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Regional Forester, USDA Forest Service
Attn: Stanislaus National Forest Over-snow Vehicle Use Designation Project
1323 Club Drive
Vallejo, CA 94592.
Email: Objections-pacificsouthwest-regional-office@fs.fed.us

Re: Over-Snow Vehicle (OSV) Use Designation

Objection of the American Council of Snowmobile Associations and the International Snowmobile Manufacturers' Association to the Draft Record of Decision.

Dear Regional Forester:

The American Council of Snowmobile Associations ("ACSA"), with the support of the International Snowmobile Manufacturers Association ("ISMA"), and by their undersigned counsel, respectfully submit to the Regional Forester this Objection to Stanislaus National Forest ("Stanislaus NF" or "the Forest") Draft Record of Decision regarding over-snow vehicle use dated March 22, 2019. This Objection is submitted in accordance with the Forest Service's procedural rules 36 C.F.R. Part 218.

I. Experience of Commenting Parties and Participation in this Proceeding

ACSA is a national-level association of state snowmobile user associations. ACSA engages in educational efforts regarding safe and smart snowmobiling and works to preserve and improve the activity of snowmobiling. ACSA safeguards the interests of snowmobilers. Further information about ACSA is available at its website www.snowmobilers.org.

ACSA's written comments to Stanislaus National Forest, dated October 8, 2018, are attached as Exhibit A to this Objection.

ACSA's efforts on behalf of snowmobile riders are supported by ISMA's work on behalf of snowmobile manufacturers. ISMA is the trade association of the four companies that manufacture snowmobiles sold in the United States: Arctic Cat, Polaris, Ski-doo, and Yamaha. See ISMA's website www.snowmobile.org for further information about the association.

ISMA's members provided detailed educational materials to the snowmobile riding community in the owners' manuals that accompany purchases of snowmobiles from an ISMA member. These manuals emphasize that riders must use good judgment to avoid riding in inadequate snow depths, because riding in inadequate depth will both harm natural resources and damage the rider's snowmobile, requiring expensive repairs and shortening the useful life of the snowmobile that the rider has spent a substantial sum to purchase. Riders have strong financial and ethical incentives to avoid riding in inadequate snow.

II. The Rigid and Excessive Snow Depth Mandate Proposed in the Draft ROD by Stanislaus NF is an Extreme Outlier Compared to Decisions of Other Forests and Other Land Management Authorities and Should Be Reversed.

In the Draft Record of Decision, Stanislaus NF inexplicably concludes that a minimum of 12 inches of snow is necessary to ride on designated trails.¹ A minimum of 12 inches of snow was historically required by this Forest only for cross-country trails, but the new Draft ROD would inappropriately extend this requirement to trails as well.² As shown below, Stanislaus's proposed decision to require 12 inches of snow to ride on trails, is unreasonable, unsupported, overbroad, and should be reversed.

The major difference between trails and cross-country OSV is that trails in use during the different seasons of the year are generally dirt, gravel, or asphalt (covered by snow in the winter). On winter-only trails, trails may be covered by grass or other sturdy low vegetation that is exposed in the summer and covered by snow in the winter. Rather than the numerical minimums proposed in the Draft ROD, the Regional Forester should follow and apply without further mandates the national rule, which requires that snow depth be "adequate."³ This is best implemented through Forester judgment regarding whether there is a substantial risk of resource damage on any given trail based on the trail conditions at a particular time, rather than on the basis of a specific numeric snow depth minimums.

There are a number of precedents that contradict establishing a 12-inch minimum snow depth for riding on trails. For example, in 2013, Medicine Bow National Forest in Wyoming adopted specific snow depth minimums for cross country riding, but simply utilized the national case-by-case adequacy standard for riding on trails.⁴ Findings by other land management agencies with broad experience note that less than six inches of snow is required for riding on trails. Montana state parks recommends a 4-inch minimum for riding over trails where vegetation would grow in the summer.⁵ Speaking to riding on trails generally, the New York State Parks recommends only three inches of snow depth to ride.⁶

Within the California National Forests, Tahoe National Forest ("Tahoe") recently rejected proposals to set a mandated minimum snow depth, and instead adopted an adequacy standard as its mandatory rule. Specifically, Tahoe decided to require that, for snowmobiling to

¹ Stanislaus National Forest Over-Snow Vehicle (OSV) Use Designation Project Draft Record of Decision, pp. 2-3.

