



SIERRA ACCESS COALITION

556 Carol Lane East
Quincy CA 95971
info@sierraaccess.com
(530) 283-2028

January 5, 2022

Forest Supervisor Chris Carlton
Plumas National Forest
159 Lawrence Street
Quincy, CA 95971

RE: Plumas NF OSV MVUM Designations

Dear Forest Supervisor Carlton:

This letter provides new information that was not available during the comment period. I hope you will find it helpful before you issue the Final Record of Decision for the Plumas NF OSV MVUM project. I apologize for its length, but I wanted to present sufficient background information to support SAC's recommendations.

At the beginning of the June 3, 2021 Objector Resolution meeting, you added "*Sideboards*" for the final OSV MVUM decision regarding the Pacific Crest National Scenic Trail (PCT). You shared, "*I will designate OSV open areas that do not cross the PCT. The Forest will use discernible features to bound the OSV open area. The Forest will provide adequate crossings to maintain connectivity and access across areas.*" (p. 2 of Reviewing Officer letter, 7/12/21). After this meeting, SAC requested Congressman Doug LaMalfa contact the Congressional Research Service for their interpretation of the legislative history and language in the 1968 National Trails System Act (NTSA). I hope their comments below and ours will help you respond to the Reviewing Officer's **(RO)** findings in her letter.

National Forest System Multiple-Use Mandate and the PCT

The National Forest System . . . includes federal lands that have long served a variety of different functions. In 1897, Congress provided that National Forests (then called "forest reserves") are established "to improve and protect the forest" therein, "to furnish a continuous supply of timber," and to manage "water flows." (Organic Act of June 4, 1897). That directive was later expanded to include not only "timber" and "watershed" purposes, but also "outdoor recreation"

and "wildlife and fish purposes," reflecting the lands' administration for "multiple-use and sustained- yield." (Multiple-Use Sustained-Yield Act of June 12, 1960).

With the passage of the NTSA in 1968, Congress established a system of national scenic, historic, recreation, and connecting side trails to promote public access and appreciation of outdoor areas and historic resources throughout the United States. The system now includes 11 national scenic trails, 19 national historic trails, and over 1,300 national recreation trails.

In 1983, Congress amended the NTSA to clarify that "[n]othing contained in [the Act] shall be deemed to transfer among Federal agencies any management responsibilities established under any other law for federally administered lands which are components of the National Trails System." (p. 24 of PDF US Supreme Court Cowpasture decision). This re-affirms the multiple-use mandate for national forest lands adjacent to the PCT.

Because the NTSA does not define the word "trail," the word is interpreted in light of its "ordinary, contemporary, common meaning at the time Congress passed the Act." Webster and Random House dictionaries were researched. "A 'trail' is a 'blazed or otherwise marked path-or a track worn by passage through a mountainous region' or 'through a wilderness or wild' area. ('A blazed path or beaten track, as through woods or wilderness.'). In other words, a 'trail' is simply a route 'across,' 'over,' or 'through' a region of land. A path or track made across a wild region, over rough country, or the like." (pp. 38-39 of PDF US Supreme Court Cowpasture decision.) Congress would have used unequivocal language in the NTSA if it intended to establish a trailside corridor along the PCT vs. a 'trail.'

1968 National Trails System Act excerpts:

The Act proclaims in Section 3(b), "National Scenic Trails ... will be *extended trails so located as to provide for maximum outdoor recreation potential* and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass." The Act continues in Section 7(c), "*... efforts shall be made to avoid activities incompatible with the purposes for which such trails were established.*" (*Emphasis added for all text in italics*)

Section 5(a)(1) and 5(a)(2) established the Appalachian Trail (AT) and the PCT as two initial units of the National Scenic Trails System. The AT description includes protected lands adjacent to the trail (the Appalachian Trailway) that were approved under previous agreements dating back to 1938 and 1939. A similar protective buffer or zone was not described nor intended for the PCT.

Section 7(a) states: "Pursuant to section 5(a), the appropriate Secretary shall select the rights-of-way for national scenic and national historic trails and shall publish notice thereof in the Federal Register, together with appropriate maps and descriptions. Provided, That in selecting the

rights-of-way full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation. *Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any*

established multiple use plans for that specific area in order to insure continued maximum benefits from the land. The location and width of such rights-of-way across Federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that agency and the appropriate Secretary."

