



## January 2013 Newsletter

### Who Owns Public Land?

By Amy Granat, Managing Director, [CORVA](#)

Land management agency offices throughout the country struggle to answer this question everyday against the backdrop of an increasingly complicated political landscape. During this winter season, the answer to this simple question has become critical to many; who would have guessed that a simple excursion to collect firewood in a national forest, or cut down a family Christmas tree, would become the center of a nationwide argument?

The ability to engage in these seemingly harmless activities has almost been legislated out of existence in recent years by Travel Management conducted by both the Forest Service and Bureau of Land Management, as well as other agency land use decisions. Numerous forests and open areas have issued maps defining allowable routes and seasons for motorized travel (while spending millions of dollars in the process) that bear little resemblance to the conditions travelers find on the ground, causing confusion and misunderstandings to proliferate. What has become lost is much clearer now that some time has passed, besides losing thousands of miles of road and trail. The ability of average American families to engage in treasured lifelong traditions by traveling unimpeded on public land to search for that perfect Christmas tree, or gather enough wood to heat their homes, has fallen by the wayside. These traditions have become casualties in the war over access to public land

Federal agencies would have us believe that members of the public will have enough knowledge about motorized travel routes by thoroughly researching information on their websites and downloading quadrant maps, and will not need to stray off designated routes. But the fact is, the maps are incomplete and confusing, and even the most technically savvy individuals of my acquaintance end up throwing up their hands in frustration when faced with these images. When the brightest among us have a hard time deciphering agency material to comply with the letter of the law, it can be safely assumed that something is very wrong with the system.

To make matters worse, it's recently been related that organizations such as the Sierra Club and Snowlands Network are listening in on agency radio frequencies and carrying cameras with telescopic lenses, looking for anyone violating agency policy, whether innocently or in the rare occasion purposely traveling outside designated routes. And if that violator is located, these same organizations are forcing agencies to issue onerous tickets costing hundreds of dollars to someone with the simple bad luck to be confused.

Public land is by its very definition open to all of us. While we must practice good stewardship while visiting these special places, members of the public should not be ticketed or forced to pay hundreds of dollars in fines for getting turned around on a trail by the lack of signage. Non-governmental agencies should not be forcing the hand of public agencies, or creating land use policy by virtue of their sizable monetary donations to politicians.

The task before us is clear, we have to change the status quo. At times this task seems daunting. But never underestimate the power of the underdog; others won't underestimate us if we don't underestimate ourselves.



#### Inside this issue:

County/Forest Service Negotiations Continue	2
Snowmobile Poker Runs	2
SAC Receives Grant Funds for Trails	2
Winter Snowfest	3
Crocker Campground Negotiations	3
Mt. Hough/South Park Trails Proposal	4
Travel Management Subpart A	4
Tahoe NF Lawsuit	5
Santa Fe NF	6
Stanislaus NF Lawsuit	7

## County/Forest Service Negotiations Continue



*Deadman Springs, with the PCT bridge over the Middle Fork in background*

Butte and Plumas Counties are continuing their negotiations with the Plumas National Forest in January and February regarding the overly restrictive Travel Management Plan.

Although both counties have voiced an intent to litigate the Travel Management Plan, they are trying one last time to negotiate with the Forest Service before the lawsuit is filed.

In the meantime, SAC is exploring additional ways of funding our lawsuit. SAC has paid for our attorney to write the complaint, but we haven't raised enough to pay for all the court proceedings yet.

We have become involved in a variety of ways to support our long-term goal, which is to preserve access to our public lands. We cannot do this without the support of our members. Your name on our membership list is extremely important, and so is your financial support. Sharing SAC's mission with other people is valuable, as well as encouraging them to sign up as members.

### Snowmobile Poker Runs

Bucks Lake Snowdrifters are holding a Poker Run on Saturday, February 2, 2013. For more information see their website at [Buckslakesnowdrifters.com](http://Buckslakesnowdrifters.com)

La Porte Snowmobile Club is holding their Poker Run on February 16, 2013.

## SAC Receives Grant Funds for Trail Maintenance

Sierra Access Coalition has been approved for a RAC grant to do single-track motorcycle trail maintenance, along with partners Ironman Dual Sport, Paradise Ridge Riders, and Plumas Dirt Riders. The grant is for \$14,450, which will fund maintenance of single-track trails on Feather River Ranger District.

As a matching contribution to the grant funds, volunteers will monitor the trails throughout the 2013 season and report maintenance needs. A report will be written and submitted to the Forest Service with recommendations for the following year's maintenance.

