

# EXHIBIT E

**DRAFT RECORD OF DECISION**  
**TAHOE NATIONAL FOREST OVER-SNOW**  
**VEHICLE (OSV) USE DESIGNATION**  
**USDA FOREST SERVICE**  
**TAHOE NATIONAL FOREST**  
**NEVADA, PLACER, PLUMAS, SIERRA,**  
**AND YUBA COUNTIES, CALIFORNIA**

## **INTRODUCTION**

This Record of Decision (ROD) documents my decision for the Tahoe National Forest Over-Snow Vehicle (OSV) Use Designation Project. The purpose of this Project is to effectively manage OSV use on the Tahoe National Forest by providing wintertime recreation access, ensuring OSV use occurs where there is adequate snowfall, promoting the safety of all recreation users, enhancing public enjoyment, minimizing impacts to natural and cultural resources, and minimizing conflicts between various winter recreation uses. The Forest Service needs to take action to provide a manageable, designated system of OSV trails and areas within the Tahoe National Forest that is consistent with, and achieves the purposes of, the Forest Service's Travel Management Rule (36 CFR 212, Subpart C). Further, to comply with the terms of a Settlement Agreement between the Forest Service and Snowlands Network et al., the Project identifies which designated OSV trails are available for snow grooming and discloses the effects of the snow grooming program. Finally, an amendment to the *Tahoe National Forest Land and Resource Management Plan* (LRMP 1990) is needed simultaneously with this decision to: (1) appropriately place planning, analysis, and decision-making for OSV use at the project level and (2) ensure this Project is consistent with the LRMP as amended (pursuant to 36 CFR 219.15(c)(4)).

The Final Environmental Impact Statement (FEIS) for the Tahoe National Forest Over-Snow Vehicle (OSV) Use Designation Project discloses the environmental impacts associated with the proposed action, a no action alternative, and three additional action alternatives developed to meet the purpose of and need for this Project while responding to significant issues raised through scoping.

## **DECISION**

Based on my review of the *Tahoe National Forest Over-Snow Vehicle Use Designation Final Environmental Impact Statement* (FEIS), supporting documentation, and review of public comments, I have decided to select Alternative 2 as presented in the FEIS. I believe the selected alternative best meets the purpose and need for this Project and responds to the significant issues associated with providing quality motorized and non-motorized recreation experiences and natural and cultural resource protection.

Alternative 2 includes the following:

- Approximately 410,703 acres of National Forest System (NFS) lands will be designated for public cross-country OSV use, generally above 5,000 feet elevation (Table 1 and Alternative 2 map in FEIS map package).
- Water Quality Best Management Practices (FEIS Appendix D) will be applied.
- Public OSV use will not be designated in a 1-acre area near Robinson Flat to protect historic structures.
- Individual parcels of NFS lands under long-term special use permits for Royal Gorge Cross Country Ski Area, Tahoe Donner Cross Country Ski Area, Boreal Ski Area, Donner Ski Ranch Ski Area, Sugar Bowl Ski Area, Alpine Meadows Ski Area and Squaw Valley Ski Area will not be designated for public OSV use.
- Forest-wide snow depth requirements for public OSV use will be implemented by:
  - Allowing public, cross-country OSV use in designated OSV areas only when there is adequate snow depth to avoid damage<sup>1,2</sup> to natural<sup>3</sup> and cultural resources. As a guideline to avoid damaging resources, a minimum of 12 inches of moderate to heavy density, uncompacted snow is typically needed (moderate to high water content snow common to Sierra storms). Snow water equivalency (SWE) is also an indicator for avoiding damage to resources. An SWE of 4 inches can be a reasonable baseline for avoiding resource damage.
  - On designated OSV trails with underlying roads, a minimum of 6 inches of uncompacted snow is typically needed to avoid damage to the underlying road surface.
- Forest-wide snow depth requirements for OSV trail grooming will be implemented by:
  - Following California State Parks' Off-Highway Motor Vehicle Recreation Division snow depth standards for grooming, currently 12 to 18 inches of snow.
- Class 1 OSVs will be allowed on all designated OSV trails and areas. Class 2 OSVs will only be allowed on designated OSV trails available for grooming. [Class 1 OSVs are over-snow vehicles that typically exert 1.5 pounds per square inch (psi) or less and include the following OSV types: snowmobiles, tracked motorcycles, snow-cats, tracked all-terrain vehicles (ATVs) and tracked utility terrain vehicles (UTVs). Class 2 OSVs are over-snow vehicles that typically exert more than 1.5 psi and include the following OSV types: tracked four-wheel drive sport utility vehicles (SUVs) and tracked four-wheel drive trucks.]

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<sup>1</sup> **36 CFR §261.2 Definitions.** *Damaging* means to injure, mutilate, deface, destroy, cut, chop, girdle, dig, excavate, kill or in any way harm or disturb.

<sup>2</sup> Examples of damage may include (but is not limited to) the following: road and trail rutting; uprooted vegetation or vegetation and soil mixed with snow; compressing the subnivian space (wildlife habitat between the snowpack and ground).

<sup>3</sup> **42 USCS § 9601** the term natural resources means "land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States

- A total of approximately 384 miles of OSV trails will be designated (Table 2 and Alternative 2 map in the FEIS map package) as follows:
  - Approximately 247 miles of designated OSV trails available for grooming.
  - Approximately 137 miles of designated OSV trails not available for grooming, including: (1) approximately 84 miles, of which approximately 2 miles are located within areas designated for cross-country OSV use and (2) approximately 53 miles located on easements across private lands (added between DEIS and FEIS).
- Thirty-four OSV crossings of the Pacific Crest Trail (PCT) will be designated (Alternative 2 map in the FEIS map package).
  - Fourteen designated crossings will utilize roads identified on the Tahoe National Forest's Motor Vehicle Use Map and will be the width of the road (approximately 14 feet). [Note that the current alignment of the PCT overlays the Pass Creek Loop OSV Trail on Forest Service Road 70 where they coincide for approximately 700 feet.] Twenty OSV crossings of the PCT will not utilize roads and will range in width up to 0.25 miles. These crossings are located in areas where OSV use is designated on both sides of the PCT. Some of these proposed OSV crossings are wider than the width of a road because they are located in areas where snow conditions are highly variable during the course of a winter, for example areas prone to wind loading of snow and formation of cornices. These wider crossings give OSV users options to select a safe crossing of the Trail under constantly changing, variable snow loading conditions. In all cases, OSVs crossing the PCT are required to do so at 90 degrees, or as close to 90 degrees as is safe, to minimize the time and distance needed to cross the Trail. OSV users are to make crossings at, or as near as possible, to the designated crossing locations as is safe to do so.

Areas and trails designated for public OSV use under Alternative 2 are summarized in Tables 1 and 2 below. Designated OSV areas and trails are spatially displayed in the FEIS map for Alternative 2. (Refer to FEIS map package.)