² In the Forest Plan Direction, The Forest requires "**Cross-country over snow travel**, by vehicles designed specifically for that purpose, **will be permitted** when there is **12 inches** or more of snow and no contact is made with native soil or vegetation"[emphasis added]. There is no parallel or similar provision that explicitly provides a minimum depth for trails groomed or otherwise. See Stanislaus National Forest, Forest Plan Direction dated March 2017 (See Exhibit F attached to this objection)

³ 36 C.F.R. 212.81(a).

⁴ Medicine Bow National Forest, Winter Travel Management and Occupancy and Use (See Exhibit B attached to this objection)

⁵ Montana State Parks, Montana's Snowmobile Handbook, Chapter 8 (See Exhibit C attached to this objection at pg. 8)

⁶ New York State Park Snowmobile Guide, p. 38 (See Exhibit D attached to this objection at pg. 38)

occur there must be “adequate snow depth to avoid damage to natural and cultural resources.”⁷ Tahoe recommended that riders seek six inches of snow as a guideline when riding on trail, but did not mandate six inches of snow depth. The national rule provides that “snowfall” be “adequate” for snowmobiling to occur. 36 C.F.R. 212.81(a) (notice, however, that the national rule refers to “snowfall,” which encompasses the overall characteristics of the snow, rather than snow depth, which encompasses only one dimension of snow characteristics). **Tahoe flatly and plainly stated that its “decision does not prescribe a minimum measured snow depth.”**⁸

Tahoe states non-binding guidelines: 12 inches of snow for cross country trails, and 6 inches of uncompacted snow overlaying roads.⁹ Tahoe took this approach of declining to set specific mandated minimums and instead make non-binding recommendations because snow conditions are “constantly changing and highly variable... mak[ing] consistently measuring and enforcing a specific snow depth challenging. Further, a specific snow depth in a particular location may be adequate for protecting underlying forest resources on one day, while on another day this same depth at the same location may not be adequate.”¹⁰

Stanislaus NF’s 12 inch minimum, for riding on trails is far more onerous for snowmobilers especially in light of the Tahoe decision (Exhibit E, six-inch recommendation, no mandate) and the New York, Montana, and Medicine Bow NF decisions cited and discussed above (Exhibits B, C, and D to this Objection).

In considering objections to the Stanislaus NF draft ROD, the Regional Forester should follow the decision of Tahoe NF and decline to mandate a minimum snow depth for riding on trails (while we also oppose mandates for cross-country, we focus this Objection on trails). The Forest should also explicitly state that compacted snow is denser and more protective of the environment than uncompacted snow. In addition to requiring that “snowfall” be “adequate,” the national rules require that Stanislaus NF apply minimization criteria to reasonably limit but not necessarily totally eliminate impacts on Forest resources. See 36 C.F.R. 212.81(a)-(d); 36 C.F.R. 212.55(b). The flexibility that characterizes these legal standards (which address adequacy and minimization) is not consistent with adopting Forest-wide numerical snow depth minimums, because conditions vary from place to place. Thus, a certain snow depth may be “adequate” to minimize resource damages in one set of circumstances, yet inadequate in another. Setting a Forest-wide minimum snow depth designed to be deep enough to protect the Forest as to every designated trail will result in unnecessary closures of designated trails for which much less snow depth is necessary than any such Forest-wide minimum depth.

Within the universe of riding on trails in Stanislaus, conditions vary considerably. There are packed trails, created either by formal or informal grooming. Other trails, particularly those that are more remote and earlier in the season, may have un-compacted snow that requires more depth (the best approach for these trails is limited riding by skilled riders seeking to

⁷ Tahoe National Forest Over-Snow Vehicle (OSV) Use Designation, USDA Forest Service, Tahoe National Forest, p. 9 (Feb. 8, 2019), available at https://www.fs.usda.gov/nfs/11558/www/nepa/100466_FSPLT3_4616256.pdf (copy supplied as Exhibit E to this Objection).

