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October 6, 2016

Lassen National Forest
Forest Supervisor
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OBJECTION -- Lassen National Forest Over-Snow Vehicle Use Designation Project

Sierra Access Coalition (SAC) is a group of over 1450 members who work to preserve access to our public lands. This Objection is being filed on behalf of SAC's members pursuant to 36 CFR Part 218.

SAC submitted comments to the NOI and the DEIS for this project, as well as attending all public meetings and staying active throughout the process. Several of our issues and concerns have yet to be addressed or resolved, which makes this Objection necessary.

Snow Depth Restrictions

SAC's main objection is regarding snow depth restrictions. Snowmobiles cannot run on exposed soil or rocks without causing expensive repairs to their machines, so they stay on areas with adequate snow. "Adequate snow" can range anywhere from two inches of ice to over 2-3 feet of powder to prevent resource damage.

The FEIS has not adequately addressed snow depth restrictions. The snow depth restrictions in the FEIS are just arbitrary numbers which are not supported by science or any credible analysis. As a minimum, a valid scientific analysis must consider factors including:

- Snow density
- Snow compaction
- Temperature
- Aspect
- Time of day
- Location

None of these factors were analyzed in the FEIS.

The SHPO agreement is referred to in the FEIS. But that agreement is intended for timber operations and ground disturbing activities. We believe there should be an amendment to the SHPO agreement to allow OSV to be managed by the local forests, since the snow depths in the ROD are not consistent with the SHPO agreement.

SAC members Byron Baker and Kyle Felker sent a total of four FOIA requests to the Lassen, Tahoe, Plumas and Stanislaus requesting documents and science that supported the proposed snow depth restrictions.

The FOIA requests produced over 50 documents, but all of the documents were inconclusive regarding how much is adequate snow depth. Nothing in the FOIA requests nor in the FEIS present any science to support the proposed arbitrary snow depth restrictions.

The closest thing to a “scientific analysis” on snow depth in the DEIS was on page 35 which stated, *“Based on input from the resource specialists on our interdisciplinary team, their review of available literature, professional judgment and consultation with other agency professionals, 12 inches of snow was deemed to be the minimum depth of snow necessary to ensure adverse resource impacts from cross-country OSV use do not occur.”.....“For this reason, a snow depth less than 12 inches for cross-country OSV use was not considered further.”* This statement was removed from the FEIS with the explanation that it was discussed in Alt 4. The 6” and 12” snow depths are listed in Alt 4 but there still is no discussion regarding what scientific process was used to arrive at these snow depths or names of the subject matter specialists who were contacted.

In SAC’s DEIS comment letter, part of which is shown on page E-19 of the FEIS, SAC requested the FS to explain what science was used in the snow depth analysis. SAC did not receive a response from the FS.

No science was used to determine if other depths such as 6” of snow rather than 12”, or simply 2” of ice, would also meet objectives. Adequate snow is a moving target with many variables such as those listed above which have not been adequately vetted, scrutinized or analyzed. The FEIS must be deemed inadequate due to its lack of scientific analysis.

On page E-19 of the FEIS, the FS agreed with SAC that there has been no documentation regarding damage to resources in 40+ years of OSV use. So there is no scientific basis for choosing a snow depth to protect resources. If protecting resources is the FS’s main objective, they already have a CFR that allows law enforcement to write tickets for resource damage. So having a minimum snow depth is neither necessary nor enforceable, because there is no CFR to allow LEOs to write citations simply for snow depth. LEOs can only write tickets for resource damage (36 CFR 261.15(h)).

Snow depth restrictions have always been difficult for the FS to enforce, and have often resulted in LEOs closing down an entire area based solely on snow depths at trailheads. If there are marginal conditions in an isolated location, it does not mean the whole area needs to be shut down. It is good to see the FEIS has recognized the issue by allowing access to higher ground. But it fails to address the fact that once OSVs get to higher ground, a windblown ridge top usually will only have 1” of ice. In situations such as this, rigid snow depth restrictions will create problems, barriers, and distrust of the agency.