Table 1. Areas designated for OSV use under Alternative 2

Areas Considered for OSV Use Designation	Area size (Total Acres)	OSV Designated Use (Acres)
Barker	9,847	9,783
Black Buttes	41,288	37,816
Bowman	19,604	10,966
Donner Summit	11,634	7,972
Foresthill East	94,183	54,584
Foresthill North	36,151	22,926
Foresthill West	32,957	0
Lafayette	46,814	14,183
Reservoirs	40,883	36,998
Sierraville East	75,557	29,004
Sierraville North	17,564	4,111
Sierraville West	102,262	96,918
South of 20	17,346	4,246
Summit West	16,322	0
Truckee	34,446	9,323
Yuba NE	83,273	54,588
Yuba NW	43,255	15,268
Yuba South	20,657	1,750
Yuba West	40,708	267

Table 2. Designated OSV Trails under Alternative 2

Designated OSV Trails Available for Grooming	Trail Length (Miles)	Areas
American Hill Trail	9.51	Foresthill East
Bald Ridge Loop Trail	14.40	Sierraville West
Bowman Trail	13.60	Bowman
Duncan "Y" Trail	5.14	Foresthill East
Fifty-Four Road Trail	12.54	Sierraville West, Yuba NE
Ford Point Trail	1.68	Foresthill East
Foresthill Divide Trail	14.21	Foresthill East
Groomer Shed Trail	0.64	Yuba NE
Haskell Peak Trail	15.55	Yuba NE
Howard Trail	2.06	Yuba NE
Humbug Tie Trail	0.82	Foresthill East
Humbug Trail	4.66	Foresthill East
Independence Lake Loop Trail	1.98	Sierraville West, Truckee
Jackson Meadow Little Truckee Trail	14.61	Sierraville West
Lower Ford Point Trail	1.30	Foresthill East
Meadow Lake Loop Trail	6.18	Sierraville West
Mosquito Ridge Trail	28.16	Foresthill East

Designated OSV Trails Available for Grooming	Trail Length (Miles)	Areas
Pass Creek Loop Trail	7.58	Sierraville West
Prosser Creek Trail	13.35	Sierraville West
Prosser Hill Winter Trail	1.05	Sierraville West
Rattlesnake Trail	10.10	Black Buttes
Ridge Loop Trail	6.05	Sierraville West
Rim Loop Trail	2.84	Sierraville West
Robinson Flat Trail	1.27	Foresthill East
Sawmill Flat Trail	0.22	Truckee
Sawtooth Trail	10.52	Truckee
Soda Springs Trail	6.36	Foresthill East
Sterling Trail	4.26	Black Buttes
Tadpole Trail	3.01	Foresthill East
Treasure Mtn Loop Trail	16.17	Sierraville West
Yuba Webber Trail	17.00	Sierraville West, Yuba NE
<b>Total</b>	<b>246.82</b>	
Designated OSV Trails not Available for Grooming on Easements	Trail Length (Miles)	OSV use Area
19 Road System Trails	10.09	Foresthill North
American Hill Trails	2.42	Foresthill East
Anderson Peak Trails	5.77	Truckee
East Bowman Trails	5.73	Bowman, Yuba South
Calpine Trails	0.48	Sierraville North
Donner Lake Interchange Trail	1.81	Truckee
Excelsior Trail	0.95	South of 20
Hilda Trail	2.48	Sierraville West
Packer Saddle Trails	2.87	Yuba NE
Palmer Ridge Trail	0.68	Lafayette
Pinoli Ridge Trail	3.83	Black Buttes
Rattlesnake Trails	4.64	Black Buttes, Sierraville West
Weber/Independence Trails	7.66	Sierraville West, Truckee
Easements Yuba/Webber Trails	3.14	Sierraville West
<b>Total</b>	<b>52.55</b>	
Designated OSV trails Not Available for Grooming	Trail Length (Miles)	OSV use Area
Andesite West OSV Trail	3.47	Donner Summit, Summit West
Bear Valley	6.52	Sierraville East
Boris	0.50	Truckee
CAL IDA Scales	14.86	Yuba NW
Carmen Valley	8.06	Sierraville North
Carmen Valley Spurs	1.70	Sierraville North

Designated OSV trails Not Available for Grooming	Trail Length (Miles)	OSV use Area
Carpenter Ridge	3.27	Truckee
Eureka	6.49	Yuba NW
Frosty East	5.01	Sierraville North
Jackass Point	1.17	Truckee
Jackass Point SP	0.68	Truckee
Martis Peak Trail	1.81	Truckee
Mosquito Ridge	18.72	Foresthill East, Foresthill West
North Tie	0.05	Sierraville North
Rocky	0.39	Truckee
Sagehen	4.68	Sierraville West, Truckee
Sawtooth OSV Trail	0.01	Truckee
South Sagehen Ck	2.56	Truckee
Texas Hill/Mears	3.83	Foresthill North
Woodcamp	0.24	Truckee
<b>Total</b>	<b>84.02</b>	

My decision includes the mitigations in FEIS Appendix E: “Mitigations to Address the Minimization Criteria in the Travel Regulations for Areas Designated for OSV Use” and FEIS Appendix F: “Mitigations to Address the Minimization Criteria in the Travel Regulations for Trails Designated for OSV Use.” In addition, this decision includes the monitoring and enforcement procedures described in the FEIS Chapter 2 (pp. 21 – 23). Finally, my decision will amend the *Tahoe National Forest Land and Resource Management Plan* (1990) by removing the OSV use standards and guidelines for each management area and replacing them with the following forest-wide standard: “Manage over the snow vehicle (OSV) use through designation of areas and trails consistent with travel management regulations.”

All practicable means to avoid or minimize environmental harm have been adopted in the design of the selected alternative (Alternative 2). I have included the project design features and mitigation measures that I believe are necessary to avoid, minimize, or rectify impacts on resources affected by the implementation of the selected alternative. My decision is based on the best available science. The resource analyses disclosed in Chapter 3 of the FEIS identify the effects analysis methodologies, reference scientific sources that informed the analysis, and disclose limitations of the analysis.

## DECISION RATIONALE

The Tahoe National Forest’s unique location relative to large population centers, year-round highway access, and readily accessible terrain in the wintertime make it one of the Nation’s most popular wintertime recreation destinations. Interstate 80, the principal west-east thoroughfare across the Sierra Nevada crest open year-round, runs through the center of the Forest. As one of the Nation’s major interstate highways, Interstate 80 links Sacramento and the San Francisco Bay Area to the Lake Tahoe Region and Reno, Nevada, which is one of only two major urban centers on the eastern flank of the Sierra Nevada. The Forest, which is less than an hour’s drive

from Sacramento or Reno and about three hours from the Bay Area, offers high mountain scenery and a plethora of wintertime recreation activities for the visiting public, including world-renowned ski resorts, an extensive system of groomed snow trails available for motorized and non-motorized users, areas established solely for non-motorized winter recreation use (e.g., cross-country skiing and snowshoeing), and large expanses of backcountry available for adventurous over-snow vehicle (OSV) users, backcountry skiers, and hybrid users<sup>4</sup>. In addition to Interstate 80, Highways 20, 49, and 89 provide year-round access to public lands within the Tahoe National Forest. The Forest's close proximity to urban areas, combined with its year-round attractive recreation opportunities, results in millions of visitors annually. Indeed, the Tahoe National Forest has repeatedly ranked among the top 20 most visited national forests in the Nation. I am committed to providing outstanding recreational opportunities across the Tahoe National Forest for all, while protecting the natural and cultural resources on these public lands. I believe this decision fulfills this commitment.

