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March 14, 2016

Lassen National Forest  
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Thank you for this opportunity to comment on the Lassen National Forest Over-Snow Vehicle Use Designation Draft Environmental Impact Statement dated January 2016. As you know, SAC works to retain access to public lands and represents nearly 1500 members. On behalf of our members, we submit the following comments to the DEIS.

### Road Classifications

The DEIS only considers two classifications for OSV travel:

- 1) Groomed Trails/Roads
- 2) Cross Country Travel

We propose adding another classification which has significantly different issues than cross country:

- 3) Ungroomed roads

The DEIS identified three concerns that it states creates the need for snow depth restrictions. These are cultural resources, natural resources, and public safety. Inherently there are no cultural resources or botanical resources on existing road surfaces. Roads are designed and constructed to allow vehicles to contact the road surface in both wet and dry weather. So 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.

Snowmobiles are self-limiting, meaning that they simply will not travel in areas that don't have adequate snow. There is a warning in all snowmobile owner's manuals because inadequate snow will cause severe and expensive damage to snowmobiles. The Polaris snowmobile owner's manual states "*Since snow provides the only lubrication for the power slide suspension and, on liquid cooled models, cooling for the engine, adequate snow cover is a requirement for operation of your snowmobile.*"

There is no science to support a minimum snow depth on ungroomed roads. It is legal to drive an OHV on ungroomed roads when snow depth allows access, which is generally 6". OSVs have less potential for impact than OHVs, pickups or log trucks, so there is illogical to restrict OSVs in the same situations where OHVs are allowed. For example, if a road has 4" of snow it would be illegal to ride a snowmobile to reach higher elevation and deeper snow. But it would be acceptable to drive a 4x4 pickup pulling a

trailer with 4 snowmobiles on that same road, which may have significantly more potential to damage resources--especially considering lack of parking facilities.

Snowmobiles need the flexibility to be allowed on ungroomed 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. Please provide a response to the issue of adding a third classification of OSV use.

### **Snow Depth Restrictions**

This DEIS has not adequately addressed snow depth restrictions. The snow depth restrictions in the DEIS 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 DEIS.

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, including a document titled "Region 5 Five-Forest Over-Snow Vehicle Use Designation Project – Proposed Minimum Snow Depths and Preliminary Resource Analysis". This document was obviously a Regional discussion about snow depth between the forests, but was inconclusive. Although this was exactly the type of information that was requested, the document was not returned in all of the FOIA requests. The documents that were received in response to the FOIA request were, at minimum, inconclusive or irrelevant. Nothing in the FOIA requests nor in the DEIS presented any science to support the proposed snow depth restrictions.

The closest thing to a "scientific analysis" on snow depth in the DEIS is on page 35 which states, "*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.*" The DEIS presented no references regarding which literature was reviewed, whose professional judgement was used, what their professional qualifications are which qualify them to provide judgement on OSV, which agency professionals were contacted, and what process was used to arrive at this conclusion.

There is no science to say if other depths, such as 6" of snow or 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 DEIS must be deemed inadequate.

A snow depth requirement is valid for grooming trails, because this is a requirement of the State Division of Off-Highway Vehicles grant which is intended to prevent damage to grooming equipment. This is within the State's authority for controlling grooming operations, and is not under the authority of the Forest Service. The State OHV Division has the ability to modify their minimum snow depth as

equipment needs and snow conditions dictate. The Forest Service has no authority to adjust grooming specifications.

Having a minimum snow depth requirement for cross country snowmobiling is unacceptable and unnecessary. Snowmobiling cross country is self-limiting. A snowmobiler will not ride cross country if there is inadequate snow because they will quickly pay the high price of being stranded, or for repairs such as Hi Fax/track melt and engine overheating, or collision damage from shallow obstructions such as tree stumps or rocks. We challenge the analysis that 12" snow depth is necessary for public safety, because snowmobilers are well aware of the risks. If the Forest Service insists on developing safety standards, is it taking responsibility for all liability?