Bob Vancourt of Ironman Dual Sport and Corky Lazzarino of SAC met on 12/18/12 with Deb Schoenberg at Feather River Ranger Station to discuss details. We hope this is the beginning of a collaborative partnership between the user groups and the Forest Service.

When we demonstrate that we are willing to help take care of the trails we use, we believe that the Forest Service will be more likely to designate additional routes for public use.

The RAC Committee funded one year of the two year grant request. However, Deputy Forest Supervisor Laurence Crabtree said he is fully supportive of this project and he will find money to fund it. So we are hoping this will become an annual effort on the part of the Forest Service and the user groups.

Bob Vancourt will be coordinating with volunteers to work on the trails. If you are interested, contact Bob through his website at [www.ironmandualsport.com](http://www.ironmandualsport.com)

The project will start in spring 2013. We will let you know more details this spring. And we hope to see you out on the trails!



## Winter Snowfest



The 3rd Annual Winter Snowfest will be held February 15- 18 in eastern Plumas County.

It's a weekend full of all kinds of great snow activities, including the 17th Annual Portola Rotary Poker Run at Lake Davis, February 16th. There will also be a breakfast and ride on the 18th. And it appears that there is a raffle for a new Ski-Doo 800R sled.

For more information on the Winter Snowfest, go to: <http://graeagleplumas.com/winterfest.html>

For information on the Poker Run, visit: <http://www.zoomaru.net/allevntsdata.php?id=170295&display=all&eportal=snaa&ttl=17th%20Annual%20Lake%20Davis%20Poker%20Run>

## Crocker Campground Negotiations

The Crocker Campground in Clover Valley along the Beckwourth-Genesee Road is a favorite for OHVs. ([click here for a map](#)) However, there will soon be no legal access in and out of the campground for green sticker vehicles. The Forest Service closed the road over to Lake Davis to green sticker vehicles, and the planned paving of the county road in Clover Valley will make that road illegal for OHV use. The project is funded by the Federal Highways Administration. SAC objected to this situation since OHVs have very limited camping options available to them.

SAC spent several weeks negotiating with the Forest Service, Plumas County, and Federal Highways Administration. We believe a solution has been found. The Forest Service has agreed to build an alternate OHV route out of the campground that will let green sticker vehicles (quads, motorcycles and side-by-sides) travel to the end of the pavement in Clover Valley, heading towards the Clover Valley Ranch and other points north. The trail can also be used by mountain bikes and equestrians.



The Forest Service has made it a priority to do the environmental analysis for the new route and said they would begin their field work in August 2012 but apparently their field work has been delayed until next month. If an agreement had not have been reached with SAC, the funding for the multi-million dollar paving project would have been at risk. So we are pleased that the project will move forward and that the Forest Service is working with the OHV community to preserve access to the few campgrounds that still allow access for OHVs.

*The Crocker Guard Station, pictured above, is 100 years old.*

## Mt. Hough/South Park Trails Proposal

The area known as “South Park”, which is generally located between Chandler Road and the Cascades on Spanish Creek is being proposed as a non-motorized trail system to be set aside for bicycles, equestrians, and hikers. In an effort to balance land uses, Ranger Mike Donald has been working hard to create a new motorized trail system on Mt. Hough District.



*View from Grizzly Ridge looking over Genesee Valley*

The road that connects the Brady’s Camp area to the Walker Mine area remains closed to green sticker vehicles. This is a critical connection to the project which was initially denied by the FS. However, SAC is continuing to discuss this issue with the FS, which has now been referred to Deputy Forest Supervisor Laurence Crabtree. SAC is asking for green-sticker vehicle use to be legal on this road. The Plumas County Dept. of Public Works has also requested for this road to be open to OHVs.

We understand there will not be a public meeting for the Mt. Hough/South Park Trail Project, but written comments will be solicited by the Forest Service this winter.

In October, SAC volunteers flagged in a new trail location on Grizzly Ridge for quads and motorcycles. This trail will have incredible views of American Valley, Sierra Buttes, Genesee Valley, Mt Lassen and many points east. It feels like you’re on top of the world and can see forever. We know OHVs, hikers, equestrians, and bicyclists will enjoy the new trail. There are potential conflicts with a non-motorized area to the north-east and a Special Interest botanical area to the southwest. SAC will be meeting with advocates for these two special areas to find a trail location that will be acceptable to all.



*Devil’s Postpile on Grizzly Ridge*

## Travel Management Subpart A



The Forest Service is beginning work on Subpart A of the Travel Management Plan, probably in late February.