In reaching my decision, I drew upon the local knowledge and experience of employees and the public. This included the resource management and scientific expertise of Forest Service staff, as well as comments I received from the public. Despite apparent differences in opinion, the public, through their comments and participation in meetings and open houses held across the Forest during scoping and the DEIS comment period, revealed a strong connection with the Tahoe National Forest: connections based on individuals and multiple generations of families enjoying wintertime recreation activities and exploration as well as traditions in the making. My decision to designate specific areas and trails and vehicle classes on the Tahoe National Forest for public OSV use strikes a balance between providing motorized winter recreation opportunities, providing winter recreation opportunities for users who prefer non-motorized settings, and protecting the Forest's natural and cultural resources. This balance also includes not designating certain areas for public OSV use (for example, Castle Valley and Round Valley, areas along the Sierra crest south of Interstate 80, Loch Leven, Independence Lake watershed, Granite Chief Wilderness, drainages of Deep, Pole, and Silver Creeks, among others) as well as designating OSV trails through areas otherwise not designated for OSV use (for example, OSV trails in the Sagehen Experimental Forest, Castle area, north of Yuba Pass, and Kyburz cross-country ski area, among others) to allow OSV users access to designated OSV areas that lie beyond these non-designated areas.

I reviewed the public comments received on the Draft Environmental Impact Statement (DEIS). I modified and clarified the selected alternative (FEIS Alternative 2) between the Draft and Final EIS to respond to public concerns about: (1) providing winter recreation opportunities (both motorized and non-motorized) in specific areas of the Forest, (2) designating OSV use for different classes of vehicles, (3) providing OSV access between designated OSV areas separated by private lands, (4) protecting natural and cultural resources underlying the snow from OSV use impacts, (5) designating OSV use adjacent to the Pacific Crest Trail (PCT) and OSV crossings of the PCT, and (6) addressing the Travel Management Rule's minimization criteria at 36 CFR 212.55(b).

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<sup>4</sup> skiers and snowboarders who use OSVs to access areas for skiing and snowboarding



### *Winter Recreation Opportunities*

Public comments provided very helpful information about important areas and trails throughout the Forest, highly valued by different winter recreation users for a variety of reasons. For example, numerous commenters expressed the desire for motorized access to reach both snowmobiling and skiing opportunities near Donner Summit, along Carpenter Ridge, and in the area east of Anderson Peak. Other commenters requested that I consider expanding the Loch Leven non-designated area in the DEIS Preferred Alternative to include Fisher Lake, a popular destination for skiers. Others asked me to consider not designating OSV use near the ridgeline from Tinker's Knob north to the north end of Section 33 (near Mount Lincoln) to reduce potential conflicts with non-motorized wintertime users traveling along the PCT. These, along with other suggestions and recommendations from the public, helped me find a balance between designating specific areas and trails to provide OSV access to wintertime recreation opportunities (both motorized and non-motorized) and not designating other areas to provide for quiet wintertime recreation opportunities and solitude.

I modified OSV use designations for specific areas and trails under Alternative 2 (the selected alternative) in response to public comments. To highlight a few here, I added OSV use designations for two National Forest parcels near the Donner Lake Interchange and the Granite Flat area west of Highway 89. I added OSV use designations for: (1) the Sawtooth Snow Trail (available for grooming), (2) several trails (not available for grooming) on existing roads to provide OSV access to the area east of Anderson Peak, and (3) several trails (not available for grooming) in the Sagehen Experimental Forest to provide access to Carpenter Ridge for OSV users and hybrid skiers. The designated OSV trails in the Sagehen Experimental Forest will also provide OSV-assisted access for skiers and snow boarders desiring to reach areas not designated for OSV use in the Independence and Sagehen watersheds. I expanded the non-designated area in the Loch Leven area to include Fisher Lake and its watershed. I moved the boundary of the designated OSV area that runs along the north/south ridgeline from Tinker's Knob (at the southern end) to the vicinity of Mount Lincoln (at the north end of Section 33) to the east for 300 to 500 feet. This boundary adjustment will reduce conflict with non-motorized users traveling to and from Sierra Club's Benson Hut and those using the PCT where it is located along the ridgeline. I removed the OSV use designation from NFS lands located north and west of Frog Lake within the Frog Lake bowl (watershed). The FEIS (Volume I, pp. 19 - 23, 23 - 25, and 30 - 35) provides a detailed description of Alternative 2, including areas designated for public OSV use. The Alternative 2 map in the FEIS map package displays the decision's designated OSV areas and trails.

### *Vehicle Classes*

Designating where different classes of OSVs can be used is one of the approaches in my decision to ensure impacts to natural and cultural resources underlying the snow are minimized, consistent with Subpart C of the Forest Service's Travel Management Regulations (36 CFR 212.81(d)) while also providing OSV users with a safe and enjoyable recreation experience. In the DEIS, Alternative 2 proposed designating classes of vehicles based on vehicle width. This approach elicited public concerns that vehicle width is not necessarily directly related to adverse resource impacts, and basing OSV use designations on vehicle width would unduly limit recreation opportunities for OSV users with machines that

were not causing adverse impacts to resources underlying the snow. To respond to these concerns, I have changed the approach for defining classes of vehicles. My decision bases class of vehicle on the ground pressure exerted by different types of OSVs to better align with potential resource impacts (as heavier vehicles create deeper tracks and can potentially cause resource damage). The revised Class 1 OSVs include those that typically exert a ground pressure of 1.5 pounds per square inch (psi) or less. This class includes snowmobiles, tracked motorcycles, tracked all-terrain vehicles (ATVs), tracked utility terrain vehicles (UTVs), and snow-cats. The revised Class 2 OSVs include those that typically exert a ground pressure of more than 1.5 psi. This class includes tracked four-wheel drive (4WD) sport utility vehicles (SUVs) and tracked 4WD trucks. Under this decision, Class 1 OSVs will be able to operate on areas and trails designated for OSV use while Class 2 OSVs will be restricted to designated OSV trails available for grooming.

#### *Access to Designated OSV Use Areas*

A number of OSV users raised concerns about access to isolated “islands” of designated OSV use areas. This situation was particularly problematic in the checkerboard area on the east side of the Forest in which alternating square-mile sections of land are privately owned. To remedy this situation, my decision includes designating OSV trail connectors over roads where the Forest Service holds public access easements across private land. These designated OSV trails will allow OSV users to access designated OSV use areas that otherwise could not be reached by traveling exclusively on National Forest System lands.

