



**Sierra Access Coalition**  
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## August/September 2013 Newsletter

### Defend Rural America—September 28

#### *Our Communities Are At Risk*

#### *A Widespread Coalition Is Being Assembled To Fight Back*

-Carol Viscarra

[CLICK HERE TO REGISTER - FREE](http://dra20130928.eventbrite.com)

<http://dra20130928.eventbrite.com>

*Rural America is in crisis. Some 30% of our nation's counties are near economic collapse, yet wave after wave of neoenvironmental assaults continue to destroy agriculture, ranching, mining, timber production, forests, families, jobs, businesses, education, and county services. "Stakeholders"—an invented name for people, organizations, and agencies that don't live or work in your communities—want to control or outright plunder your rights and lands. Rural Americans pay the taxes and suffer the consequences, but have no voice in what happens in their own counties.*

*The spotted owl listing sealed off millions of acres of Pacific Coast forests, stretching from Northern California to the Canadian border. Yet it is only the start of hundreds, if not thousands, of more listings to come. For example, a proposed frogs & toads listing will seal off an additional 2-plus million acres of California's forests, this time spanning 14 counties and 9 forests along the Sierra Nevada mountains. The listings will potentially affect private land as well as federal land.*

*Enough is enough. It is time for Rural Americans to stand up, and organize an effective response. The Defend Rural America movement has proven to be successful, and a group of local people are launching the program in Plumas County.*

**Saturday, September 28, 2013, 10:00A-1:00P**  
**Plumas County Fairgrounds, Serpilio Hall**  
**204 Fairgrounds Road, Quincy, CA 95971**

Sheriff Greg Hagwood, Plumas County  
and  
Kirk MacKenzie, Founder of Defend Rural America  
will provide a frank discussion of the problems and solutions.

**FREE Admission.**

*Donations welcomed. Attendance is limited so preregister and come early. Doors open at 9:15A. Presentation starts at 10:00 a.m. Exhibitor tables are available. SAC will have a table at the event. For more information contact Carol Viscarra, 530-284-7402, [narmrn@frontiernet.net](mailto:narmrn@frontiernet.net)*



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## SAC at the Salmon Festival—September 28

***Come See Thousands of Returning Chinook Salmon!***

***Every September, the streets of Oroville between Historic Downtown and the Feather River Fish Hatchery burst with fish-flavored activities during the Annual Salmon Festival.***

***On this special weekend Oroville celebrates the thousands of spawning salmon that annually make their way from the ocean back up the Feather River.***

Sierra Access Coalition will have a booth at the Salmon Festival in Oroville September 28.

SAC's booth will have:

- Maps of 722 miles of new proposed road closures on the Plumas N.F.
- The latest information on the Plumas N.F. Travel Management Plan litigation
- Free t-shirt or hat for \$20 donation
- Information on Subpart C of the Travel Management Plan, which will affect snowmobile use
- And much more

[Click here for more information on the festival.](#)

## Snowmobile Legal Ruling Update

### Legal Decision

On March 29, 2013, U.S. Magistrate Judge Ronald E. Bush of the United States District Court of Idaho issued an Order in favor of the Winter Wildlands Alliance (WWA). The Order directs the Forest Service to issue a new travel rule that specifically addresses WWA's concerns about over-snow vehicle travel (snowmobiles), within approximately one year.