Section 7(c) affirms: "*Other uses along the trail, which will not substantially; interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail.* Reasonable efforts shall be made to provide sufficient access opportunities to such trail and, *to the extent practicable, efforts shall be made to avoid activities incompatible with the purposes for which such trails were established.* The use of motorized vehicles by the general public along any national scenic trail shall be prohibited . . ."

Research Summary by the Congressional Research Service:

Because our organization objected to several claims regarding the PCT, SAC asked the Congressional Research Service (CRS) for their interpretation of the National Trails System Act and whether the Act designated a protective trailside corridor for the PCT. The CRS works exclusively for the US Congress, providing policy and legal analysis to committees and members of both Houses. The CRS concluded:

"Based on a search of the history behind the passage of the National Trails System Act, CRS was not able to identify any specific consideration by Congress for the establishment of buffer zones in and around the Pacific Crest National Scenic Trail.

As part of the lead-up to the passage of the National Trails System Act, the Department of Interior's Bureau of Outdoor Recreation (no longer in existence) released a nationwide trails study in 1966 (*Trails for America*). This study provided recommendations on national scenic trails. In this excerpt, you can find recommendations made regarding the establishment and management of the *Appalachian National Scenic Trail*, as well as the 1938 railway agreement.

Where the state of development of adjacent lands will permit, or where special wild land and wilderness values exist, a wider buffer zone protected against incompatible developments by scenic easements or agreements should be provided, with width in specific areas depending upon the availability of land, costs, and the requirements necessary to safeguard trail values. Within the National Forests, the area to be designated for control for trail purposes should in general, be no less in width than the two miles provided for under the Appalachian Trailway

Agreement of 1938. Similarly, provision should continue to be made on State-owned lands for a width of one-half mile.

This recommendation was specific to the Appalachian National Scenic Trail and not the Pacific Crest Trail. Similar debates regarding the degree to which surrounding lands of the Appalachian Trail could or should be managed in accordance with the National Trails System Act continued following its passage. For example, in 1976, oversight hearings were held that included some discussions regarding the level of protection for lands surrounding the Appalachian Trail. . ."

Protective trailside corridors or zones were recommended for National Scenic Trails in the 1966 Bureau of Recreation study (*Trails for America*) and in House Report 1631 (July 1968) prior to the passage of the NTSA in October 1968. Trailside corridors were also discussed in a March 1967 House hearing on the Act. Corridors were considered by Congress, but not statutorily required in the final Act or its subsequent amendments.

The introduction to the 1982 Comprehensive Management Plan (CMP) for the PCT acknowledges: "The (*Trails for America*, Bureau of Outdoor Recreation, 1966) study contains several recommendations pertinent to National Scenic Trails generally and the Pacific Crest Trail specifically.

- The entire length of each national scenic trail, together with sufficient land area on both sides to safeguard adequately and preserve its character, should be protected in some form of public control.
- On public lands, existing management practices on National Parks, National Forest Wilderness Areas, and State Parks probably will suffice to protect trail quality. For lands managed primarily for other purposes, Federal and state agencies should modify the timber harvesting, livestock grazing, and special permit practices to protect trail quality.

'Trails for America' formed the basis for the original language of what was to become the National Trails System Act. *Committee hearings in the spring of 1968 provided testimony which resulted in substantial changes in the language dealing with the extent of influence the trail would have over adjacent land management* and the use of condemnation to acquire trail rights-of-way over privately-owned land." (CMP, pp. 8-9 of PDF)

National Park Service (NPS) Reference Manual 45 for the National Trails System states:

"Defining a national trail corridor can be complicated. It must be delineated to include the associated features and significant resources. Defining boundaries gives trail administrators and managers the ability to better protect trail resources critical to fulfilling each trail's purposes. Boundaries are also an important tool in addressing operational and management issues, such as public access and jurisdiction responsibilities. *The only national trail currently*

with boundaries is the Appalachian NST (typically defining a 1000-ft. wide corridor), mapped to aid in the Federal land protection process."