#### *Snow Depth*

Commenters raised concerns about protecting valuable forest resources that could be impacted by OSV use, particularly as it relates to sensitive resources underlying the snow. My decision’s approach for minimizing impacts from OSV use on water, soil, terrestrial wildlife habitat, and aquatic wildlife recognizes that constantly changing and highly variable snow conditions (based on snow quantity, slope and aspect of terrain, water content, snow faceting, diurnal temperature fluctuations, etc.) make 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. For these reasons, my decision does not prescribe a minimum measured snow depth. Rather, my decision requires OSV users to ensure that the snow is of sufficient depth to avoid damage to natural and cultural resources. The snow depth language for Alternative 2 has been modified between the DEIS and FEIS to provide guidelines to help OSV users determine when snow depth would be sufficient to avoid resource damage. For cross-country OSV travel, a minimum of 12 inches of moderate to heavy density, uncompacted snow is typically needed (moderate to high water content snow common to Sierra storms). Snow water equivalency (SWE) is also an indicator for avoiding damage to resources. A SWE of 4 inches can be a reasonable baseline for avoiding resource damage. Alternative 2 also provides examples of resource damage, including, but not limited to, road and trail rutting; uprooted vegetation or vegetation and soil mixed with snow; crushing small mammal tunnels (subnivean zone). On designated OSV trails with underlying roads, a minimum of 6 inches of uncompacted snow is typically needed to avoid damage to the underlying road surface.

We consulted with law enforcement, other government agencies, and State agencies to arrive at this decision as it pertains to snow depth requirements. Forest Service regulations at 36 CFR 261.9 and 261.12 are clear that responsibility to protect natural and cultural resources is on the OSV user. Under this decision, OSV users are responsible for ensuring that their OSV use is not damaging forest resources underlying the snow.

#### *Pacific Crest Trail*

I heard many concerns about designating areas for OSV use adjacent to the Pacific Crest Trail (PCT). Some commenters felt that OSV use areas should not be designated adjacent to the PCT while others believed that restricting OSV use near the Trail was not necessary, arguing that the Trail receives minimal use during the wintertime.

My decision considered these public comments while ultimately being guided by the National Trails System Act of 1968 (P.L. 90-543), as amended, the *Comprehensive Management Plan for the Pacific Crest National Scenic Trail* (Comprehensive Plan 1982) and the *Tahoe National Forest Land and Resource Management Plan* (LRMP 1990). My decision regarding OSV use designations adjacent to the PCT is aligned with the Comprehensive Plan's guidance to mitigate the conflict of noise associated with motorized use where cross-country skiing and/or snowshoeing are planned for the Trail. Based on observed wintertime use of the PCT by the Tahoe National Forest's winter recreation specialists and from public comments, we identified sections of the Trail on which non-motorized winter recreation use (cross country skiing and snowshoeing) typically occurs as these are places where noise conflicts can be an issue.

Most wintertime recreation use along the PCT originates from the few plowed winter trailheads. We identified the winter plowed public parking locations that access the PCT, and the typical one-day snowshoeing or cross-country skiing distance on the PCT from these access points. Most recreationists accessing the PCT in the winter park at the Donner Summit Winter Trailhead off Interstate Highway 80. Skiers and snowshoers can travel north on the PCT to Castle Pass, the Peter Grubb Hut, and Round Valley within a day as well as south to the Donner Pass Road and beyond. The public also accesses the PCT from the Donner Pass Road, heading south towards Mt. Lincoln and the Benson Hut. Public wintertime parking within a few miles of the PCT can also be found along Highway 89 near Pole Creek. Skiers and snowshoers can access the Bradley Hut and Benson Hut as well as Anderson Peak and Tinker Knob from Highway 89. Some visitors make a multi-day trip between Donner Summit and Squaw Valley, spending a night or two at the Benson Hut. Finally, the PCT could potentially be accessed where it crosses Highway 49, east of Sierra City. At this time, no suitable parking places exist where the PCT crosses Highway 49 due to snow berms along the Highway. My decision does not designate OSV use adjacent to the PCT along the Trail segments referenced in this paragraph as these are areas where noise conflicts may be an issue. Areas not designated for OSV use adjacent to the PCT vary from 300 feet from the Trail to several miles from the Trail.

Public comments also raised concerns about the number and frequency of designated OSV crossings of the Pacific Crest Trail. Some argued that OSV users should not be allowed to cross the PCT while others felt that OSV users should be able to cross the Trail at any point. Many OSV users were concerned about safety related to OSV crossings of the Trail.

Motorized travel on the PCT is prohibited by Section 7(c) of the National Trails System Act. In areas where OSV use is designated on both sides of the PCT, designated crossings are needed to allow OSV users to get across the Trail, and is consistent with the PCT Comprehensive Plan.

My decision recognizes the changing and potentially dangerous nature of snow. A PCT crossing location may be safe to cross on a snowmobile one day and may be unsafe another day due to snow and weather conditions (wind, snow quantity, slope and aspect of terrain, water content, snow faceting, diurnal temperature fluctuations, etc.) interacting with topography. To address public concerns about the safety of OSV crossings of the PCT, my decision designates 34 OSV crossings of the PCT to alleviate safety concerns as well as address the practicality of crossing the Trail in the wintertime. My decision clarifies that OSV users are to make PCT crossings at as close to 90 degrees as is safe and at, or as near as possible to, the identified crossing locations as is safe to do so.

*Travel Management Rule Minimization Criteria (36 CFR 212.55(b))*

I have carefully considered and applied the Travel Management Rule's minimization criteria at 36 CFR 212.55(b) to each area and trail designated for public OSV use. While it is not possible here to detail the myriad of steps I have taken to address the minimization criteria for every area and trail, I want to highlight several broad approaches used in my decision-making. One approach I used was to avoid designating OSV use in areas with sensitive natural and cultural resources (36 CFR 212.55(b)(1) and (2)). I did not generally designate OSV use in: (1) key deer winter range, (2) most of the Forest below 5,000 feet, (3) Robinson Flat (to protect historic structures), and (4) important habitat for the threatened Lahontan cutthroat trout population at Independence Lake. In addition, I decided not to designate a segment of the Howard Creek OSV Trail that is not on an existing road and crosses a wet meadow, which provides known occupied and critical habitat for the endangered Sierra Nevada yellow-legged frog. In certain cases, I did not designate OSV use as a means of addressing potential recreational use conflicts (36 CFR 212.55(b)(3)). For example, I did not designate OSV use in existing popular non-motorized areas; I am not designating OSV use adjacent to the PCT where noise conflicts may be an issue; and I am not designating OSV use in certain areas that provide unique non-motorized opportunities close to winter plowed parking (e.g. Castle Valley, Round Valley, Loch Leven and Sagehen Experimental Forest).

My decision's snow depth and class of vehicle requirements are designed to minimize damage to soil, watershed, vegetation, and other forest resources (36 CFR 212.55(b)(1)) and minimize harassment of wildlife and significant disruption of wildlife habitats (36 CFR 212.55(b)(2)). In addition, the class of vehicle requirements are designed to minimize conflicts among different classes of motor vehicle uses (36 CFR 212.55(b)(4)). Finally, I relied on motorized use prohibitions for wilderness areas and national scenic trails (e.g. the Granite Chief Wilderness and PCT) as well as existing Forest Plan direction (e.g. standards and guidelines pertaining to spotted owl and goshawk activity centers, marten den sites, wolverine detections, recreation opportunity spectrum, etc.) to address the minimization criteria in certain instances. For more information about the process I used to apply the Travel Management Rule's minimization criteria to this Project, please refer to FEIS Volume I, Chapter 1, *Minimization Criteria*, pp. 4 - 8 and Chapter 2, *How Alternatives were Developed*, pp. 23 - 26. I refer the reader to FEIS Volume II, Appendices E and F for a

detailed description of how the minimization criteria were applied on area-by-area and trail-by-trail basis.

