Plan Amendment done to counter the clear rationale provided in the current LRMP and ROD for why these areas should be managed as SPNM, then there must be clear compliance with the requirements of the 2012 planning rule under which the amendment must be done.

C) On page IV-111 of the FEIS, under Near Natural management direction, the Forest Service wrote for Near Natural areas: "Standards and Guidelines - Manage to ROS Class of SPNM. This is the adopted ROS level for Near Natural as shown on the ROIS Map (I-5)."

Again, the specificity of the standards and guidelines is clear. Near Natural areas were to be managed as non-motorized.

D) In describing the Pacific Valley roadless area (a "further planning" roadless area) on page III-164 of the FEIS, the Forest Service stated: "Mountain peaks, glaciated valleys with meadows, and scattered timber typify the area. Hiking and hunting are the main recreation uses. This area has been identified as a potential alpine ski area."

E) In the Record of Decision signed on October 28, 1991 by Janet Wold, Forest Supervisor, page 28 contains the following information for the Pacific Valley roadless area:

"Pacific Valley: Although this area is considered by many to be highly suitable for Wilderness designation, I am not recommending that it be designated. The Pacific Valley region presents a unique opportunity to provide an outstanding area for semi-primitive non-motorized (SPNM) recreation outside of the designated Wilderness system. It is perhaps the best opportunity for this type of recreation area in the Sierra Nevada."

Thus, the rationale provided for not designating this highly suitable area for Wilderness was that by managing it as non-motorized outside of Wilderness, it presented a unique opportunity as an outstanding area for non-motorized recreation outside of the designated system. Wold continued: "A great deal of public comment supporting Wilderness designation for Pacific Valley focused on the identified potential for construction of a major ski resort in the area. Commenters pointed out that the area was highly inappropriate as a ski area site because of its inaccessibility, its valuable wildlife habitat, its outstanding scenery, and the primitive recreation opportunities currently available."

"After further study of the ski area, potential, I have concluded that the area is, indeed inappropriate for a ski resort and I am removing Pacific Valley from the Region's listing of potential Sierra Nevada ski areas. Adjustments have been made in the final Plan, Chapter III, to reflect this determination. The final Forest Plan

allocates Pacific Valley to Management Area 3, Near Natural, which will ensure that the area's primitive characteristics are retained."

Pages 28-29 ROD, Stanislaus National Forest LRMP.

Solution: Areas specifically identified to be managed for non-motorized use in Near Natural unroaded areas of the 1991 Stanislaus Forest LRMP should be left as non-motorized for the reasons spelled out by the FEIS and the ROD (at least until a Forest Plan revision carefully analyzes the full spectrum of options, issues, and trade offs for revising management of roadless areas, Near Natural areas, and/or areas designated as SPNM that would result from changing the SPNM designation).

13) DOING A FOREST PLAN AMENDMENT TO CHANGE NEAR NATURAL MANAGEMENT FROM NON-MOTORIZED TO MOTORIZED CONFLICTS WITH THE REGION'S DIRECTION FOR THE FOREST TO START A FULL STANISLAUS FOREST LRMP REVISION NEXT YEAR.

Doing a Forest Plan Amendment to change Near Natural management from non-motorized to motorized will conflict with the Region's direction to the Forest to be prepared to start a full Stanislaus Forest Plan revision next year. Opening a percentage of Wilderness-eligible Near Natural roadless areas to motorized use in this OSV plan would be an act taken without full analysis of, or consideration of, the suite of management options for all of the Stanislaus Forest's Near Natural roadless areas that will be required to be considered in the Forest Plan revision process.

Furthermore, doing a narrowly focused Forest Plan Amendment for the targeted Near Natural roadless areas would pre-determine what options the public has for recommending actions in the overall Forest Plan revision process. This is even more inappropriate due to the fact that a decision for the OSV management plan will not likely be finalized until after the start of the Forest Plan revision process. After 24 years since the first LRMP, the Forest is now proposing to shortcut a big picture analysis of all Near Natural roadless areas by narrowly focusing on whether or not to please motorized OSV interests in the current OSV plan. So a Forest Plan Amendment process could be initiated and be on-going even as a Forest Plan revision process starts just months later and overlaps. This clearly makes no sense. Any action taken to alter LRMP land use designation now limits the public's ability to propose changes in the revision that will be asking for recommendations.