For many trails, an 'accordion-type' of boundary may be more appropriate, accommodating significant viewsheds, related structures, geologic features relating to the trail story, and other associated properties while minimizing corridor width in less important areas. Ideally, a national trail may have several distinctly different 'boundaries,' defining property parcels, related features and views, affected drainages, and access points or buffers. In addition, NSTs and NHTs (National Historic Trails) cross over all types of jurisdictional boundaries: State and county lines, the edges of national parks and forests, private property boundaries, and municipal boundaries." (NPS Reference Manual 45, p. 74 of PDF)

If a trailside corridor is desired for the entire PCT where it crosses non-wilderness management areas on public land, SAC recommends the FS analyze this proposal with a revision to the CMP. This would provide an opportunity for all interested stakeholders to comment, not just OSV users.)

Designation of OSV Areas Adjacent to the PCT

The RO's letter states: "I find that the FEIS does not fully explain how the proposed OSV use designated adjacent to the trail is consistent with the non-motorized nature of the PCT as prescribed by the NSTA and the PCT CMP" (RO letter, p. 10).

Several objectors claim the NTSA established a trailside corridor around the PCT to preserve the nature and purposes of the trail. This claim is inconsistent with CRS's interpretation of the NTSA and *NPS Reference Manual 45*. The NTSA and the CMP do not state motor vehicle use in proximity to the PCT interferes with the nature and purposes of the trail. The trail is non-motorized, but the surrounding landscape may not be. The CMP says: ". . . lands crossed by the PCNST may be separated into three different groups." Designated wildernesses on public land make up one group. Non-wilderness areas on public land make up the second group and are "*managed for multiple uses including wood, forage, fish, water, minerals, historic and cultural resources, and recreation.*" Private lands make up the third category. (CMP, p. 24 of the PDF)

Numerous roads and motorized trails cross or are near the PCT in non-wilderness lands within the Plumas NF. Here, the sights and sounds of motor vehicles are sometimes present depending on an area's Recreation Opportunity Spectrum (ROS) class. The PCT does not provide a wilderness or semi-primitive non-motorized experience throughout its entire length. The CMP clarifies: "Viewing and understanding resource management and other cultural activities are considered to be *part of the normal character of the trail*. The management of the various resources will give due consideration to the existence of the trail and trail users *within the multiple-use concept*" (CMP, p. 24 of PDF). The multiple-use concept is consistent with the nature and purpose of the PCT.

The CMP sets six conditions for managing OSV use near or across the PCT:

1. Snowmobiling on the trail is prohibited, but crossing at designated locations is consistent with *the purpose of the trail when such use is permitted on lands adjacent to the trail and does not cause damage to the trail, related resources, or facilities.* (CMP, p. 24 of PDF).
2. Winter use (cross-country skiing and snowshoeing) should be accommodated *where practical and feasible.* Each agency should follow its own procedures *for marking and signing the trail for winter use purposes.* (CMP, p. 27 of PDF)
3. Winter sports brochures should indicate designated snowmobile crossings on the Pacific Crest Trail, *where it is signed and marked for winter use if cross-country skiing and/or snowshoeing is planned for the trail.* (CMP, p. 27 of PDF)
4. Any motorized use of adjacent land *should be zoned to mitigate the noise of conflict* (CMP, p. 27 of PDF). The PCT Association recommends a 500-foot buffer zone on either side of the centerline of the trail.
5. *The CMP sets minimum distances between motorized crossings of the PCT, based on the ROS class of the given area* (CMP, pp. 25-26 of PDF).
6. OSV recreation in the proximity of the PCT does not interfere with the nature and purposes of the trail. Section 7(a) in the NTSA states: *"Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to ensure continued maximum benefits from the land."* Section 7(c) states: *"Other uses along the trail may occur if they do not substantially interfere with the nature and purposes of the trail."* The CMP affirms: *"The management of the various resources will give due consideration to the existence of the trail and trail users within the multiple-use concept"* (CMP, p. 24 of PDF).

