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January 2014 Newsletter

Plumas NF Lawsuit to be filed



The long awaited lawsuit against the Plumas National Forest Travel Management Plan is expected to be filed in February.

The Plumas National Forest Travel Management Plan Decision was signed in 2010 by Forest Supervisor Alice Carlton. The decision was appealed by several parties including Plumas County, Butte County, the California Off-Road Vehicle Association, Jeanne Burroughs, Wayne Johannson, Phyllis Taddei, Misty Banchio, Steve Burroughs, Sierra Access Coalition, and the Wilderness Society. After a lengthy process, the Forest Service categorically denied all the appeals.

Following the denial of their appeals, Plumas and Butte Counties continued efforts to try and resolve matters. Both Counties conducted several meetings with Forest Service officials in an attempt to come to agreements on the issues that affect the citizens of their counties. Although there appeared to be some minor progress in project specific matters (including reclassification of some roadway segments for OHV use) and education efforts, there has been no progress in the important matters of "process," especially in the matter of "coordination."

Details regarding the lawsuit are confidential at this point, but it is expected that the lawsuit will be filed by SAC and other plaintiffs in February.

We will keep our members informed, when details can be released.

SAC wants to thank all our supporters. It has been a long road, and since we have never been involved in a lawsuit before, we had no idea it would take so long. But SAC is now in the final stages of filing the complaint.

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Tahoe Basin Snowmobile Planning Begins

SAC received the following message from Cheva Heck on the Tahoe Basin Unit of the Forest Service regarding snowmobile use:

“The Tahoe Basin is attempting to use a collaborative approach to resolving conflicts between snowmobilers and other winter recreationists. As you recall, we had a small group working on issues in the Mt. Rose Corridor.

“The Forest Service hired professional facilitators that assisted with the initial meeting to assess the state of the group and provide recommendations for the future. They identified among participants a desire to move forward but a need for a more formalized structure and operating norms.

“At the same time, the Forest Service is about to launch an analysis of over-the-snow vehicle use on National Forest System lands in the Lake Tahoe Basin under Subpart C of the Travel Management regulations.

“The Forest Service is hosting a meeting on Saturday, February 1, from approximately 9 am until 5 pm at the North Tahoe Events Center in Kings Beach to outline the process for Subpart C analysis and determine whether a collaborative group can develop a proposal for designated routes for over-the-snow vehicles that the Forest Service can bring forward in to formal National Environmental Policy Act analysis.”



This message from the Forest Service confirms SAC’s fear that snowmobile use will be next on the list of restrictions regarding the public’s use of our National Forest lands.

SAC strongly recommends that snowmobilers become involved in the Tahoe meetings, as this will set a precedence for the process to restrict snowmobile use on the Plumas NF.

Now is the time to speak up and save your sport!

Snowmobile Legal Ruling Update

Legal Decision

On March 29, 2013, U.S. Magistrate Judge Ronald E. Bush of the United States District Court of Idaho issued an Order in favor of the Winter Wildlands Alliance (WWA). The Order directs the Forest Service to issue a new travel rule that specifically addresses WWA's concerns about over-snow vehicle travel (snowmobiles), within approximately one year.

How the Magistrate's Ruling Impacts the USFS and Snowmobile Use

- Each unit of the National Forest system must prepare a Travel Management Plan (TMP) to govern off road vehicle use. Forests are effectively "closed until open" meaning that Off-Road Vehicle (ORV) use is not allowed until the Forest sets a TMP which opens specific routes, trails and areas.
- The 2005 Travel Management Rule (TMR) exempted "Oversnow Vehicles" (OSV's) from the TMP process. The Forest Service concluded since snowmobile trails melt at the end of the winter, the effects of snowmobile use are ephemeral and transitory and need not be part of the more rigorous TMP needed for regular ORV's (e.g., ATVs).
- For the past 7 years, the Forest Service has prepared many TMPs per the 2005 TMR that do not address winter use by snowmobiles.
- WWA, hostile to snowmobiling, sued the Forest Service in U.S. District Court in Idaho arguing that the OSV exemption in the 2005 TMR was illegal. In March 2013, the Court agreed and has ordered the Forest Service to redo the TMR to delete the OSV exemption.
- If the ruling stands, and is not appealed, the agency will have to (1) redo the TMR, and (2) systematically redo all of the existing TMP's to include winter snowmobile use in the revised plans. Complying with the present ruling will take substantial time and effort and impose substantial compliance costs on the financially strapped agency.
- Moreover, because of the "closed until open" nature of the rules, the Forest Service's inability to quickly redo the TMP's could result in wholesale closures of Forests to winter snowmobile use until it can complete revised TMPs. **Bottom line -- implementation of the Idaho ruling puts continued snowmobile use of National Forests at substantial risk.**
- The Idaho ruling also includes legal conclusions that if allowed to stand as precedent put both snowmobile access and ORV access per the existing TMPs at risk.
- The ruling reinterprets the Nixon and Carter Executive Orders (EO's) regarding ORVs (including snowmobiles) in a more restrictive manner compared to how the EO's have been interpreted and implemented for over 35 years. Systematic application of this more restrictive interpretation likely requires major revisions to both existing and new TMPs.

It is highly likely that anti-ORV advocates will try to use the Idaho ruling as precedent to broaden their legal attack motorized use on Forest lands.

The Forest Service is not funded or staffed to issue this new Travel Rule - and more importantly it is not funded or staffed to complete detailed winter travel planning at the local level on all national forests across the country in the approximately 27 states where over-snow travel could potentially occur. This unfunded mandate could therefore potentially eliminate or reduce snowmobile access simply since, without funding, local travel plans allowing or regulating over-snow travel will not be produced.