As a solution to the problem of defining “adequate snow”, SAC proposed the following wording to be included in the FEIS and ROD:

For all existing roads: When snow depth prevents wheeled vehicle travel, roads will be open to OSV travel. There is no minimum snow depth requirement for travel on roads since they are constructed for vehicles to travel with contact of the road surface. This will allow OSVs to reach higher elevation areas with deeper snow. Snow depth for grooming shall be determined by the State OHMVR, which is currently 12”.

For cross country: Snow depth must be adequate to prevent damage to underlying resources. Snow conditions encountered by OSVs and skiers are extremely variable. The depth of snow needed to protect resources can range from 3’ of snow with a solid base, to 2” of compacted snow/ice known as Sierra Concrete. OSVs must avoid locations where damage to vegetation or soils could occur, which is already restricted by existing law (CVC 38319). Environmentally sensitive areas could be closed to snowmobiling if resource damage caused or exacerbated by snowmobile activity is found to be occurring in specific areas.

There are numerous references, such as pg. 27 in the FEIS and pgs. 2 and 41 in the ROD, which says snow depth requirements will promote public safety. But there is no explanation of how snow depth requirements actually provide public safety.

The FS response to letter 125 comment #21 on page E-81 says the Monitoring Plan is discussed in the FEIS. However, we could not find it. The FS response to other letters in the same E-Section was that a Monitoring Plan would be developed after the ROD is signed. So we still have the same questions: how will resource damage be monitored and how will it be enforced? The public has had no opportunity to comment on the monitoring and enforcement plans.

According to an email to SAC from Chris O'Brien dated 10/3/16, he said the R5 SHPO programmatic agreement "*stipulates 12" of compact snow and ice – we were actually able to get them to agree to a standard 12" (not stipulated as compact) provided we set up a monitoring program to determine if that's adequate protection.*" This raises two issues. First, why was the monitoring Chris mentioned not performed during the LNF OSV project to determine what depth of snow is adequate to prevent resource damage? Secondly, was the SHPO agreement amended to document this change? These two issues also show that snow depth was not properly studied in the OSV project.

Road Classifications

The FEIS considers three classifications for OSV travel:

- 1) Groomed Trails
- 2) Cross Country Travel
- 3) Designated Ungroomed Trails

The FEIS identified three concerns that create the need for snow depth restrictions: cultural resources, natural resources, and public safety. Inherently there are no cultural resources or botanical resources on existing road surfaces. Page 232 of the FEIS states the Travel Management OHV analysis already analyzed for cultural resource concerns, and the same is assumed for botanical resources. So these resources on roads were not reanalyzed for this project. Roads are designed and constructed to allow vehicles to contact the road surface in both wet and dry weather. So these system roads should have no minimum snow depth restrictions, since there are no resources affected. On March 5, 2016 Chris O'Brien had a phone conversation with Kyle Felker of SAC. Chris stated damage to the LNF road system by snowmobiles has never been an issue. We want all system roads to be mapped and included on the OSVUM as designated ungroomed trails. It is particularly important to include system roads across private land where the FS has a legal right-of-way. Alternative 1 doesn't even show the trails with right-of-ways, so it is not an accurate depiction of current OSV management.

Snowmobiles need the flexibility to be allowed on ungroomed system roads. Snowmobile use restrictions must not be tied to any grooming or designated snow trail requirements. These are separate activities that need to be managed differently.

Snowmobiles are self-limiting, meaning that they simply will not travel in areas that don't have adequate snow. There is no science to support a minimum snow depth on ungroomed trails. OHVs drive on wet, ungroomed roads. OSVs have less potential for impact than OHVs, pickups or log trucks, so it is illogical to restrict OSVs in the same situations where OHVs are allowed.

Local Issues

We don't believe local economics have been fully considered in the FEIS. We would like to discuss this at our Objection Meeting.