Solution: No Forest Plan Amendments should be done as a part of the Stanislaus Forest OSV plan process since the Region has already publicized its intent for the Forest to assess the full range of interconnected and overlapping issues to be determined in the Stanislaus Forest LRMP revision process.

14) CSERC PROVIDES THE FOLLOWING REQUESTED MODIFICATIONS FOR THE PROPOSED ACTION ALTERNATIVE BY PROPOSING THE "CSERC ALTERNATIVE" DESCRIBED BELOW

PREFACE - TAKING THE PROPOSED ACTION OSV MAP AND MAKING MODIFICATIONS

CSERC recognizes that the Forest Service has already invested staff time and resources in producing the current Proposed Action Map. Accordingly, rather than recreate a completely different base map, CSERC provides the following description of important changes that our Center endorses, while continuing to use the Proposed Action Map as the base starting point.

THE CSERC ALTERNATIVE - A "MIDDLE GROUND" PROPOSAL

Describing CSERC's requested changes compared to the current Proposed Action

1) The 12" depth Near Natural "OSV use allowed" designation would be eliminated

In contrast to the Proposed Action, there would be no revision of semi-primitive non-motorized management direction in the proposed CSERC alternative, and there would be no change from the current Stanislaus Forest LRMP for Near Natural areas. The Pacific Valley, Eagle/Night Near Natural areas would remain roadless and non-motorized. Thus, no over-snow vehicle use would be legally approved in any existing Near Natural SPNM area, and no legal riding would be opened up to snowmobilers in the Pacific Valley yellow mapped area, the Eagle block of Near Natural yellow mapped area, or the three separated blocks of yellow mapped area in what the Stanislaus Forest LRMP delineated as the Night roadless area and the Eagle/Night Near Natural area. Areas designated as roadless and non-motorized in the existing Forest LRMP would remain in that non-motorized use designation with this alternative.

2) The Existing Stanislaus Forest LRMP land use designations would be enforced

As part of the Record of Decision for the Stanislaus Forest Over-Snow Use Designation planning process, whatever necessary enforcement mechanism or map should be fully approved for all related existing Stanislaus National Forest LRMP and ROD land use designations, SPNM management direction, and restrictions against OSV use in Special Interest Areas, Research Natural Areas, Near Natural areas, proposed or existing Wild and Scenic River areas, and recommended Wilderness. It is our understanding that the map that is being provided for compliance with Subpart C will be the legal equivalent of Forest Orders that provide for enforcement. In this alternative, all legally approved Forest Plan management requirements as they exist will be enforced with appropriate consequences for violations, in contrast to more than two decades of decisions by Forest officials to postpone strict enforcement of land use designation requirements.

3) No Forest Plan Amendment actions will be initiated until the formal Forest Plan Revision

An assessment of possible land management direction changes that would require a Forest Plan Amendment will be done in the soon-to-be-initiated Stanislaus Forest Plan revision process. That Forest Plan revision process will provide the depth of analysis and inclusion of multidisciplinary assessments as part of the "big picture" consideration for all roadless areas, recommended Wilderness areas, and other areas that are most appropriately evaluated on a forest-wide basis, rather than in a narrowly-focused wintertime motorized use plan.

Unlike an OSV plan that is narrowly focused on judging competing needs between recreational users or between motorized use and resources, the Forest LRMP revision process provides a broader forest-wide assessment for how the full range of management opportunities best fit with management direction for parts or all of individual Near Natural areas. Without that forest-wise focus, it would be inappropriate to make such a long-term management decision such as approving motorized use in a pristine roadless area. Accordingly, with this Alternative, there will be no Forest Plan Amendment action prior to the full revision of the Stanislaus Forest LRMP.