The January 1982 CMP will shortly be 40 years old in 2022. Snowmobilers have enjoyed riding on the Plumas NF for this same period of time with minor use conflicts, no reported intrusions on the PCT, and no reported resource damage. Applying a 500-foot non-motorized zone along the *entire length of the PCT* to protect its "nature and purposes" is not supported by evidence of harm to the trail or to the trail experience.

Five Mile Radius Zones

The RO's letter states: "The Forest's assumptions as relates to the 5-mile radius zones, however, are not fully explained. . ." (RO letter, p. 11). It appears the Forest simply drew a 5-mile radius circle in the area just south of Bucks Summit which results in over 8.7 miles of the PCT to be included since the trail zig zags within the circle. This is substantially more mileage than agreed to in the 3-5 mile cross country skier sideboard.

The Draft ROD designates a 500-foot non-motorized zone on either side of the PCT, which generally extends five miles from a plowed trailhead where most non-motorized use typically

occurs (and is feasible and practical). This mitigation measure was adopted by the American Council of Snowmobile Associations to minimize conflicts between OSV and non-motorized recreation enthusiasts: "In comparison most non-motorized over-snow recreation takes place within 3 to 5 miles of trailheads" (ACSA, *Facts and Myths About Snowmobiling and Winter Trails*, 2019).

The CMP states: "The intent of Congress in prohibiting motorized use of the trail, as expressed in the Hearing Documents, reference (S. 827 and H.R. 4866), was to eliminate the safety and noise conflict with hikers and equestrians. *Crossing the trail right-of-way by snowmobiles would not be in conflict with the intent of Congress if such use were part of a winter sports plan that permitted Snowmobiles to use the land adjacent to the trail.*" (CMP, p. 85 of PDF)

Several objectors claim a non-motorized trailside zone is needed because of conflicts (noise, emissions, safety, tracked powder snow, displacement, etc.) They did not provide statistically valid data on the number of non-motorized visitors traveling on the PCT in winter when the trail is under several feet of snow. The FS, however, does have monitoring data related to OSV use and cross-country skiing on the Plumas NF.

Snowmobile use on the Plumas NF decreased from 2005 to 2015. Data from the 2005 Plumas NF National Visitor Use Monitoring (NVUM) study indicated 6.6% activity participation in snowmobiling (compared to other forest recreation activities). In the 2010, NVUM, activity participation in snowmobiling declined to 0.2%. In 2015, snowmobile participation was 0.0%, meaning the survey sample recorded negligible use compared to other forest activities. Over this same 10 year-span, participation in cross-country (XC) skiing anywhere on the Plumas NF was 1.3% in 2005, 0.6% in 2010 and 0.0% in 2015. In 2020, there were 2,911 active OSV registrations for the 5-county area that makes up the Plumas NF (CA DMV data for Butte, Lassen, Plumas, Sierra and Yuba Counties). OSV registrations since 2009-2020 are generally flat. Based on this information, SAC assumes OSV recreation and XC skiing will remain steady in the near future with minimal potential for conflicts with non-motorized users.

We also note there have been few reports of conflicts recorded by Plumas NF law enforcement (LE) officers. LE patrol logs from 2015-2021 (7 years) documented the following:

1. 0 problems or enforcement actions related to damage to plants or aquatics,
2. 3 use conflicts,
3. 4 closure area problems (2 involved a wheeled vehicle traveling to the Four Trees hut, 2 inadvertently trespassed into a non-motorized area when they missed the closure sign).
4. There were no reported OSV incursions on the PCT and only 1 in the wilderness area because the wilderness sign is posted well in front of the actual legal boundary. It was determined that incident did not occur within the wilderness.
5. No noise, displacement, safety or emission conflicts were reported. LE Patrol logs documented several trailhead parking problems (lot was full or lot was used for long-

term, overnight parking). The American Council on Snowmobiles Association states studies have shown the #1 area for potential conflict is within staging areas. Yet the staging areas were not considered in the OSV plan.