### How the Magistrate's Ruling Impacts the USFS and Snowmobile Use

- Each unit of the National Forest system must prepare a Travel Management Plan (TMP) to govern off road vehicle use. Forests are effectively "closed until open" meaning that Off-Road Vehicle (ORV) use is not allowed until the Forest sets a TMP which opens specific routes, trails and areas.
- The 2005 Travel Management Rule (TMR) exempted "Oversnow Vehicles" (OSV's) from the TMP process. The Forest Service concluded since snowmobile trails melt at the end of the winter, the effects of snowmobile use are ephemeral and transitory and need not be part of the more rigorous TMP needed for regular ORV's (e.g., ATVs).
- For the past 7 years, the Forest Service has prepared many TMPs per the 2005 TMR that do not address winter use by snowmobiles.
- WWA, hostile to snowmobiling, sued the Forest Service in U.S. District Court in Idaho arguing that the OSV exemption in the 2005 TMR was illegal. In March 2013, the Court agreed and has ordered the Forest Service to redo the TMR to delete the OSV exemption.
- If the ruling stands, and is not appealed, the agency will have to (1) redo the TMR, and (2) systematically redo all of the existing TMP's to include winter snowmobile use in the revised plans. Complying with the present ruling will take substantial time and effort and impose substantial compliance costs on the financially strapped agency.
- Moreover, because of the "closed until open" nature of the rules, the Forest Service's inability to quickly redo the TMP's could result in wholesale closures of Forests to winter snowmobile use until it can complete revised TMPs. **Bottom line -- implementation of the Idaho ruling puts continued snowmobile use of National Forests at substantial risk.**
- The Idaho ruling also includes legal conclusions that if allowed to stand as precedent put both snowmobile access and ORV access per the existing TMPs at risk.
- The ruling reinterprets the Nixon and Carter Executive Orders (EO's) regarding ORVs (including snowmobiles) in a more restrictive manner compared to how the EO's have been interpreted and implemented for over 35 years. Systematic application of this more restrictive interpretation likely requires major revisions to both existing and new TMPs.

It is highly likely that anti-ORV advocates will try to use the Idaho ruling as precedent to broaden their legal attack motorized use on Forest lands.

The Forest Service is not funded or staffed to issue this new Travel Rule - and more importantly it is not funded or staffed to complete detailed winter travel planning at the local level on all national forests across the country in the approximately 27 states where over-snow travel could potentially occur. This unfunded mandate could therefore potentially eliminate or reduce snowmobile access simply since, without funding, local travel plans allowing or regulating over-snow travel will not be produced.



## Travel Management Plan Litigation Update

The partnership of Plumas County, Butte County, SAC and CORVA is working on moving our lawsuit forward. We are continuing to discuss our lawsuit against the Plumas NF Travel Management Plan with [Pacific Legal Foundation \(PLF\)](#). They are considering representing the partnership's legal case pro bono.

PLF has just had a significant win in the Supreme Court, and their interest in our lawsuit brings with it a wealth of litigation experience. Together with their legal expertise, PLF's practice of taking cases pro bono would help all the parties in the suit financially.

PLF expects to let the partnership know in the next few weeks if they will take the case. Regardless of whether PLF represents us or Stoel Rives takes the case, the lawsuit will be filed by the end of this year.

PLF is currently representing the case against the Tahoe NF Travel Management Plan, which will be heard in court in October.

All members of the partnership have exhausted every other possible means to represent and protect their citizens' and their members' interests to the Forest Service. Being unsuccessful in that endeavor, we are now all ready for the lawsuit to proceed. This partnership is unique in that it contains two county governments, and although each member's interests with the Forest Service may be somewhat different, we are united in our agreement that the Forest Service should be held liable for their wrongdoings. There is a shared acknowledgement that all have been harmed by Travel Management, whether county resident, business owner, longtime user of forest resources, or part time visitor.

The partners are all dedicated to standing up for the rights that should be afforded by the Forest Service to rural residents and visitors alike. We hope that everyone who values freedom and who values access to their National Forests will continue to support every member of this partnership.

**We want to thank everyone for their patience and commitment during this lengthy process.**



## Subpart A: 722 miles of Road Closures Proposed



The Plumas NF is currently working on Subpart A of the Travel Management Plan (TMP). As you will recall, Subpart B of the TMP closed 873 miles of roads and trails in 2010. The Forest Service is now planning new closures, this time main roads, under Subpart A of the TMP. They are proposing 722 miles of additional road closures, which will bring the total up to nearly 1600 miles of roads to be closed so far under the TMP.

Although the Chief of the Forest Service directed all National Forests to “minimize” their road systems”, the Plumas NF appears to be taking an extreme interpretation of what minimize means. Closure of additional roads will essentially destroy our rural way of life because it will impact future logging, firewood cutting, recreation and more.

Public meetings regarding Subpart A road closures were held in late June and July. Public comments should be sent to the Forest Service by Sept. 30.