4) This Alternative minimizes user conflicts by adding three non-motorized recreation areas

To ensure a true minimization of user conflict between OSV use and non-motorized winter recreation, CSERC supports the three additional non-motorized snow use areas mapped and described in the Winter Wildlands Alliance Map/Proposal.

Along the Highway 4 corridor, CSERC supports the delineation of the Cabbage Patch to Black Springs non-motorized recreation area and the Mattley Ridge non-motorized recreation area as mapped by Winter Wildlands Alliance. Keeping those areas non-motorized allows for highway access by a range of quiet recreation interest for both close-in and more distant snow-covered forest landscapes.

For the Herring Creek non-motorized recreation area, CSERC heard the claim made by snowmobilers at one of the Open House meetings that 4N12 was the only snowmobile access up the Herring Creek Road to the Herring Loop, Pinecrest Peak, etc. That claim is not accurate. In reality, OSV parking and trailhead opportunities at Cow Creek allow straightforward access along 5N40Y south to 5N17 and to the intersection with 4N12.

Managing the relatively small block of snow-covered area at the Herring Creek Road trailhead entirely for non-motorized recreation use also makes logical sense because that area is only infrequently covered with more than 12" snow depth during many post-storm periods. CSERC staff knows that Herring Road area intimately and can point to some winters when there was not a single week with a 12" snow depth -- not only because of the relatively low elevation, but also because so much of the first few miles of the Herring Creek Road are fully exposed to sun. In contrast, the Cow Creek access point has forest cover along the roads and the snow stays far longer and snow depth accumulates far more often.

5) Conflicts with at-risk furbearers will be significantly minimized

To comply with the minimization requirement to protect resources, the CSERC Over-Snow Vehicle alternative plan would minimize snowmobile use in areas important to at-risk sensitive species, especially the American marten and the Sierra Nevada red fox. In the Proposed Action, many proven, documented marten use areas overlap with proposed OSV groomed routes and un-groomed routes as well as some broad areas of cross-country open use areas. In the CSERC alternative, highly suitable furbearer habitat areas are avoided where most feasible.

To be as strategic as possible in delineating areas where OSV should be eliminated or restricted in order to avoid effects for the American marten and Sierra Nevada red fox, CSERC proposes the following adjustments to the Proposed Action and its map.

A) To reduce disturbance and the amount of OSV use that will occur along the Highland Lakes Road and in the Highland Lakes vicinity itself, the Forest will agree in this OSV plan decision that the Forest Service will not partner with Alpine County nor acquire grooming funding nor assist with grooming for the 5 miles of the Highland Lakes Road that runs south from Highway 4. Instead, it will be the clear management intent of the Stanislaus OSV plan for the Highland Lakes Road to be managed as an un-groomed route that still allows skilled OSV riders to travel on the Road to reach the Highland Lakes high-marking slopes and that OSV use area. But due to the occupied marten habitat areas on both sides of Highland Lakes Road and the proven detections of Sierra Nevada red fox in the vicinity of Highland Lakes and the abundance of adjacent suitable SNRF habitat areas, the grooming of that road would significantly pose harm to those two species by increasing the amount of OSV users and increasing the speed of travel along that road. In this alternative, no grooming partnership by the Forest Service would collaboratively seek funding or cooperate with grooming for the Highland Lakes Road.

B) To reduce disturbance and noise along the Highway 108 corridor in areas where there exists highly suitable habitat for the Sierra Nevada red fox, not only will there be no opening up of additional Near Natural habitat at the top of the Sonora Pass on the south side of the highway, but there will be new limits and consequences put into

place for OSV use. The area on the south side of the Highway in the last two miles of the upper Sonora Pass is presently shown on Open House meeting maps as open to OSV use. That mapping is in direct conflict with the 1991 released Stanislaus Forest LRMP land use allocation maps that showed no motorized use beyond 300' from the edge of the Highway. CSERC wishes to discuss this matter further.