Subpart A: 722 miles of Road Closures Proposed



The Plumas NF is currently working on Subpart A of the Travel Management Plan (TMP). As you will recall, Subpart B of the TMP closed 873 miles of roads and trails in 2010. The Forest Service is now planning new closures, this time main roads, under Subpart A of the TMP. They are proposing 722 miles of additional road closures, which will bring the total up to nearly 1600 miles of roads to be closed so far under the TMP.

Although the Chief of the Forest Service directed all National Forests to “minimize” their road systems”, the Plumas NF appears to be taking an extreme interpretation of what minimize means. Closure of additional roads will essentially destroy our rural way of life because it will impact future logging, firewood cutting, recreation, hunting, and all other uses of our public lands.

Public meetings regarding Subpart A road closures were held in late June and July.

Click links below for maps of the proposed road closures, which are shown in red:

For the east side of the forest:

http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5424415.pdf

For the west side of the forest:

http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5424416.pdf

Although the Forest Service states that no actual decision will be made to close roads during Subpart A, the study will make recommendations for future road closures that will be implemented at a later date. However, the Hayden Project near Portola cites “Subpart A” as the authority to close roads. So apparently, Subpart A has already been set into motion.

The final phase of the Travel Management Plan process will be Subpart C, which will analyze restrictions on snowmobile use. [See page 2 of this newsletter.](#)

The Lassen NF says they already did Subpart A assessments (which are for main system roads) during the Subpart B process of the Travel Management Plan. SAC disagrees with this statement, because SAC attended all the Lassen public meetings and there was never any discussion of system roads at that time.

Project leaders for Subpart A are Terri Simon-Jackson for Plumas NF, Chris O'Brien for Lassen NF, and Terry Brennan for Tahoe NF. Information on Subpart A is available on the [Forest Service website](#).

News from Wallowa Whitman and Malheur National Forests

Oregon National Forests begin next round of access attacks.

By John George

1) A new Blue Mountain Forest Plan Revision Draft EIS (BMFPR DEIS) will be released sometime in March 2014, with a 90 day comment period. The document is 1,200 pages and will mark a substantial turning point in the access of the mountains of Northeastern Oregon. The current Proposed Action (of which has been edited, but no one has seen it yet) calls for road densities at or below 1.5 miles of road per square mile of land base, minimal to no motorized use on any elk foraging areas (there's nowhere on the WWNF or Malheur elk could not potentially forage), and a desired road closure rate of 10 to 35 miles of roads per year for 15 years after the plan is adopted. These are only the highlights there's a lot more.

2) The WWNF will be releasing a set of maps spring 2014, within the same time frame as the comment period for the BMFPR DEIS, asking if those maps are correct.

The Forest Supervisor has assured us no identified road closures will be on those maps, but simply asking the public if the current uses the roads on those maps are correct.

3) The WWNF continues to develop Sub Part A of the Travel Management Plan, which is the roads analysis needed to currently administer the forest. That process has been happening since late winter/spring of 2013 without any public input, and will result in a report to the regional and national offices that will be the "spring board" as the forest supervisor likes to call it, to the broader discussion of Subpart B and the closing of our forest and roads.

The question now is time, and how to effectively engage on all three fronts without missing any major actions. We see what is happening here, which is a giant shell game of access denial and trying to get our heads spinning. The assistance of your group and all individuals that are interested would be greatly appreciated.

We need to flood the USFS with the calls, emails, and letters to the editors to keep an open forest system on the WWNF and Malheur, and we would be tickled to death to have your organization, and any other helps us protect that. Any of those actions can start ASAP, there's not a certain timeline we need to follow. If we can get folks started now in contacting our local papers, writing the forest supervisor, and emailing everyone under the sun we can affect some change here. Emails are listed below.



Ken Connaughton, Regional Forester - kconnaughton@fs.fed.us
 John L. Laurence Forest Supervisor, Wallowa Whitman National Forest - jalaurence@fs.fed.us
 Representative Greg Waldens' Staff - Riley Bushue - riley.bushue@mail.house.gov
 Senator Ron Wyden's Staff - Cathey Kathleen - Kathleen_Cathey@wyden.senate.gov
 Senator Jeff Merkley's Staff - Elizabeth Scheeler - Elizabeth_Scheeler@merkley.senate.gov
 Fred Warner, Baker County Commissioner - fwarner@bakercounty.org
 Mark Bennett, Baker County Commissioner - mbennett@bakercounty.org
 Tim Kerns, Baker County Commissioner - tkerns@bakercounty.org
 Mark Davidson, Union County Commissioner - mdavidson@union-county.org
 Mike Hayward, Wallowa County Commissioner - mhayward@co.wallowa.or.us
 Paul Castilleja, Wallowa County Commissioner - pcastilleja@co.wallowa.or.us
 Susan Roberts, Wallowa County Commissioner - sroberts@co.wallowa.or.us
 Scott Myers, Grant County Commissioner - myerssw@grantcounty-or.gov
 La Grande Observer - news@lagrandeobserver.com
 Baker City Herald - news@bakercityherald.com
 Wallowa Chieftain - editor@wallowa.com
 Blue Mountain Eagle - editor@bluemountaineagle.com
 Baker Democrat-Recorder - news@therconline.com
 Baker County Press - news@thebakercountypress.com
 Eastern Oregonian - news@eastoregonian.com