In arriving at this decision, I gave considerable thought to the variety of opinions and information provided by the many participants in the process. I greatly appreciate the time and energy people contributed to this process and decision. This participation was essential in meeting our goal of providing outstanding recreational opportunities for all while protecting natural and cultural resources. This decision includes many ideas and contributions from participants in the process.

While I recognize that this decision will not eliminate all conflicts between different types of winter recreation uses, I am confident that designating areas and trails for public OSV use and displaying this information on a published Over-Snow Vehicle Use Map (OSVUM) will benefit all winter recreationists by providing clear information about where OSVs may or may not be operated. Non-motorized recreationists can choose to use the OSV designated areas and trails if they are not concerned about interacting with OSVs, or they can choose areas where OSV use is not designated if they prefer a quieter recreation experience. In addition, the Forest Service will be able to provide better OSV use enforcement, including enforcing illegal OSV use outside the established designated OSV areas and trails. The OSVUM will contain specific information to educate all winter recreation users regarding rules and regulations governing winter recreation on the Forest.

## **PUBLIC INVOLVEMENT**

I relied on public involvement to ensure that a reasonable range of alternatives, representing a broad array of perspectives, would be analyzed in this Project's final environmental impact statement. Scoping was a valuable step in the analysis and decision-making process, allowing me to share the proposed action with the public and other Federal, State, and local agencies. Scoping and the DEIS comment period provided me with new information, helping me define the overall scope of the analysis, identify issues used to develop and refine alternatives, and develop and refine the environmental analysis.

A scoping letter describing the proposed action and seeking public comments was sent via regular mail or email to approximately 812 interested groups, individuals, tribes, and agencies on February 20, 2015, with comments requested to be returned by March 25, 2015. A press release was also sent to local news media outlets on February 20, 2015. A notice of intent to prepare an environmental impact statement was published in the Federal Register on February 23, 2015. All notices included a web address for the project's website where comments could be submitted, plus information on additional ways to provide comments. The project's website could also be accessed from the homepage of the Tahoe National Forest's public website, where information on the project is available.

Scoping letters were sent to the plaintiffs on February 20, 2015. The Forest Service discovered that it had inadvertently omitted some of the intervenors from its address list for the February 20, 2015, mailing, so scoping letters were sent to those intervenors on March 19, 2015, and they were given 30 days to respond.

The public was invited to comment on the proposed action, identify potential conflicts or benefits, and provide any relevant information that would be useful in the subsequent



environmental analysis. The Forest Service received and considered responses from 230 interested groups, individuals, and agencies in the form of letters, emails, and website submissions. All comments were thoughtful narratives reacting to the proposed action with support, opposition, concerns, or requests for revision and new alternatives. The Forest Service appreciates the time and perspectives shared by each commenter, and the willingness of all to engage in the environmental analysis process.

Public scoping meetings were held on March 2, 3, 4, 5, and 9, 2015, and were attended by interested and affected stakeholders and members of the public. The meetings' objectives were to share information about the project's proposed action and the NEPA process, as well as collect public input on the purpose and need for action. Approximately 215 people attended the five meetings. The project first appeared on the Tahoe National Forest's Schedule of Proposed Actions on January 1, 2015.

A letter notifying the public that the DEIS was available for review and comment for 45 days was sent via regular mail or email to approximately 475 interested groups, individuals, tribes, and agencies on April 12, 2018. A press release was also sent to local news media outlets on April 12, 2018. The Notice of Availability notifying the public that the DEIS was available for review and comment for 45 days was published in the Federal Register on April 13, 2018. Public open houses for the DEIS were held on April 24, 2018 at the Sierraville Ranger District Office, May 2, 2018 at the Auburn Holiday Inn, May 9, 2018 at the Sierra City Community Hall and May 16, 2018 at the Truckee Ranger District Office. Over 2,200 public comment letters were received on the DEIS.

On August 16 and 27, 2018 stakeholder representatives from local and regional snowmobile advocates, hybrid user groups (use OSVs to access areas for skiing, snowboarding, etc.) and winter non-motorized advocacy groups met to see if they could come to agreement on recommendations for me pertaining to areas of high interest to all sides of the user spectrum. No agreements were made during those meetings and no collaborative recommendations were provided to me.

## **ALTERNATIVES CONSIDERED**

In addition to the selected alternative (Alternative 2), I considered four other alternatives, which are summarized below. Alternative 5 is the environmentally preferred alternative, based on the definition at 36 CFR 220.3. More detailed descriptions and comparison of these alternatives can be found in the FEIS Volume I on pages 19 – 56. The FEIS map package provides spatial displays of the alternatives.

## Alternative 1

Alternative 1 is the no action alternative and represents the current management of public OSV use within the Tahoe National Forest as described in the *Tahoe National Forest Land and Resource Management Plan* (LRMP, 1990), as amended.

- Approximately 641,952 acres of NFS lands are designated for public cross-country OSV use.
- Approximately 1,218 acres of NFS lands are designated for public cross-country OSV use in deer holding areas from January 1 through September 14 (LRMP, pg. V-30).
- The Forest Plan does not establish a minimum snow depth for trail or cross-country public OSV use
- The Tahoe National Forest has a total of approximately 369 miles of designated OSV trails that consist of:
  - Approximately 220 miles of designated OSV trails available for grooming.
  - Approximately 149 miles of designated OSV trails not available for grooming, which includes: (1) approximately 9 miles on NFS lands, of which 3 miles are located within areas designated for cross-country OSV use and (2) approximately 140 miles located on easements across private lands (added between DEIS and FEIS).
- The Forest Service follows the California State Parks' Off-Highway Motor Vehicle Recreation Division snow depth standards for snow grooming, currently 12 to 18 inches of snow.
- OSV use on the PCT is prohibited by the National Scenic Trails Act, P.L 90-543, Section 7(c).
- No designated OSV crossings of the PCT are established.

## Alternative 3

Alternative 3 was submitted by Snowlands Network and others during scoping to respond to issues surrounding (1) the quality and quantity of non-motorized winter recreational opportunities available on the Forest; (2) the potential for OSV trail grooming and OSV noise to adversely impact quiet recreation experiences and disturb wildlife; and (3) air quality impacts, particularly localized impacts to those desiring a non-motorized winter recreation experience. This alternative emphasizes providing opportunities for non-motorized winter recreation across the Forest.

- Approximately 257,024 acres of NFS lands would be designated for public cross-country OSV use.
- Approximately 1,408 acres of NFS lands would be designated for public cross-country OSV use in deer holding areas from January 1 through September 14 (LRMP, page V-30).
- Public OSV use would not be designated in a 1-acre area near Robinson Flat to protect historic structures.