Snowmobile technology has outpaced the Forest Service's ability to analyze current technologies. New snowmobile design improvements have resulted in lower weight machines with reduced pounds per square inch on the snow surface, and a reduced bulkhead angle. Wider plastic skis and longer tracks "float" a snowmobile, resulting in less compaction to the snow. Emissions and noise levels are lower. These significantly lower impacts from modern snowmobiles were not considered in the DEIS.

The DEIS uses the terms "visible surface damage" and "resource damage", but there is no definition for those terms. Please provide definitions so the public can comment. There may be visible evidence that someone has ridden or skied over a road, but that in itself is not damage. In winter sports, both motorized and non-motorized users may occasionally contact the underlying surface, but not cause damage. Grooves from skis or tracks will not be visible by spring. There may be puddles of standing water on a road, but this is not resource damage and is not considered sediment unless it is delivered to a watercourse. This is a road maintenance issue, not an OSV issue.



The photo (left) is an example of how 2" of packed snow/ice on the access road is adequate to protect underlying resources. Since snowmobiles are the only winter access to this business, the local economy will suffer if there is a 12" snow depth restriction.

The photo (right) demonstrates the access issues presented during a low snow year. There must be flexibility for access, regardless of snow depth on roads.



Snow depth restrictions have always been difficult for the FS to enforce, and have often resulted in Law Enforcement 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 should be shut down. Snowmobilers will simply find another place to ride where they will not damage their machines. Snow depths are self-imposed by the agency and must remain flexible to meet user needs. Elevation and

snow depths should not be the only factors for determining “adequate snow” to meet the DEIS requirements for public safety and protecting the resources. It is good to see the DEIS has recognized the issue by allowing access to higher ground. But it fails to address that once OSVs get to the higher ground, a windblown ridge top usually will only have 1” of ice. In situations such as this, rigid snow depth restrictions will create additional barriers.

**As a solution to the problem of defining “adequate snow”, SAC proposes 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. (Note: This is not likely to be abused, because expensive snowmobiles are damaged if they ride on surfaces without 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.*

Please provide a response to this proposal, as well as the science that was used to determine adequate snow depth, so we can keep an open dialog with the forest.

### **3500 foot Elevation Restriction**

This restriction must not be included as part of the decision. If there is adequate snow below 3500 ft. elevation, the public must be allowed to use the area to access the rest of the forest in the same manner as higher elevations. It is irrelevant how often there is snow at that elevation. People often like the lower elevation areas because they are not usually able to ride there and enjoy new scenery. Using low elevation areas will also allow the public to reach unloading/staging areas with much less driving time and gas.

The FS cannot predict weather and snow conditions solely on elevation. When there is a storm that produces low elevation snow, OSVs should be allowed to access the forest from the valley. Setting a minimum elevation for OSVs is arbitrary and capricious, and is not supported by science. SAC urges the LNF to remove this restriction from their decision. Please respond to this issue.

### **Local Issues**

- 1) Snow depth is a major significant issue in this project, as emphasized by the public at the NOI meetings and in NOI comments. However, the DEIS does not list snow depth as a Significant Issue. As a result, there was no in depth scientific analysis of this issue. It is essential that snow depth is added to the list of Significant Issues and fully analyzed. Please respond to us with your plan to conduct a full and adequate analysis, so public concerns are addressed.