Click links below for maps of the proposed road closures, which are shown in red:

For the east side of the forest:

[http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5424415.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5424415.pdf)

For the west side of the forest:

[http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5424416.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5424416.pdf)

The public can make electronic comments on individual roads on the Plumas NF website at <http://www.fs.usda.gov/detail/plumas/home/?cid=stelprdb5424250>. However, SAC would prefer you print the form on that website and send the completed paper copy to SAC, PO Box 944, Quincy CA 95971. We will consolidate all our members’ comments so we can track them, and then send them to the Forest Service.

Although the Forest Service states that no actual decision will be made to close roads during Subpart A, the study will make recommendations for future road closures that will be implemented at a later date. However, the Hayden Project near Portola cites Subpart A as the authority to close roads. So apparently, Subpart A has already been set into motion.

The final phase of the TMP will be Subpart C, which will look at snowmobile restrictions.

Project leaders for Subpart A are Terri Simon-Jackson for Plumas NF, Chris O'Brien for Lassen NF, and Terry Brennan for Tahoe NF. Information on Subpart A is available on the [Forest Service website](#).

## SAC Legal Defense Fund

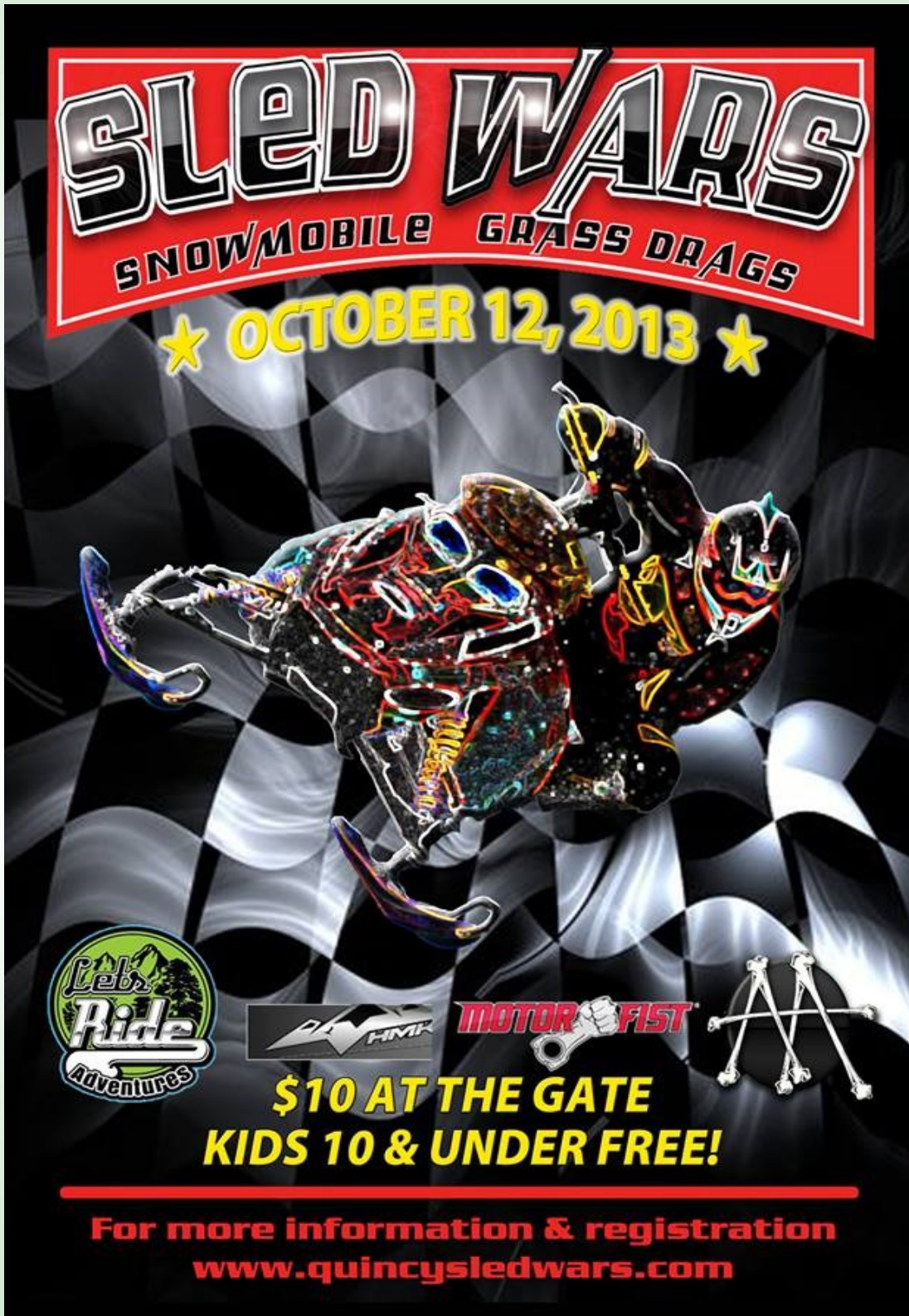
SAC has been exploring additional ways of funding our lawsuit. SAC has raised a substantial amount of money, some of which has already paid our attorney to research and write our complaint, but we still need to raise more funds. Even if PLF takes our case pro bono ([see article on page 4](#)), we will still need funding to hire experts to work with our attorney. **[This is now the critical time for SAC members to donate to the SAC Legal Defense Fund.](#)**