The first phase of Travel Management, Subpart B, made the decision to close 873 miles of roads and trails on the Plumas NF in August 2010.

The next phase, Subpart A, will look at “minimizing the road system” in the National Forests. Although the Forest Service states that no actual decision will be made to close roads during Subpart A, they will make recommendations for future road closures. These closures would be carried out at a later date under individual projects.

The final phase will be Subpart C, which will look at snowmobile trails.

Terri Simon-Jackson has been named the project leader for Subpart A on the Plumas NF. She told SAC that she will involve the public in this process. A project leader has not been named for the Lassen NF.

## Tahoe NF Litigation



### *Feds are foes to recreational forest access*

### *Friends of Tahoe Forest Access v. U.S. Department of Agriculture*

**Status:** Complaint filed on July 17, 2012. Hearing on The Wilderness Society, et al.'s motion to intervene held Dec. 5, 2012. Awaiting court's order.

#### **Summary:**

Pacific Legal Foundation (PLF) attorneys represent Friends of Tahoe Forest Access and other recreational enthusiasts in challenging the United States Forest Service's illegal decision to bar recreational vehicles from hundreds, if not thousands, of miles of roads and trails in the Tahoe National Forest that were previously open to off-road enthusiasts.

The Service's action came through its implementation of the 2005 Travel Management Rule for the Tahoe National Forest.

PLF argues the Service violated the National Environmental Policy Act by failing to adequately analyze the human impacts of prohibiting access to more than 800 miles of formerly accessible trails, failing to conduct a site-specific analysis of the routes at issue, and improperly prejudicing off-road recreation in developing the purpose and need for the regulatory decision.

Friends of Tahoe Forest Access as well as other recreation groups and individuals participated throughout the NEPA process, and are deeply concerned with the outcome of the regulatory decision-making. Several individuals volunteered much time filing the groups' administrative appeal and turned to PLF because they do not have the resources to carry forward the litigation on their own. As these groups consist of individuals and families who enjoy off-road recreation and the outdoors experience, they fear the Forest Service's implementation of the Travel Management Rule will significantly reduce their access to the Tahoe National Forest.

[Click here to watch a video regarding the Tahoe lawsuit](#)



## Santa Fe NF Litigation

.....Joanne Spivack, New Mexico Off Highway Vehicle Alliance

On December 10, the New Mexico Off Highway Vehicle Alliance filed a lawsuit in federal district court. We are challenging the Santa Fe National Forest's decision on travel management. You can read more about the lawsuit on the NMOHVA website, [www.nmohva.org](http://www.nmohva.org).

For the past five years we've predicted that the USFS will use travel management decisions to reduce public access to national forest lands. This isn't "maybe, when or if" anymore, it's real. The Santa Fe National Forest decision made in October closed the majority of roads and trails that have always been legal for all of us to use. It virtually wipes out car camping and game retrieval. Now that the decision is official, the only way to reverse it is with a court decision. While the Gila National Forest hasn't made a final decision yet, the Santa Fe decision and the Gila proposal is very similar. The Santa Fe decision gives us a good prediction of the Gila decision. Issues in the Santa Fe lawsuit will apply to the Gila. If you don't like the Santa Fe decision, you're not going to like what the Gila decision will do to your access. Think about what camping will be like when everyone is crammed into a fraction of where people camp now. Think about the Gila with only a couple of hundred miles of motorized trails. Here's what the Santa Fe National Forest is going to allow on 1.26 million acres of public land:

### **ROADS: 70% closure**

BEFORE: 6,899 miles of official roads open to public + at least 914 miles of non-system routes.

NOW: 2,255 miles open.

### **TRAILS: 50% to 70% closure (numbers disputed)**

BEFORE: 485 miles of official trail legally open to motorized use.

NOW: 208 miles of trail left open: 128 miles are motorcycle only. Only 80 miles for ATV.

### **DISPERSED CAMPING: (pulling off a road with a vehicle to camp) 95% CLOSED**

BEFORE: Camping allowed off the sides of all roads.

NOW: Camping allowed within 150 ft. on either side of the road, along only 381 miles of road. Car camping is now allowed on only 13,856 acres.

### **GAME RETRIEVAL USING A VEHICLE: 99% CLOSED**

BEFORE: Game retrieval allowed on 1,258,361 acres.

NOW: Game retrieval allowed on 13,856 acres (the same places as the camping).

### **GRAZING PERMITTEES: NO Automatic Rights to Road Use**

BEFORE: Ranchers could use all the existing roads all the time.