- Individual parcels of NFS lands currently under long-term special use permits for Royal Gorge Cross Country Ski Area, Tahoe Donner Cross Country Ski Area, Boreal Ski Area, Donner Ski Ranch Ski Area, Sugar Bowl Ski Area, Alpine Meadows Ski Area and Squaw Valley Ski Area would not be designated for public OSV use.
- Cross-country OSV use would be designated during specific dates in aquatic and terrestrial wildlife species' habitats as follows:
  - Within all Sierra Nevada yellow-legged frog habitat – First major snow event to April 15 (or earlier if there is insufficient snow to buffer vegetative habitat).
  - Bald Eagle nesting habitat – September 1 to December 31
  - California spotted owl/great gray owl nesting habitat – August 16 to April 30
  - Northern goshawk nesting – September 16 to February 14
  - Pacific marten denning habitat – August 1 to April 30
- Public OSV use would not be designated within 150 feet of waterways that support Lahontan cutthroat trout.
- Public OSV use would not be designated within 300 feet of lakes and 150 feet of rivers and streams.
- Both Class 1 and 2 OSVs would be allowed on all designated OSV trails and areas.
- A total of approximately 280 miles of OSV trails would be designated as follows:
  - Approximately 220 miles of designated OSV trails would be available for grooming.
  - Approximately 60 miles of designated OSV trails would not be available for grooming, which includes: (1) approximately 24 miles, of which 15 miles are located within areas designated for cross-country OSV use and (2) approximately 36 miles of designated OSV trails on easements across private lands (added between DEIS and FEIS).
- A forest-wide snow depth requirement for public OSV use would be implemented by:
  - allowing public, cross-country OSV use in designated OSV use areas when there are 18 or more inches of snow or ice covering the landscape, to prevent impacts to surface and subsurface resources including, but not limited to, archaeological deposits, historic features, and historic properties. Public OSV use on designated trails would be allowed when there are 18 or more inches of snow covering the trail.
  - grooming designated OSV trails when there are 18 inches or more of snow.
- Three OSV crossings of the PCT would be designated. In all cases, OSVs crossing the PCT would do so at 90 degrees to minimize the time and distance needed to cross the Trail. The three designated OSV crossings of the PCT would be as follows:
  - Two designated crossings would utilize roads identified on the Tahoe National Forest's Motor Vehicle Use Map and would be the width of the road (approximately 14 feet).



- In one instance the designated crossing would be approximately 700 feet where the current alignment of the PCT overlays the Pass Creek Loop OSV Trail on Forest Service Road 70.

#### Alternative 4

Alternative 4 was developed with input from the Blue Ribbon Coalition and other OSV enthusiasts. This alternative emphasizes motorized winter recreation opportunities.

- Approximately 640,708 acres of NFS lands would be designated for public OSV use.
- Approximately 1,218 acres of NFS lands would be designated for public cross-country OSV use in deer holding areas from January 1 through September 14 (LRMP, page V-30).
- Public OSV use would not be designated in a 1-acre area near Robinson Flat to protect historic structures.
- A forest-wide snow depth requirement for public OSV use would be implemented by:
  - allowing public, cross-country OSV use in designated areas only when there are 12 or more inches of snow or ice covering the landscape, to prevent impacts to surface and subsurface resources including, but not limited to, archaeological deposits, historic features, and historic properties. On designated snow trails with underlying roads, a minimum of 6 or more inches of snow covering would typically be needed to avoid damage to the underlying road surface.
  - grooming designated OSV trails when there are 12 inches or more of snow.
- Both Class 1 and 2 OSVs would be allowed on all designated trails and areas.
- A total of approximately 326 miles of OSV trails would be designated, consisting of:
  - approximately 262 miles of designated OSV trails available for grooming.
  - approximately 64 miles of designated OSV trails not available for grooming, which includes: (1) approximately 9 miles, of which 4 miles, are located within areas designated for cross-country OSV use and (2) approximately 55 miles located on easements across private lands (added between DEIS and FEIS).
- Twenty-one OSV crossings of the PCT would be designated. In all cases, OSVs crossing the PCT would do so at 90 degrees to minimize the time and distance needed to cross the Trail.
  - Thirteen crossings would utilize roads identified on the Tahoe National Forest's Motor Vehicle Use Map and would be the width of the road (approximately 14 feet).
  - Eight OSV crossings of the PCT would not utilize roads and would range in length from 0.13 miles to 1.31 miles.

## Alternative 5

Alternative 5 emphasizes protections for wildlife and natural resources as well as quality recreational experiences for non-motorized recreation.

- Approximately 302,411 acres of NFS lands would be designated for public cross-country OSV use.
- OSV use would be limited to designated OSV trails within 1 mile of existing OSV trailheads.
- Public cross-country OSV use would not be designated within a 1-acre area near Robinson Flat to protect historic structures.
- Individual parcels of NFS lands currently under long-term special use permits for Royal Gorge Cross Country Ski Area, Tahoe Donner Cross Country Ski Area, Boreal Ski Area, Donner Ski Ranch Ski Area, Sugar Bowl Ski Area, Alpine Meadows Ski Area and Squaw Valley Ski Area would not be designated for public OSV use.
- Forest-wide snow depth requirements for public OSV use would be implemented by:
  - allowing public, cross-country OSV use in designated OSV use areas when there are 24 or more inches of snow or ice covering the landscape, to prevent impacts to surface and subsurface resources including, but not limited to, subnivean habitat, archaeological deposits, historic features, and historic properties. Public OSV use on designated trails would be allowed when there are 24 or more inches of snow covering the trail. All designated trails for public OSV use (including those identified for OSV grooming) would overlay an existing paved, gravel, or native surface travel route.
  - grooming designated OSV snow trails when there are 12 inches or more of snow.
- Class 1 OSVs would be allowed on all designated OSV trails and areas. Class 2 OSVs would only allowed on designated OSV trails available for grooming.
- A total of approximately 287 miles of OSV trails would be designated, consisting of:
  - approximately 215 miles of designated OSV trails available for grooming.
  - approximately 72 miles of designated OSV trails not available for grooming, including: (1) approximately 24 miles, of which 6 miles are located within areas designated for cross-country OSV use and (2) approximately 48 miles located on easements across private lands (added between DEIS and FEIS).
- OSV use would not be designated in areas within the Forest Service Scenery Management System definition of Foreground for the PCT. This area would be up to one-half mile in the visible lands on each side of the Trail or smaller as the visible landscape along the Trail will be less than one-half mile on each side of the trail due to topography. Users could cross this non-motorized corridor on designated OSV trails.
- Ten OSV crossings of the PCT would be designated. These crossings would utilize roads identified on the Tahoe National Forest's Motor Vehicle Use Map and would be the width of the road (approximately 14 feet). In all cases, OSVs crossing the PCT would do so at 90

degrees, or as close to 90 degrees as is safe, to minimize the time and distance needed to cross the Trail. OSV users are to make crossings at, or as near as possible, to the identified crossing locations as is safe to do so. In one instance, the current alignment of the PCT overlays the Pass Creek Loop OSV Trail on Forest Service Road 70 for approximately 700 feet.