- 2) Several references in the DEIS state “snow depth measurement locations and motoring techniques would be developed” later with an interdisciplinary team. The same is true with the Law Enforcement Plan. These two issues are the backbone of the OSV plan and must be available for proper public review before the FEIS is issued. This should not be left for the public to bring up as an “objection” later in the process. It is important to have a supplement to the DEIS with detailed information to allow informed public comment. Without disclosing these plans, the DEIS is deficient. Please provide us with information regarding how you will provide this information to the public and allow time for comments.
- 3) SAC provided copies of the “Facts and Myths About Snowmobiling and Winter Trails” to the OSV Team Leaders and to the Enterprise Team at the Lassen and Plumas NOI Public meetings. This publication was developed by the American Council of Snowmobile Associations with funding provided by the Recreational Trails Program administered by the U.S. Department of Transportation – Federal Highway Administration (FHWA). This is a well-known publication which provides information including, but not limited to, impacts to soil and vegetation, water, emissions, noise levels, economics, and planning for multiple-use winter recreation. It is a comprehensive publication that FS management and the TEAMS said they would use. However, there is no mention of this publication in the DEIS. Please respond, because it is important for us to know why the Forest Service ignored this publication.
- 4) In our comments to the NOIA, we requested the Forest Service to consider their own initiative titled “Thriving Communities” described in the 2015 Forest Service Budget, during the economic analysis. This initiative requires the Forest Service to work with communities within the National Forests to help strengthen their economies. We see no evidence in the DEIS that this document was included in the economic analysis. The economic analysis must also include the fact that within our communities there are several local dealers that can fully outfit an entire family with all the needed equipment and maintenance for OSV. These businesses support many families. Cross country and back country skiing does not bring in the volume of revenue that OSVs do. Will you add this to your economic analysis?
- 5) We absolutely do not support the non-motorized areas proposed in Alternative 3. Alternative 3 reduces OSV areas by 36%. This is unacceptable, especially considering the projected growth rate of snowmobiling significantly exceeds the growth of non-motorized winter sports as research shows in Snowsports Industries America (SIA) <http://www.snocountry.com/news/ski-resort-news/cross-country-news-information/entry/overview-of-2013-cross-country-skiing-statistics-23-percent-decline>. Based on current and projected use, the DEIS does not show a need to provide 68,430 additional quiet areas proposed in Alternative 3. Management for exclusive non-motorized uses within the Lassen NF currently provides 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 is currently 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 RARE-2 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.

- 6) There is no mention in the DEIS if the LNF Coordinated with any of the five Counties, as required by multiple laws and regulations. If Coordination occurred, it should be documented. If Coordination did not occur, the FEIS must state why that legal requirement was not fulfilled.
- 7) The DEIS 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. We propose that language be eliminated and replaced with “as conditions dictate” to allow more flexibility as local conditions change on individual roads. Please give us your feedback.
- 8) There are at least 80 reports going back 40+ years (many in Yellowstone) that could not prove damage by OSV but only speculate that there could be damage. The reports show no actual damage by OSV, only the possibility of damage. That is not science. That is speculation with no data to support it. Programs beginning in the 1970s were designed to report on OSV damage, but there has been no significant impact in over 40 years of analysis. We believe 40+ years is enough time to conclude that OSVs do not damage the forest ecosystems. We have copies of four years of "Impact of OSV" Reports sent by all the Forests in R5 to California Parks and Recreation, and there were no reports of damage. Please respond to the fact that there has been no documentation of OSV damage for 40+ years.
- 9) At times reports of conflict between OSV and non-motorized users have been reported, largely on an anecdotal level. We suggest that conflict is largely defined by the person, and one person with a particular intolerance for either motorized or non-motorized recreation alike can exaggerate claims trying to create disharmony within those communities. This has served to bring the Forest Service in as moderator into an argument that is emotionally, rather than factually, based. The OSV Plan implies a level of conflict that simply does not exist on the LNF. Attempting to solve a non-existent problem with an unenforceable plan only results in anger and mistrust of the Forest Service.
- 10) 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.

## **Conclusion**

As described in detail above, SAC supports Alternative 4 with the following modifications:

- 1) Apply SAC’s definition of “adequate snow”
- 2) Add a third classification in the analysis for ungroomed roads
- 3) No numerical snow depth restrictions
- 4) No elevation restrictions
- 5) No new non-motorized areas
- 6) Designate PCT crossings to be consistent with the crossings identified for motorized use under Subpart B

The decision on this project will supplement the current Land Management Plan (LMP) and the upcoming LMP revision. This will be viewed as a positive change, if it properly reflects the needs of the rapidly growing OSV community.

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

- There must be no restrictions based solely on elevation.
- It is imperative that there are an adequate range of alternatives analyzed for this project that specify no snow depth and no elevation restrictions, to ensure these issues are properly analyzed.
- 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.
- At last year's public meetings, it was stated that there would be no restrictions on crossing the Pacific Crest Trail with snowmobiles. We are glad to see there are no restrictions involving the PCT in the Notice of Intent and we trust that will not be added later in the process.

Please respond in writing to these concerns we raised during the NOI comment period.

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

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