NOW: Ranchers will be allowed to use only certain roads as described in their permit. Ranchers are not allowed to use those roads for non-ranching purposes (not even a picnic with the family) without risking a fine.

### **WHAT WILL BE OPEN NOW ON THE 1.2 MILLION ACRE SANTA FE NATIONAL FOREST:**

ROADS: 2,128 miles.

TRAILS: 76 miles, consisting of 51 miles for ATV and 25 miles of single track for motorcycle.

CAMPING: 265 miles of corridors, containing 9,624 acres

GAME RETRIEVAL: 265 miles of corridors, containing 9,624 acres

Legal motorized use is dictated by a Motor Vehicle Use Map called the "MVUM". The mileage on the MVUM is much less than the miles designated in the decision. The reason they give is that the other roads and trails need maintenance or archaeological surveys before being opened to the public. There is no schedule or budget to do this work. The rest of these designated roads and trails may never open.

### **Why is NMOHVA Suing? Somebody Has to Do It!**

The Forest Service has way too much power; there is no internal review board or safeguards to prevent the agency from making bad decisions. The only way we can fight back is to sue them.

### **This Lawsuit is for EVERYONE**

NMOHVA is an OHV organization, but this lawsuit is not just about using a truck, dirt bike, or ATV in the National Forest. This lawsuit is for the Iraq veteran who has an ATV instead of legs. The lawsuit is for the elderly who wish they could still hike but cannot. It is for the families with young children, the hunters and the campers, wood-cutters, pinon-gatherers, and the ranchers. This lawsuit is for everyone whose livelihood or recreation depends on access to our forests.

Help NMOHVA win this lawsuit for everyone. Go to the [www.nmohva.org](http://www.nmohva.org) and donate to the Access Defense Fund.

Thank you. Remember, only YOU can stop the U.S. Forest Service!

The Travel Management Plan decisions on our National Forests nationwide are resulting in a multitude of lawsuits. Most are from grassroots organizations such as Friends of Tahoe Forest Access, New Mexico Off Highway Vehicle Alliance, California Off Road Vehicle Association, California Association of 4 Wheel Drive Clubs, Sierra Access Coalition and many others. All of these groups are fighting for your right to access your public lands. Decisions on an individual forest can affect all forests in the nation. All of these groups have limited finances, so it's very important to support them.

## Stanislaus NF Litigation

Sacramento, CA (January 8, 2013) -- The U.S. District Court for the Eastern District of California issued a decision on January 4, 2013, that found a legal flaw in the 2009 motorized travel management decision issued by the Stanislaus National Forest. Judge Kimberly Mueller has set a hearing on February 15 to consider remedies.

The Court ruled in favor of the Forest Service and recreational intervenors on many claims in the case, including challenges to the range of alternatives and cumulative impacts under the National Environmental Policy Act. However, the Court found lacking the agency's discussion of how it sought to "minimize" specified effects of continuing motorized access as required by agency regulations. While the Court did not make a finding that damage has occurred or is illegally occurring under the challenged decision, the Court concluded "...the Forest Service has not made the required showing that it minimized environmental impacts as required by" its travel management rule.

Paul Turcke, counsel for the recreation group intervenors, states, "We are in the process of reviewing the decision. An appropriate remedy will focus on the manner in which the agency properly conducts any omitted steps in the process, which may but does not necessitate any particular change to the designated network of motorized routes on the Stanislaus Forest. We will continue to advocate for properly managed motorized access at future proceedings before the court and the agency."

John Stewart, Resources Consultant for California Association of 4 Wheel Drive Clubs, states, "The Stanislaus NF engaged in a public process to determine a sustainable system of routes to meet forest needs as required and solicited the public in an open process according to established rules."

The recreation intervenors led by the California Association of 4 Wheel Drive Clubs, including the BlueRibbon Coalition and the AMA District 36 Motorcycle Sports Committee, will continue to advocate for public access to public lands.

A copy of the decision can be viewed at:

[http://www.sharetrails.org/uploads/Stanislaus\\_Summary\\_Judgment\\_1.4.13.pdf](http://www.sharetrails.org/uploads/Stanislaus_Summary_Judgment_1.4.13.pdf)

## Sierra Access Coalition on Facebook



Check out [Sierra Access Coalition's Facebook](#) page. The [Plumas Dirt Riders Club](#) also has a page on Facebook.

If you have items you'd like us to post on Facebook or on SAC's website [www.sierraaccess.com](http://www.sierraaccess.com) let us know.

Email your news or suggestions to [sierraaccess@digitalpath.net](mailto:sierraaccess@digitalpath.net).