⁸ *Id.* at 9

⁹ *Id.*

¹⁰ *Id.*

achieve a compacted path). As stressed above, there is a substantial difference between trails that overlay summertime dirt, gravel, and asphalt roads and trails that are winter-only and overlay some degree of vegetation. Given this trail-by-trail variation, the national adequacy-of-snowfall rule and minimization criteria cannot reasonably be implemented by a one-depth-fits-all 12-inch minimum that is applied throughout the Forest. A one-depth-fits-all rule for riding on trails applied throughout a large Forest would be a departure from (rather than an implementation of) the binding national rule providing for riding where snowfall is “adequate.”¹¹

Some contend that snowmobiles riding over summertime dirt trails in insufficient snow may rut the dirt, leading to erosion, which eventually harms nearby vegetation, even though no vegetation grows in the dirt summertime trail. However, compacted snow is a poor insulator, with the result that the cold of the atmosphere transmits readily through the compacted snow of trails, freezing the ground underneath into a hard shell that is unlikely to rut even if bare spots develop. The combination of packed snow, a thin layer of ice underneath, and frozen dirt results in armored protection for the dirt with minimal snow thickness.

The natural caution of snowmobilers in protecting the expensive machines from damage adds an additional important measure of protection.¹² The Stanislaus Draft ROD even recognizes this by stating, “OSV operators do not intentionally make contact with, or desire to make contact with any native surfaces in fear of damaging their machines.”¹³

Although ACSA and ISMA question the depth minimum for cross-country riding, we focus this Objection on trail riding because trails are the network of access routes that allow the use of snowmobiles to reach recreational opportunities (including by not limited to snowmobiling) elsewhere in the Forest and nearby lands. Each segment of open designated trail provides both (1) an opportunity to enjoy riding on that segment of the trail itself, and (2) the ability to use that segment of trail to access other riding opportunities or other recreational opportunities elsewhere in the Forest or adjoining land units. The second benefit is the “network effect.” The network effect is critical to maintaining the viability of snowmobiling, both for its own sake and to access other recreation in the Forest.

As a result of this network effect, the unnecessary closure of a segment of well-defined designated trail threatens cascading effects on all snowmobile riding in the management unit and other neighboring units, not only by preventing riding on the closed trail itself, but on other trails and cross country areas reachable through the closed trail. Parking lot trailheads are an important example of the network effect and the risks of a one-depth-fits-all rule for trails. Most snowmobile use starts with the rider getting on his or her snowmobile at the edge of a parking lot and starting off on a trail (often a designated trail) leaving the lot. A six inch

¹¹ 36 C.F.R. 212.81(a).

¹² There are hundreds of manuals published by the four manufacturers, and they generally warn of the excessive wear and tear on the snowmobile if there is inadequate snow. For one example, see Polaris INDY 120 Owner’s Manual for Maintenance and Safety (p. 34), available at https://prdvehiclepubsdata001.blob.core.windows.net/public/OwnerManuals/SNO/9928877r02_web.pdf. Other manuals are available at the manufacturer websites, which can be reached through links on ISMA’s website at www.snowmobile.org.

¹³ Stanislaus Draft Record of Decision, p. 10.

minimum could easily result in a ruler being stuck in the compacted (and thus very protective) and regularly used snow as a trail leaves the parking lot, resulting in a closure preventing access to much of the Forest.

III. Conclusion

The best way to protect resources and keep snowmobiling a viable and economically productive recreational use of the Forest is to utilize the national case-by-case standard requiring that snowfall be “adequate” to permit snowmobiling. 36 C.F.R. 212.81(a). Avoiding unnecessary trail closures is critical to making the various interior trails and cross-country areas accessible to both snowmobilers and those who ride snowmobilers to get access to where they can enjoy other winter recreational activities. The Forest should also encourage early winter grooming to build up a strong compacted surface on trails.

Sincerely,

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