## **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

My decision complies with the laws, regulations, and policies listed below and described in Chapter 3 of the FEIS.

### **National Forest Management Act**

This decision includes an amendment to the *Tahoe National Forest Land and Resource Management Plan* (LRMP 1990) that will appropriately place planning, analysis, and decision-making for OSV use at the project level and ensure this Project is consistent with the LRMP as amended (36 CFR 219.15(c)(4)). The amendment will remove the existing LRMP's OSV use standards and guidelines for each management area (FEIS, Volume II, Appendix B), and replace them with the following forest-wide standard: "Manage over the snow vehicle (OSV) use through designation of areas and trails consistent with travel management regulations." In accordance with 36 CFR Part 219.13(b)(5), the Responsible Official determined the plan amendment is directly related to 36 CFR 219.10 Multiple Use, (a)(1) recreation settings and opportunities.

The health and resiliency of the Tahoe National Forest's natural resources are critical to the sustained delivery of nature-based recreation settings and opportunities. As such, recreation settings and opportunities need to be compatible with the landscape's ability to support associated types of activities, use levels, access, and infrastructure. Motorized recreation opportunity spectrum (ROS) classes are located on landscapes where the topography, geology, and soils can support motorized use and the associated roads and motorized trails. ROS provides a framework where recreational opportunities, activities and expected experiences are integrated to ensure compatibility with the landscape's natural and cultural resource values. The ROS establishes recreational settings particularly informative for decisions on infrastructure and the built environment but is not intended to be the sole framework for managing recreational uses and activities.

The plan amendment to adopt a forest-wide standard for managing public OSV use will continue to require project-level OSV use designation decisions to be consistent with LRMP management direction, including existing LRMP ROS classifications, which will not change. The forest plan amendment appropriately places OSV use designation at the project-level, with each designation requiring site-specific planning, environmental analysis, and decision-making. Project-level planning and analysis will allow the responsible official to more rapidly and efficiently make changes to OSV use designations as needed to respond to changing conditions and/or new monitoring information. The amendment allows the Forest Service to more rapidly adapt site-specific OSV use designations based on new information and/or changed circumstances as a forest plan amendment will not be required to make changes in OSV use designations.

In regard to future land management planning for the Tahoe National Forest, OSV use designations will not preclude areas from being considered and recommended for wilderness designation during forest plan revision because OSV designations do not include permanent improvements or other physical modifications to an area. Designating where OSVs are allowed to operate on the Tahoe National Forest does not preclude any area from being considered for wilderness in the future.

With the amendment above in place, all aspects of this decision are consistent with the *Tahoe National Forest Land and Resource Management Plan* (1990), as amended, as documented under each resource section in Chapter 3 of the FEIS (Volume I).

### **Travel Management Rule (36 CFR 212), Subpart C**

This decision complies with the Forest Service's Travel Management Rule (36 CFR 212), Subpart C, including the Rule's provisions for designating OSV use where snowfall is adequate for the use to occur (36 CFR 212.81(a)) and the criteria for designating OSV area and trails (36 CFR 212.55). The Responsible Official determined that elevations above 5,000 feet have adequate snowfall for OSV use to occur. As such, this decision generally does not designate OSV use areas below 5,000 feet because lower elevations on the Tahoe National Forest typically do not have sufficient snowfall for OSV use.

The FEIS (Volume I, pp. 3 – 8) describes how the Travel Management Rule's designation criteria were applied for the Tahoe National Forest OSV Use Designation Project. Documentation of how the criteria at 36 CFR 212.55(b) were addressed for each designated OSV area and trail is presented in the FEIS, Volume II, Appendix E "Mitigation to Address the Minimization Criteria in the Travel Regulations for Areas Designated for OSV Use" and Appendix F "Mitigation to Address the Minimization Criteria in the Travel Regulations for Trails Designated for OSV Use."

### **National Trails System Act and Pacific Crest National Scenic Trail Comprehensive Plan**

This decision complies with the National Trails System Act of 1968 (P.L. 90-543), as amended. Section 7(c) of the Act states: "National scenic trails may contain campsites, shelters, and related public use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail. Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts shall be made to avoid activities incompatible with the purposes for which such trails were established. The use of motor vehicles by the general public along any national scenic trail shall be prohibited... This decision does not designate OSV use along the Pacific Crest National Scenic Trail.

The Act does not prohibit public motorized use adjacent to national scenic trails, and this decision does designate OSV use in some areas adjacent to the Pacific Crest Trail. Section 7(a)(2) of the Act specifies that national scenic trails shall harmonize with and complement management for multiple uses on lands adjacent to such trails. The Act recognizes that segments of national scenic trails may traverse the natural and historical areas of the national park system, national wildlife refuge system, and national wilderness preservation system where use of motorized vehicles is presently prohibited or on other Federal lands where trails are designated

as being closed to such use by the appropriate Secretary (Section 7(c)). OSV use is prohibited within the Tahoe National Forest's Granite Chief Wilderness, which the PCT traverses.

This decision is consistent with the *Pacific Crest National Scenic Trail Comprehensive Plan* (1982), which states: "Within Federal lands outside National Parks and Wilderness (57% of the trail), the trail must co-exist in harmony with all other resource uses and activities of the land as determined through the land management planning process. The trail will cross a mosaic of areas differing in primary management emphasis. This could be grazing, key wildlife habitat, special interest such as scenic or geologic, developed recreation, unroaded recreation, research natural, or intensive timber management. Viewing and understanding this array of resources and management is one of the primary recreation opportunities to be made available over these portions of trail" (pg. 21).

This decision's designated OSV crossings of the PCT is consistent with the Comprehensive Plan's direction: "Snowmobiling on the trail is prohibited but crossing at designated locations is consistent with the purpose of the trail when such [OSV] use is permitted on lands adjacent to the trail and does not cause damage to the trail, related resources, or facilities."

The Comprehensive Plan (pg. 21) provides further guidance for winter recreation use on the PCT, including the following:

"Snowmobiling along the trail is prohibited by the national Trail System Act, P.L. 90-543, Sec 7(c). Winter sports plans for areas through which the trail passes should consider this prohibition in determining areas appropriate for snowmobile use. Winter sports brochures should indicate designated snowmobile crossing of the Pacific Crest Trail where it is signed and marked for winter use. If cross-country skiing and/or snowshoeing are planned for the trail, any motorized use of adjacent land should be zoned to mitigate the noise of conflict."

As described in the "Decision Rationale" section of this ROD, this decision does not designate OSV use adjacent to the PCT along the Trail segments where noise conflicts between winter motorized use and non-motorized recreation use may be an issue. Areas not designated for OSV use adjacent to the PCT vary from 300 feet from the Trail to several miles from the Trail.

