



SIERRA ACCESS COALITION

P.O. Box 944
Quincy CA 95971
info@sierraaccess.com
(530) 283-2028

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Jennifer Eberlien
David Hays

Representatives from SAC attended the objection resolution meeting on October 13, 2016 in Susanville regarding the Lassen National Forest Over-Snow Vehicle (OSV) Use Designation project. We were very disappointed in the meeting.

The invitation said the meeting would be “an opportunity to discuss objections and possible resolution”. We were led to believe we would be spending time talking face to face with a Deputy Regional Forester and staff. When we arrived we found out we would only be allowed to speak for 10 minutes to a video screen. We had photos hung up on the meeting room wall that we wanted to discuss, but the people on the video screen couldn’t see them. There were no two-way discussions with the FS. The FS only listened to the objectors and there was no actual discussion of the objections or any attempt by the FS to resolve our objections. The Forest Service (FS) staff simply took a few notes and sent us on our way, making us believe a final decision had already been made.

We were extremely disappointed in this meeting, as we were prepared to have a productive discussion with real people. Ms. Eberlien and her staff said they had read our objections but no one was prepared to discuss our objections. We have been to numerous meetings with the FS for decades, but we’ve never been to a public meeting where a FS attorney was sitting next to the reviewing official.

A conference call line was set up for the meeting, but the call-in info that was given to the motorized groups was incorrect and they were unable to call in. But curiously, the non-motorized groups had the correct call-in info and they were on the call.

There are several issues that we were unable to discuss because of the 10 minute limitation:

1. The draft ROD gives no justification for closing 65,000+ acres to OSV use. No user numbers are offered to support this, which confirms that the FS is catering to Snowlands.
2. Multiple Use should be allowed in all areas, except currently restricted areas such as wilderness. Closure of additional areas is in violation of the Land Management Plan (LMP), and the LNF says no LMP amendment will be issued regarding OSV use.
3. Current patterns of use should be used as the minimum that is retained unless there is a good reason to reduce use. No valid reasons were presented in the FEIS or ROD.

4. There is no evidence in the ROD to indicate current use is not environmentally sustainable.
5. Several issues, including noise, were dismissed in the FEIS as insignificant issues. Yet the draft ROD creates over 65,000 acres for quiet recreation. Quiet recreation does not meet the Purpose and Need and should also be dismissed as an insignificant issue. It would be appropriate to deal with quiet recreation in the upcoming LMP revision rather than this OSV project.
6. One of the issues in the Purpose and Need is to reduce conflict. Since there is absolutely no documented evidence of conflict, it should also be categorized as an insignificant issue, dropped from the FEIS, and the proposed non-motorized areas should subsequently be dropped. The draft ROD actually creates conflict where there is none.
7. The 12" snow depth restriction is not supported by science. There is no CFR that allows a Law Enforcement Officer to cite someone based on snow depth. They can only cite for resource damage. So a minimum snow depth is irrelevant and unenforceable.

A Supplemental FEIS must be done to be prepared in order to accurately address these 7 issues.

There are so many similarities in the ROD and the plaintiff's court ordered alternative, it is apparent that the FS didn't take other groups' point of view into serious consideration. The LNF is aware the OVS community supported Alt. 4. To call the draft decision "Modified Alt 4" is inaccurate, if not insulting, because it is almost word for word identical to the plaintiff Snowland's Alt. 3. The draft decision appears to be named "Modified Alt 4" in an attempt to make it more palatable to the OSV community.

Snow depth remains an important issue and the FS has made no attempt to discuss or resolve the issue. It is clear that LNF and staff have not analyzed the effects of a 12 inch snow depth. It is an arbitrary number that the FS has chosen to use, simply because the State OHV Division said they use a 12 inch minimum snow depth for grooming trails. However, the State uses 12 inches as a guideline to protect their equipment from damage, not to prevent resource damage. The FS still has not produced any scientific analysis for snow depth. So it must be removed from the final FEIS and ROD. In SAC's DEIS comment letter we proposed wording that could be used in place of a 12" snow depth restriction. Snow depth restrictions must be applied equally to motorized and non-motorized users.

The FEIS appears to be using the SHPO Programmatic Agreement as a basis for the 12" snow depth restriction. This is not appropriate for several reasons:

- The SHPO agreement is intended for ground disturbing projects. Subpart C will no longer be a "project" after the final ROD is signed. At that point it becomes Forest policy, and as such makes the project level SHPO agreement inapplicable. The agreement includes a flag and avoid policy, which is not realistic for forestwide OSV use year after year.
- The SHPO agreement stipulates 12" of compacted snow, which is not consistent with the 6" and 12" uncompacted snow depths in the ROD. The agreement does not apply and must be disregarded for OSV use.
- Chris O'Brien stated SHPO has agreed to allow OSV use with 12" of uncompacted snow. We request a copy of the amended agreement that shows this change.

- The Subpart C Final Rule says prior decisions may be used if they included public participation. The SHPO agreement did not allow public comment so should not be used in the FEIS.
- Therefore, under the authority of Stipulation 7.2(e) of the SHPO Programmatic Agreement, SAC is objecting to the use of the SHPO PA in the Lassen NF Over-Snow Use Designation Project. This project falls under the category of a Screened Undertaking prior to implementation, so according to the PA the Forest shall consult with the objecting party (SAC) and the SHPO for not more than 30 calendar days following receipt to resolve the objection. Please consider this letter a formal request for consultation between SHPO, the Lassen NF, and SAC.

We object to the SHPO Programmatic Agreement being used to justify the 12" snow depth restriction in the FEIS. It must be removed from the FEIS.

We are reaching out to the decision makers one last time before the Regional staff allows David Hays to sign and release the final FEIS and ROD. The LNF decision is extremely important. If we get the LNF right, we can achieve the same level of fairness for the other four forests. The LNF Draft ROD creates over 65,000 acres of non-motorized areas which is simply not consistent with the Purpose and Need for the project and is not justified in the FEIS.

In summary,

- A supplemental EIS must be prepared addressing the issues discussed above.
- The snow depth restriction must be eliminated.
- References to the SHPO agreement must be eliminated.
- The proposed non-motorized areas must continue to be managed as open forest for multiple use.
- All areas historically used by OSV must be retained to provide the minimum use the public has known for decades.
- The individuals who were denied the call-in information for the conference call must be allowed to speak to the decision makers and be provided a video of the 10/13/16 meeting.

We encourage the LNF to adopt these changes in the Final ROD to avoid litigation.

Kyle Felker

Director of Over-Snow Vehicle Operations

cc: Julianne Polanco, SHPO
 Theresa Corless
 Chris O'Brien
 Damien Schiff, Pacific Legal Foundation
 Ted Hadzi-Antich, Texas Public Policy Foundation
 Amy Granat, Calif. Off-Road Vehicle Assoc.
 Bob Perreault, Plumas County Coordinating Council
 Shane Starr, 1st District Representative for Congressman LaMalfa
 Sylvia Milligan, Recreation Outdoors Coalition
 Michael Murphy
 Byron Baker
 SAC Steering Committee