SAC believes non-motorized use in remote wildlands where the PCT crosses is not "*practical or feasible*" for most skiers or snowshoers because we do not see any use. Given the above data, there is insufficient reason to prohibit OSV riding in areas adjacent to the PCT beyond five miles from a plowed trailhead. The trail must also be marked and signed as called for in the NTSA and CMP to prevent unintended riding. Section 7(c) of the NTSA requires: "The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker, including thereon an appropriate and distinctive symbol for each national recreation and scenic trail. *Where the trails cross lands administered by Federal agencies such markers shall be erected at appropriate points along the trails and maintained by the Federal agency administering the trail in accordance with standards established by the appropriate Secretary.*"

"Details about how trail markers are to be used on individual trails are sometimes covered in individual comprehensive management plans, . . ." (*NPS Reference Manual 25*, p. 86 of PDF,). The CMP also requires: "*Winter sports brochures should indicate designated snowmobile crossings on the PCT where it is signed and marked for winter use if cross-country skiing and/or snowshoeing is planned for the trail.*" (CMP, p. 27 of PDF)

Non-motorized advocates desire sweeping OSV closures across the forest, but they have not presented evidence of substantial conflicts or damage to the trail from OSV travel. Under the multiple-use concept, we find snowmobiling is consistent with the *nature and purposes* of the PCT as described in the Act and the CMP.

OSV Open Area Boundaries:

The RO's letter also states: "I find the Forest's analysis and decision with regard to *designating OSV use adjacent to the PCT are not arbitrary*; however, further clarification of open area boundaries is needed as clarified in the Sideboards section above, We will designate OSV open areas that do not cross the PCT. We will use discernible features to bound our OSV open areas. We will provide adequate crossings to maintain connectivity and access across areas." (RO letter, pp. 2, 11). Connor Swift (PCTA) and Kyle Felker (SAC) met, located, and agreed on several PCT crossings. However, they only finished 1/3 of the crossings. The Forest Service encouraged this work, and we are still waiting for the Forest Service to respond to questions that need to be answered before we can finish that work. The current proposed crossings and locations are inadequate, create safety issues, and close riding areas due to lack of access.

The impact of this Sideboard on OSV open areas was not previously disclosed in the Environmental Impact Statement. We would appreciate more information on how you are identifying and mapping open area boundaries and analyzing this new direction.

Recreation Opportunity Spectrum (ROS) Classes:

The RO concludes: "I find the Forest needs to disclose the ROS classes where the OSV crossings of the PCT are designated, clarify its rationale for the ¼-mile width of the PCT crossings, and confirm that the distances between designated crossings are consistent with the direction specified in the PCT Comprehensive Plan per ROS class" (RO letter, p. 12).

"The ROS provides a framework where recreational opportunities, activities and expected experiences are integrated to ensure compatibility with the landscape's natural and cultural resource values. The ROS establishes recreational settings particularly informative for decisions on infrastructure and the built environment, but is not intended to be the sole framework for managing recreational uses and activities." (Draft Record of Decision, p. 19)

90% of Plumas NF is in a Roaded ROS setting characterized by natural appearing landscapes with moderate sights and sounds of human activities and development. Approximately 42.7 miles of the PCT across the Plumas NF fall within roaded ROS classifications (54.2 % of the trail). There are numerous FS, State, county and private roads, and other developments within 500 feet either side of the PCT within these classes. Several roads are designated OSV routes.

The CMP states each national forest *will divide their section of the trail into segments with each segment corresponding to one of the ROS classes* (CMP, p. 25-26 of the PDF). Using the roaded ROS classifications of Semi-primitive Motorized and Roaded Natural, the trail may be accessed by *roads or motorized trail routes no more frequently than ½ mile intervals. User interaction along these segments may range from low to high in frequency in the SPM class, and moderate to high in frequency in the RN class. "There will be little opportunity for a feeling of remoteness and the presence of nonrecreational activities may result in a need for more signing for information and regulation"* (CMP, p. 25-26 of PDF)

The RO asks the Plumas NF to identify the ROS classifications in the Lakes Basin to determine if any ¼ mile-wide crossings are more frequent than ½ mile apart (RO letter, p. 12). We recommend the FS clarify a ¼ mile-wide crossing does not imply snowmobilers will ride on a ¼-mile-long section of the PCT. Validation of these crossings will confirm the FS is following the direction in the CMP.