For the purpose of this OSV planning process, the need to protect critical habitat for both the American marten and Sierra Nevada red fox is high. Accordingly, in the Sonora Pass area that has such high value habitat for the Sierra Nevada red fox, CSERC presses for no OSV use beyond the brown 12" depth proposed OSV Use Allowed area now mapped by the Proposed Action. Given the extremely high habitat value of that Sonora Pass area for the Sierra Nevada red fox as well as for marten, CSERC urges that if compliance by OSV users is not consistent with established OSV plan use boundaries, that corrective action be taken expeditiously to minimize impacts to furbearers.

C) Similarly, along the Clark Fork Road where the Proposed Action discusses the Forest's intent to partner with Tuolumne County (and Alpine County) to find grooming funds or to enable grooming to be done along 9 miles of the road, in this Alternative the Forest will be fully prepared to take corrective action if there is shown to be a lack of compliance by OSV riders.

This CSERC Alternative does not propose conditional approval for that county-authorized grooming of the Clark Fork Road that would be done in partnership with the Forest Service. But if the Forest finds consistent evidence of a lack of compliance by OSV users accessing the area by use of the groomed route, the Forest should be in a position with enforcement and other mechanisms to take corrective action

6) Conflicts and risks to threatened and endangered amphibians will be avoided

To comply with federally mandated management direction for protecting the recently listed Sierra Nevada yellow-legged frog and the Yosemite toad, with this Alternative the final OSV plan shall explicitly require that known breeding sites, including Stanislaus Meadow, shall be identified as closed to OSV use. There is no legally sufficient assurance that an unenforceable snow depth requirement of 24" that is intended to be self-monitored by OSV users can be relied upon to be credible avoidance for purposes of minimizing take.

Instead, the Forest has a legal obligation to minimize resource conflicts by placing known important habitat areas for the Yosemite toad and Sierra Nevada yellow-legged frog fully off-limits to OSV use. Thus, the block of 24" depth habitat at Stanislaus Meadow is designated for "no OSV use" by this CSERC alternative. In addition, other important YOTO and SNYLF habitat areas known to the Forest's hydrologists and biologists should be mapped to exclude OSV use. Consultation with the USFWS should be a key part of this protection of areas through avoidance of OSV in key habitat.

As one important step to minimize motorized OSV use impacts to important suitable habitat for the YOTO and SNYLF, this alternative by CSERC includes the management direction to snip off currently "open to OSV use" delineated areas overlapping Eagle Creek and Long Valley Creek on the south side of the main 5N01 route.

Allowing OSV use, as current regulations allow, to intrude up drainages into the Near Natural areas on top of the stream areas (where YOTO or SNYLF may be present under the snow) creates multiple threats to the species.

There is risk of physical crushing or the crushing of the subnival air spaces that benefit the amphibians underneath the snow. There is the potential for direct contamination of water quality or damage to riparian vegetation by OSV's intentionally riding on top of or adjacent to stream channels and wetland riparian areas. And there is the obvious risk that by mapping those fingers of drainage areas as "open to OSV use", that the potential for OSV users to be tempted to continue upslope and trespass into Near Natural areas would continue to be

high. CSERC staff already heard extreme snowmobilers at the Summit District open house bragging about how they ride up into Near Natural areas. Providing encouragement for them to go up into the Eagle/Night Near Natural area makes no management sense. Instead, nipping off those two drainage areas makes better management sense.

For all of those reasons, the two fingers of allowable OSV use areas overlapping on top of Eagle Creek and Long Valley Creek will in the CSERC alternative be cropped at the most manageable and logical points to curtail trespass. This reduces potential for "take" and for trespass into special aquatic feature areas where additional risk of "take" could occur.