### **Clean Water Act**

The Clean Water Act of 1948 (as amended in 1972 and 1987) establishes Federal policy for the control of point and non-point pollution, and assigns the states the primary responsibility for control of water pollution. The Porter-Cologne Water-Quality Act, as amended in 2006, provides for the protection of water quality by the State Water Resources Control Board and the Regional Water Quality Control Boards, which are authorized by the U.S. Environmental Protection Agency to enforce the Federal Clean Water Act in California. The State Water Resources Control Board and Regional Water Quality Control Boards entered into agreements with the Forest Service to control nonpoint source discharges by implementing Best Management Practices (BMPs). Forest Service BMPs are in conformance with the provisions and requirements of the Federal Clean Water Act and within the guidelines of the Basin Plans developed for the nine Regional Water Quality Control Boards in California. This decision adopts Best Management Practices to Protect Water Quality (FEIS Appendix D) in compliance with the Clean Water Act.

### **Endangered Species Act**

Pursuant to the Endangered Species Act (ESA) of 1973 (16 USC 1531 et seq.), Federal agencies shall insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species. Section 7 of the ESA, as amended, requires the responsible Federal agency to consult with the U.S. Fish and Wildlife Service (USFWS) concerning endangered and threatened species.

The Forest Service has formally requested consultation and conference with USFWS for the following federally listed, proposed species and designated critical habitat for this Project: Lahontan trout (*Oncorhynchus clarkia henshawi*), California red-legged frog (*Rana aurora*), Designated Critical Habitat for the California red-legged frog (*Rana aurora*), Sierra Nevada yellow-legged frog (*Rana sierrae*), Designated Critical Habitat for the Sierra Nevada yellow-legged frog (*Rana sierrae*), and North American wolverine (*Gulo gulo*). Consultation with the USFWS will be completed prior to the final decision and will comply with Section 7 of the Endangered Species Act.

### **National Historic Preservation Act**

The National Historic Preservation Act of 1966, as amended, directs all Federal agencies to take into account the effects of their undertakings (actions, financial support, and authorizations) on properties included in or eligible for the National Register. Implementing regulations are found at 36 CFR 800.

This decision complies with the “Programmatic Agreement Among U.S.D.A. Forest Service, Pacific Southwest Region (Region 5), California State Historic Preservation Officer, Nevada State Historic Preservation Officer, Advisory Council on Historic Preservation Regarding the Processes for Compliance with Section 106 of the National Historic Preservation Act for Management of Historic Properties by the National Forests of the Pacific Southwest Region, February 2013.”



## ADMINISTRATIVE REVIEW (OBJECTION) OPPORTUNITIES

This draft decision is subject to two different objection processes because it includes both a project-level decision as well as a forest plan amendment decision. The project-level decision (which includes all elements of this draft decision except the proposed forest plan amendment) is subject to the objection regulations at 36 CFR 218, Subparts A and B. The forest plan amendment portion of this decision (see pg. 6 of this ROD and FEIS, Volume I, Chapter 3, pp. 20 – 21) is subject to the objection regulations at 36 CFR 219, Subpart B. While the two objection processes are similar, there are some important differences as described below.

### *Who May File an Objection*

**36 CFR 218 (Project):** Individuals or entities who have submitted timely, specific written comments about the proposed project during any designated opportunity for public comment are eligible to file an objection on the Project (36 CFR 218.5(a)).

**36 CFR 219 (Forest Plan Amendment):** Individuals or entities who have submitted substantive formal comments related to the plan amendment during the opportunities for public comment are eligible to file an objection on the forest plan amendment portion of the Project (36 CFR 218.5).

### *Required Content for an Objection*

**36 CFR 218 (Project):** Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed Project unless based on new information arising after the designated comment opportunities. Objections on the Project must include the following information (36 CFR 218.8(d)): (1) objector's name and address, with a telephone number, if available; (2) objector's signature or other verification of authorship; (3) identification of a single lead objector when applicable; (4) project name, Responsible Official name and title (Eli Ilano, Forest Supervisor, Tahoe National Forest), and name of affected National Forest(s) and/or Ranger District(s); (5) description of those aspects of the project being objected to, including specific issues related to the proposed project; (6) specific reasons for, and suggested remedies to resolve, the objection; and (7) description of the connection between the objection and the objector's prior comments, unless the objection concerns an issue that arose after the designated opportunities for comment. Documents incorporated by reference must adhere to 36 CFR 218.8(b).

**36 CFR 219 (Forest Plan Amendment):** Objections on the forest plan amendment portion of the Project must include the following information (36 CFR 219.54(c)): (1) the objector's name and address, along with a telephone number or email address if available; (2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection); (3) identification of the lead objector, when multiple names are listed on an objection; (4) the name of the plan amendment being objected to and Responsible Official name and title (Eli Ilano, Forest Supervisor, Tahoe National Forest); (5) a statement of the issues and/or the parts of the plan amendment to which the objection applies; (6) a concise statement explaining the objection and suggesting how the proposed plan decision may be improved; and (7) a statement that demonstrates the link between prior substantive formal comments attributed to the objector and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment. Documents incorporated by reference must adhere to 36 CFR 219.54(b).

### Where to File an Objection

The Regional Forester is the reviewing officer for objections for this Project filed under the 36 CFR 218 and/or 36 CFR 219 regulations. Objections must be submitted to: Regional Forester, USDA Forest Service; Attn: Tahoe National Forest Over-snow Vehicle Use Designation Project; 1323 Club Drive, Vallejo, CA 94592. Objections may be submitted via mail, FAX (707-562-9229), or delivered during business hours (M-F 8:00 a.m. to 4:00 p.m.). Electronic objections, in common (.doc, .pdf, .rtf, .txt) formats, may be submitted to: objections-pacificsouthwest-regional-office@fs.fed.us with Subject: Tahoe National Forest Over-snow Vehicle Use Designation Project

### When to File an Objection

**36 CFR 218 (Project):** Objections on the project-level decision must be submitted within **45 days** following the publication of the legal notice in Grass Valley's *The Union*. The date of the published legal notice is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframes provided by any other source. It is the objector's responsibility to ensure evidence of timely filing of a written objection with the reviewing officer (36 CFR 218.9)

**36 CFR 219 (Forest Plan Amendment):** Objections on the forest plan amendment must be submitted within **60 days** following the publication of the legal notice in *The Union*. The date of the published legal notice is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframes provided by any other source. It is the objector's responsibility to ensure evidence of timely receipt (36 CFR 219.56(c)).

## IMPLEMENTATION DATE

If no objection is filed on the project, a Record of Decision may be issued on, but not before, the fifth business day following the close of the objection filing period (36 CFR 218.21 and 36 CFR 219.58(c)). If an objection to this decision is filed in accordance with 36 CFR 218 and/or 36 CFR 219, then this Record of Decision may not be signed until all concerns and instructions from the reviewing official in the objection response have been addressed (36 CFR 218.12 (b) and 36 CFR 219.58(b)). After the decision is signed, implementation may begin immediately.

## CONTACT

For additional information concerning this decision, contact: Joe Chavez, Forest Trails and Recreation Specialist, Tahoe National Forest, 631 Coyote Street, Nevada City, California, 95959; 530-478-6158.

\_\_\_\_\_  
ELI ILANO  
Forest Supervisor

\_\_\_\_\_  
Date



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