Draft Record of Decision (ROD):

In the Draft ROD, you concluded:

- *This decision complies with the NTSA and does not designate OSV use along the PCT.*

- *The NTSA does not prohibit public motorized use adjacent to national scenic trails, and this decision does designate OSV use in some areas adjacent to the PCT.*
- *Section 7(a)(2) of the Act specifies that national scenic trails shall harmonize with and complement management for multiple uses on lands adjacent to such trail."*
- This decision is consistent with the 1982 PCT Comprehensive Management Plan, which states: "Within Federal lands outside National Parks and Wilderness (sic 57% of the trail), the trail must co-exist in harmony with all other resource uses and activities of the land as determined through the land management planning process" (CMP, p. 28 of PDF).
- *"This decision does not designate OSV use adjacent to the PCT along trail segments where noise conflicts between winter motorized use and non-motorized recreation use may be an issue. Areas not designated for OSV use adjacent to the PCT vary from approximately 620 to 6,000 feet wide." (Draft ROD, p. 21).*

SAC recommends no changes in the above language. In addition, we suggest the final ROD consider these points:

- Affirm the CMP's six conditions for managing non-motorized use on the trail using the FS's assumption most use will generally occur within five miles of a plowed trailhead.
- Designate a 500-foot. Noise/emission buffer within these 5-mile corridors and designate OSV crossings where needed.
- Confirm a non-motorized zone and designated OSV crossings in the remote backcountry are not required unless the six CMP conditions are met.
- Describe the lack of conflict from LE patrol logs.
- The PCT disappears in the winter under several feet of snow. Clarify how PCT zones will be signed and enforced per FSM 7716.54 to: *"3. Avoid special motor vehicle and OSV use designations that are too vague or complex to be enforced."*

While Kyle Felker and Conner Swift have nearly 100% agreement on the crossings they have located, they still need to complete the trail crossing negotiations, which include the Bucks Lake and La Porte areas. We must also review the previously located crossings to make sure they are consistent with the new information outlined in this letter. We hope the legislative history and information presented here will be considered prior to issuance of the Final ROD. It supports our contention the Plumas NF has a well-managed OSV program and the selected alternative, with the modifications discussed in this letter, provides an appropriate balance of recreational use.

Designating use in Unroaded Areas ('Wilderness-Suitable'-Lands)

Under the issue, the RO states: "I find the Forest has not completely fulfilled its obligation to explain the bounds of the analysis area." SAC submitted previous objections regarding the prohibition of OSV travel within inventoried roadless areas (IRA) designated as Prescription Rx-8 in the 1988 Plumas NF LRMP. The LRMP Record of Decision (ROD) states:

"No scheduled activities are planned for the Bald Rock, Beartrap, Chips Creek, Dixon Creek, Grizzly Peak, Keddie Ridge, Lakes Basin, Middle Fork and Thompson Peak roadless areas (79,500 acres in total) for the duration of the Plan. *The title of the prescription for management of these areas has been changed from Semi-primitive Non-Motorized to Semi-primitive. Language has also been inserted into the Semi-primitive Prescription (Rx-8) that would permit limited management activities to take place in these areas providing the semi-primitive nature of the areas is protected.*" (LRMP ROD, p. 11)

The Semi-primitive Area Prescription, Rx-8, applies to 79,500 acres of "essentially undisturbed areas" and says: "Allow no motorized travel except over-the-snow and management access." (LRMP, p. 4-88)

The above reference from the LRMP ROD and Rx-8 indicates winter OSV travel is compatible within roadless areas when the semi-primitive nature is protected. Under the LRMP, most of the Plumas NF was open to over-the-snow travel except in Zone A (wilderness, the Wild and Scenic River, and the PCT). This was the forest's adopted OSV Plan.

1988 LRMP map - *ORV Closure Plan for the Preferred Alternative* states:

Zone A: Motorized travel prohibited (PCT, Wilderness, Wild Zone of the Middle Fork Feather River Wild and Scenic River.

Zone B: Motorized land vehicle travel is prohibited except to meet management needs. Motorized over-the-snow travel is permitted (NM Roadless Areas).

Zone C: Motorized land vehicle travel prohibited off of existing roads and trails and permitted on existing roads and trails except those designated closed. Motorized over-the-snow travel is permitted (Recreation Areas).