7) Un-groomed routes will be clearly quantified, described, and identified

One part of the CSERC alternative is for the hundreds of miles of un-groomed routes now shown in the brown "OSV Use Allowed" area to be clearly measured, quantified, and identified as un-groomed routes that add to the 98 miles of un-groomed routes that are now identified in the Proposed Action. Any routes within the OSV Use Allowed areas that are not deemed appropriate for un-groomed OSV should be carefully identified by Forest staff and mapped or described so as to communicate the rationale for that determination. In addition, it is appropriate for the Forest Service to explain how the choice not to designate a route as a formal un-groomed route may alter how the Forest Service monitors use on that route or otherwise manages OSV use in that area.

8) Overlaying of GIS data can best protect resources and avoid potential resource conflicts

As CSERC has consistently communicated in land management planning processes, the Center believes it is the responsibility of the Forest Service to not just strategize on what a desired action may be, but to dutifully use available GIS layers, wildlife sightings, known user conflict areas, and other available information to best assess and consider the potential consequences of the proposed action.

In this CSERC Alternative, there has been careful consideration by CSERC staff of the potential effects of OSV use upon CA spotted owl and Northern Goshawk PACs and also on furbearer territories, as well as the potential for OSV use to disturb winter deer use or deer concentration areas, and the possibility of OSV use to negatively affect the Critical Aquatic Refuge values of the Clavey River watershed. While all of these potential effects create some degree of resource risk, this CSERC Alternative aims to realistically prioritize resource protection and the goal to minimize conflicts in the sites and the planning areas where risk is highest.

It is worth pointing out that with this CSERC alternative, if it were adopted, snowmobile users will continue to be able to do legal OSV riding on nearly the entire Highway 4 corridor above snowline, the Spicer Road network, the entire Highway 108 corridor above snowline, the Clark Fork Road corridor, broad forest areas stretching from the Mokelumne River canyon to Dry Meadow Creek, other forest areas stretching from the Middle Fork Stanislaus canyon to Cherry Lake, and extensive areas extending out towards the Bennett Juniper and Red Rock Meadow. It would take months of OSV riding for any individual user to take advantage of all the vast OSV areas that would be available under this CSERC Alternative.

This CSERC Alternative and the accompanying comments in response to the Proposed Action are submitted on behalf of CSERC staff and CSERC members.

John Buckley, executive director Megan Fiske, wildlife biologist

Attachment:

2007 E-mail communication between CSERC, Bill Lorenz (then district ranger of the Calaveras District), Frank Oyung of the Sierra Club, and Stan Van Velsor of The Wilderness Society

From: John Buckley <johnb@cserc.org>
Date: Wed Mar 28, 2007 - 8:56:45 PM US/Pacific
To: Bill Lorenz <blorenz@fs.fed.us>
Cc: stan_vanvelsor@twi.org, Frank Oyung <frank-oyung@sbcglobal.net>
Subject: follow-up thoughts from John after Saturday

Dear Bill:

Thanks again to your staff and you for arranging last Saturday's snowmobile tour. As I expressed to Patty, I was grateful for the discussions and the chance to see things again on the ground.

Here are some initial thoughts that I ask you to process as you move forward to develop a Proposed Action:

First, from my two brief discussions on Saturday with Terry, the County Supervisor, and based on my past discussions at the group meetings with various pro-snowmobile Bear Valley folks, it is clear that a core group of snowmobile supporters believes that Patty/the District/the Forest Service made an agreement in the past that the snowmobilers were going to be given access into the Pacific Valley roadless area. Patty has also acknowledged that she feels that agreement was made.

I believe that those pro-snowmobile folks also understand that no such legal decision was ever made and that at least CSERC and the local conservation community never agreed to any such agreement, never supported the opening up of Pacific Valley roadless acres, and strongly disagree with the trespass that has occurred for so many years.

I mention this matter of the perceived agreement at the beginning of this e-mail because I believe it is very, very important that the Forest Service should always base all land management decisions on actions and agreements that have legally gone through the NEPA process -- that gave the full range of interested members of the public the ability to comment and give input. The only past management for the Pacific Valley roadless area that went

through any such NEPA process resulted in the area being designated Near Natural and non-motorized. That should be the beginning point for this process... not what any staff or any particular interest group judged to be a good trade-off or exchange, now what Patty or any other staff person may have told folks a decade ago based on their personal opinion or understanding.