The DEIS and FEIS said noise is not a significant issue and it was dismissed. So why are several areas being restricted from OSV use to provide quiet recreation? Two of these restricted areas are bisected by a motorized trail, creating conflict between motorized and non-motorized users which is in violation of the Purpose and Need. To minimize conflict and meet the Purpose and Need, there should be a 200' buffer along the motorized trail to keep non-motorized users off the trail.

The closure north of Fredonyer is promoting non-motorized use, but there is no staging area for the non-motorized users so they are being forced into the motorized staging area, which was paid for by green sticker funds. Again, this creates conflict. This motorized restriction cuts off OSV use in Chaparral Hill and Fredonyer Buttes. These are known OSV play areas that are now being excluded. This is unacceptable. We absolutely do not support the additional non-motorized areas in the ROD. This is unacceptable, especially considering the published projected growth rate of snowmobiling significantly exceeds the growth of non-motorized winter sports. Prior to the OSV ROD, current management for exclusive non-motorized uses within the Lassen NF already provided for:

- 3 wilderness areas (78,060 acres),
- 3 proposed wilderness areas (61,686 acres),
- Lassen Volcanic National Park (106,372 acres),
- 6 Research Natural Area
- 84 miles of Wild and Scenic River
- 125 miles of Pacific Crest Trail

This is a total of 246,118 acres within the Lassen NF that was already managed for non-motorized use, which doesn't include the PCT, RNA or the Wild and Scenic River acreage. There appears to be a pattern in the five forests' proposed actions which would add non-motorized areas directly adjacent to wilderness and Inventoried Roadless Areas, effectively creating defacto wilderness. We do not support these actions under an OSV project. It is more appropriate to do a separate EIS for such proposals, to properly engage the public in meaningful discussion, to study all the cumulative effects—not only OSV. Public scoping needs to be done openly so the general public is made aware of the ramifications of these land management proposals. We also question whether OSV use is currently prohibited in proposed wilderness, as stated in the ROD.

The map in the DROD shows groomed trails in the Latour State Forest, but the map doesn't show the trails and Cross Country areas in Lassen National Park. To be consistent, all snow trails should be shown on the map.

The FEIS states fixed dates of Dec. 26 – March 31 to restrict wheeled traffic on groomed trails. Fixed dates are not effective, particularly with changing weather patterns which often have less snow. We want that language to be eliminated and replaced with "as conditions dictate" to allow more flexibility as local conditions and weather change on individual roads. (ie. If there is no snow after Dec. 26, wheeled vehicles should be allowed to travel on roads until there is enough snow for OSVs)

The Recreation analysis, which begins on page 115 of the DEIS, discusses the value of non-motorized use in explicit detail. There is only one paragraph that describes types of OSV use (page 132, first paragraph). OSV areas and grooming are discussed, but the value of the OSV is never discussed. This gives the appearance of a bias towards non-motorized uses. Please rewrite the FEIS to acknowledge the value and benefits of OSV use.

The Lassen NF has not yet adequately responded to our comments to the NOI, where we stated:

- A detailed economic analysis is vital to this project and to the local communities. Coordination with local government and businesses is vital to developing the economic analysis.
- NEPA requires a scientific analysis of the impacts to the human environment.

Non-motorized users (skiers, horses pulling sleds, etc) need to be regulated by the same snow depth and dates requirements as motorized users. All users, whether motorized or non-motorized, have potential to cause resource damage. This must be addressed in the FEIS and ROD.

Please explain why this project does not require a LMP amendment.

Please explain how the Tippin Forest Order North of 299 is being used to implement the PCT buffer. The LNF provided the GIS data for this buffer to SAC. The FEIS says there is no PCT buffer in this OSV project.

We will be attending the Oct. 13 Objection Resolution Meeting. To make this a productive meeting, we request the Forest Service's responses to this letter in writing prior to the Oct 13 meeting. SAC will also need a web conferencing connection for SAC members to participate.

Thank you for the opportunity to object to this project, as it is of great interest and concern to the snowmobiling public and to the economy of our rural communities.

Corky Lazzarino
Executive Director