Zone D: Motorized land vehicle and over-the-snow vehicle travel is unrestricted except for the following: sensitive areas or areas with user conflicts may be subject to appropriate closure."

The FEIS affirms: "The 1988 Forest Plan does not restrict or prohibit OSV use based on non-motorized classifications (i.e., recreation opportunity spectrum classes, semi-primitive areas) in areas other than those that are restricted by law, regulation, or policy." (OSV FEIS, vol. 1, p. 58).

The 2001 Final Roadless Area Rule in 36 CFR Part 294 states:

"The Roadless Area Conservation rule, unlike the establishment of wilderness areas, *will allow a multitude of activities including motorized uses, grazing, and oil and gas development that does not require new roads to continue in inventoried roadless areas.*

Currently, a wide range of multiple uses is permitted in inventoried roadless areas subject to the management direction in forest plans. A wide range of multiple uses will still be allowable under the provisions of this Rule.

Under the final Rule, management actions that do not require the construction of new roads will still be allowed, including activities such as timber harvesting for clearly defined, limited purposes, development of valid claims of locatable minerals, grazing of livestock, and *off-highway vehicle use where specifically permitted.*" (Federal Register, Vol. 66, No. 9, 1/12/2001, pp. 3249-3250)

The OSV FEIS explains "*Forest plan direction was considered to ensure compliance with management direction.* A review of existing law, regulation and policy relevant to recreation settings and opportunities, access, scenery, and designated area resources within the project area was completed and referenced where appropriate." (OSV FEIS, vol. 1, p. 88)

However, the FEIS and draft OSV ROD amend LRMP direction to now prohibit OSV travel on 72,336 acres of roadless areas under Rx-8 without scientific, site-specific information to justify excluding this long-term use. The FEIS simply states the prohibition will "*minimize effects to the semi-primitive nature of Rx-8.*"

The FEIS explains:

"Semi-Primitive Area Prescription (Rx-8) of the 1988 Plumas National Forest Land and Resource Management Plan (LRMP) was not recommended for designation in open areas to minimize effects to the semi-primitive nature of Rx-8.

Some semi-primitive areas (Bald Rock, Dixon Creek, Grizzly Peak, Middle Fork, and Thompson Peak; portions of Beartrap, Chips Creek, Keddie Ridge, and Lakes Basin) were not designated for OSV use. Changes between the DEIS and FEIS included removing open areas in the Chips Creek area. Most semi-primitive areas overlap with RARE II areas, but do not share identical designated boundaries. *Semi-Primitive Area Prescription (Rx-8) of the 1988 Plumas National Forest Land and Resource Management Plan (LRMP) was not recommended for designation in open areas to minimize effects to the semi-primitive nature of Rx-8.* The Semi-Primitive Prescription description in the LRMP emphasizes non-motorized recreation and states 'this prescription applies to essentially undisturbed areas to maintain a remote forest setting and allow non-motorized, dispersed recreation. Activities are permitted only if they are unobtrusive and maintain the character of the area and applies to a total of 79,500 acres of NFS land (p. 4-88). *Semi-primitive areas are high value areas for non-motorized users and were not designated for OSV use to minimize conflicts between motor vehicle use and existing and proposed recreational uses of NFS lands. Areas that are included for designation provide connectivity to adjacent Forests and provide access to peaks. In general, semi-primitive areas were not designated for OSV use.*" (OSV FEIS, Vol. 1, p. 30)

SAC has two concerns with the forest's analysis. First, this project decision is inconsistent with federal regulations at CFR 219.13 and FS policy to officially amend LRMP management direction.

The public was not informed a proposed amendment was being considered, and the FS process for forest plan amendments has not been followed.

Second, this decision fails to describe how past OSV use has affected the nature of Rx-8 areas. Since the 1988 LRMP was issued almost 34 years ago, OSV travel has been permitted in Rx-8 areas. The OSV FEIS offers hypothetical explanations to exclude OSV use: "Air quality and semi-primitive non-motorized classes may be temporarily affected due to the presence of OSVs. The duration of the potential impacts would be short-term, during the winter while snow depth is adequate for OSVs to access the area." (FEIS, p. 66)

The analysis also fails to describe minimization measures such as education, enforcement, and monitoring for use conflicts and resource damage. These are all practical and effective measures to protect the semi-primitive nature of roadless areas. OSV closures may also implemented by a forest order if problems are documented in the future.