So, moving beyond the disputed promises from the past..

Here is what I took away from the discussions and on-the-ground observations I had on Saturday:

1) Your proposed "permit only" approach was thoughtful, creative, and worth considering. You, yourself, however, acknowledged to Stan (and Frank and I) that allowing periodic motorized entry into the roadless area under a permit by the snowmobile club (or others who want similar trips) would not solve the problem of weakening the area's chances of being designated as wilderness in the future. Motorized use allowed and sanctioned by the Forest Service would establish a clear and legal pattern of use that motorized advocates could always point to in any legislative debate.

That is a pivotal point of consideration. Is it "the greatest good for the greatest number" to open up the roadless area to motorized use when that approval is almost certain to eliminate or at least greatly reduce the chance for the roadless area to be seen as "non-motorized and pristine" by Congress in any future discussion?

It is the conservation community's position that the Pacific Valley roadless area is an extremely prime candidate to be made a wilderness and that opening it up to motorized use would be a significant, major loss.

2) An equally pivotal point was one that Stan raised and that I had similar thoughts about...

As was discussed amongst the group, the truth is that even the snowmobilers on Saturday consistently stated that there are only 15-20 (at most 30) snowmobilers who are good enough to get up to the roadless area bowl, and the highest estimate of use in a year was suggested to be perhaps 200 total trips over the entire winter. I also heard the snowmobilers say that in some years, the snowpack never firmed enough or the snow was never right for any or barely any access up to the destination bowl.... so in some years, there may be no use in the roadless area at all because the conditions aren't right.

So perhaps the most telling point in this debate is this: Is it good management by the Forest Service to open up a roadless area to motorized winter use to please a very small group of extreme snowmobilers? ...when that approval might not even benefit the riders in some low snow or bad snow winters? ... when that roadless contains rare martens and potentially other rare furbearers? ...when that roadless area has already had repeated trespass taking place by those same riders in clear violation of the existing and still current Land and Resource Management Plan? ...when that roadless area is seen as having high quality wild value for many, many people who strongly believe in keeping it wild and undisturbed?

No matter how you count it, the snowmobilers who use that roadless area for personal satisfaction make up probably less than 1/1000th of 1 percent of recreational visitors to the Forest each year. And why do they want to go into the roadless area? They said they want to go into the roadless area because the only other highly challenging bowl is located at Highland Lakes, and it gets boring. The roadless area would make a second such bowl.

Is that justification enough to even consider opening a roadless wild area to motorized use? to give a small group of extreme riders fun place #2? What if they want "fun place" number 3?

On one hand you have the benefits of managing a roadless area in a wild, pristine, and undisturbed condition to provide the greatest possible protection for at-risk wildlife and the wilderness values that allows the area to

qualify for permanent protection. On the other hand you can reward 20-30 hard-riding, fun-loving riders who are bored with the highway, the area west of Bear Valley, other areas of the Forest, and the Highland Lakes bowls and slopes. You can reward those folks for knowingly trespassing over and over again in violation of rules they knew would not be enforced. And you can please their supporters.

3) The final point I took away from Saturday is that snowmobiling can be exhilarating, fun, a social activity shared amongst friends, and a fast way to get a long ways into the mountains. But it still is noisy, incredibly stinky and polluting, and it continues to be a dominating disturbance, especially when a group comes roaring along through the trees or down the road.

I am biased and recognize that bias. I cannot even begin to understand how the public's interest would be best served by allowing that disturbance to be legally allowed into the area we visited, as well as the roadless portion of the forest that we traveled through to get there. There are many other issues that I am certain will be discussed in the future process... issues such as limited dollars for enforcement, extensive trespass still occurring into wilderness and roadless areas, and issues of expanding legal areas that may need to be served by search and rescue or other public-funded services.

But in the long run, your recommendation on this matter will likely come down to the three points listed above.

Thank you for considering them at this stage in the process.

John Buckley, CSERC