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 the support from [donors](#). Sharing SAC’s mission with other people is extremely valuable, as well as encouraging them to sign up as members.



*Thank you all for your donations and support!*

Sled Wars Return to the Fairgrounds in Quincy 10/12/13



**SLED WARS**  
SNOWMOBILE GRASS DRAGS  
★ OCTOBER 12, 2013 ★

**Leb's Ride Adventures**  
**HMK**  
**MOTOR FIST**

**\$10 AT THE GATE  
KIDS 10 & UNDER FREE!**

**For more information & registration  
[www.quincysledwars.com](http://www.quincysledwars.com)**

The poster features a central image of a snowmobile with a rider, set against a black and white checkered background. The snowmobile is highly detailed with various colors and patterns. The rider is wearing a helmet and gear. The overall design is dynamic and energetic.

**PLUMAS COUNTY FAIRGROUNDS IN QUINCY**



**PACIFIC LEGAL FOUNDATION**

*Rescuing Liberty From Coast to Coast*

## Tahoe NF Travel Management Lawsuit Update

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

**Status:** Complaint filed on July 17, 2012. Plaintiffs' motion for summary judgment on liability filed May 16, 2013. This case will be heard in

#### 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.

\* \* \*

May 6, 2013 PLF filed a motion for summary judgment in federal district court to reverse the government's decision to prohibit motorized travel on hundreds of miles of roads and trails in Tahoe National Forest. Historically, these routes were available to individuals who wanted to experience the natural pleasures afforded by the forest. In a misguided effort to protect the forest from human enjoyment, the government has tabooed entry to remote and wild areas that are accessible to most people only by means of motor vehicles.

To enjoy the wilds, you need to be able to *get* to the wilds. Before the government's prohibition, over 800 miles of routes in Tahoe National Forest took people into the majesty of the deep woods by motor vehicle. Now, 90 percent of those roads and trails are closed, thereby setting insurmountable barriers for many who wish to enjoy Mother Nature at her wildest.

Representing eight clients who for years have enjoyed the pleasures of the forest via motorized access, PLF filed its legal brief in the case of *Friends of Tahoe Access v. United States Department of Agriculture*, explaining that the National Environmental Policy Act (NEPA) protects the *human* environment and was enacted by Congress to preserve the environment *for* people. NEPA was never meant to keep people *out* of the environment. But that is the result under the wrong-headed government decision to close hundreds of miles of access routes in Tahoe National Forest

[Visit the Pacific Legal Foundation website.](#)

For more information, go to <http://www.pacificlegal.org/cases/Feds-are-foes-to-recreational-forest-access>

PLF depends on donations to fund their legal work.

To donate go to <http://www.pacificlegal.org/page.aspx?pid=327>