"... a plan amendment is required to add, modify, or remove one or more plan components, or to change how or where one or more plan components apply to all or part of the plan area (including management areas or geographic areas). (36 CFR 219.13, pp. 66-67)

36 CFR 219.13 requires the FS to:

"(1) Base an amendment on a preliminary *identification of the need to change the Plan*. The preliminary identification of the need to change the Plan may be based on a new assessment; a monitoring report; or other documentation of new information, changed conditions, or changed circumstances. When a plan amendment is made together with, and only applies to, a project or activity decision, the analysis prepared for the project or activity may serve as the documentation for the preliminary identification of the need to change the Plan;
(2) *Provide opportunities for public participation* as required in § 219.4 and public notification as required in § 219.16." (36 CFR 219.13, p.67). The Plumas has repeatedly stated they will not do a Forest Plan Amendment, so proceeding with this OSV plan is in violation of 36 CFR 219.13.

The RO reminds us: "Generally, arbitrary is defined as a decision that does not consider relevant factors and provides a rational connection between the facts and the decision. Meanwhile, NEPA requires that agencies' insure the professional integrity, including scientific integrity, of the discussions and analyses' (40 CFR 1502.24)." Prohibiting OSV travel across 72,336 acres of LRMP-designated Rx-8 land is arbitrary.

Other Objection Issues:

SAC and other OSV organizations have other outstanding issues with the Draft ROD. Their comments were previously submitted during various public comment periods, including the objection process. Just one word in the ROD could resolve some issues like snow depth. For

example, state ". . . a snow depth of 12 inches is **typically** needed." Using "*typical or typically*" implies this measure is a guideline vs. a hard rule. Another concern is FS mapping of OSV routes, crossings, and open area boundaries in the Lakes Basin area. Kyle Felker would like to work with your staff to ensure GIS data and maps are correctly showing the location of the PCT in relation to OSV designations. You can reach him at 530-251-6112.

SAC submitted detailed information to Nevia Brown regarding numerous areas we wanted to discuss in the resolution meetings, but time was not provided for discussion. This included important areas such as Lake Davis Trails, Poplar Valley Staging, Willow Creek Trailhead, and others. Our concerns were never heard at the resolution meetings.

Lastly, the current Plumas NF FEIS SOPA says the OSV Use Designation project is on hold with a N/A for the expected decision and implementation dates. We would like to meet with you after the holidays to discuss completion of this project, and respond to questions you may have about the information in this letter. Let's coordinate our January calendars to set up a meeting date.

This document appends our objections. Please file this letter in the Project Record and Administration Record.

Thank you for your consideration of our comments.

Sincerely,

Corky Lazzarino

Executive Director, Sierra Access Coalition

cc:

Sierra Access Coalition Steering Committee

John Mannle, Director Plumas County Dept of Public Works/Plumas County Coordinating Council

Joe Blackwell, Plumas County Dept of Public Works/Plumas County Search and Rescue

Greg Hagwood, Plumas County Supervisor

Jeff Engle, Plumas County Supervisor

Doug LaMalfa, Congressman

Shane Starr, Aide to Congressman LaMalfa

Todd Johns, Plumas County Sheriff

Joshua Pack, Butte County Dept of Public Works

Doug Teeter, Butte County Supervisor

Amy Granat, California Off Road Vehicle Association

Kevin Bazar, Sierra Snowmobile Foundation

President - LaPorte Snowmobile Club

Marc Ingvaldsen, Bucks Lake Snowdrifters

Donna Johnson, Sierra Buttes Snowbusters

Friends of Independence Lake
Sylvia Milligan, Recreation Outdoors Coalition
Fred Wiley, California Nevada Snowmobile Association
Scott Jones, United Snowmobile Alliance (USA)
Blue Ribbon Coalition / Sharetrails
Butte Meadows Hillsliders
Elizabeth Norton
Jeanne Burroughs
Steve Burroughs
Ron Ondracek
Brock Myers
Jesse ORourke
Paradise Ridge Riders