



RECORD OF DECISION Lassen National Forest Over-snow Vehicle Use Designation

**USDA Forest Service
Lassen National Forest
Lassen, Shasta, Tehama, Butte, Plumas, Siskiyou, and Modoc
Counties, California**

INTRODUCTION

This Record of Decision (ROD) documents my decision and rationale for selecting a course of action to be implemented for the Lassen National Forest Over-snow Vehicle Use Designation Project. I have considered the analysis that is documented in the Revised Final Environmental Impact Statement (RFEIS) for the Lassen National Forest Over-snow Vehicle Use Designation, information in the project file, and input received from the public during the course of the analysis of this project as required by the National Environmental Policy Act (NEPA).

This ROD was developed according to requirements of the National Environmental Policy Act (NEPA) (42 USC § § 4321-4370), the Council of Environmental Quality's implementing regulations (40 CFR § § 1500-1508), Forest Service NEPA regulations (36 CFR Part 220), and Forest Service policy in Forest Service Manual 1900, Chapter 1950, and Forest Service Handbook 1909.15.

This ROD incorporates by reference the document titled, "Lassen National Forest Over-snow Vehicle Use Designation, Revised Final Environmental Impact Statement (RFEIS) Objection Statements and Responses, Lassen National Forest" (March 2018).

DECISION

Based on my review of the Lassen National Forest Over-snow Vehicle Use Designation Revised Final Environmental Impact Statement (RFEIS), I have decided to implement Alternative 5 as described in the RFEIS (pp. 47-49), with the exception of some modifications described below. This alternative best meets the purpose and need and addresses the significant issue of motorized over-snow recreational opportunities. Modifications to the alternative also respond to the significant issue of non-motorized recreational opportunities, concerns with resource protections identified primarily through the pre-decision administrative process, as well as application of the minimization criteria set forth in 36 CFR 212.55(b) (1)-(5) for OSV designated trails and areas (Appendix C and D).

Table 1: Comparison of Selected Alternative to Preferred Alternative

Alternative Components	Modified Alternative 5 (Selected)	Alternative 5 (Preferred)
Designated OSV Areas	6	6
Designated Acres Open to OSV	747,192	632,400
Snow Depth Requirement - Cross Country (Inches)	12	12
Designated Groomed Trails (Miles)	349	349
Snow Depth Requirement – Designated Trails	6	12
Non-Designated Trails (Miles)	2052	1677
PCT Crossings	12	12
Percent of Total Forest Designated	65%	55%

1. The selected alternative includes the designation of approximately 747,192 acres (or 65%) of National Forest System (NFS) lands. After further consultation with my staff I decided to include additional lands in my decision that were analyzed as part of other available alternatives (Alternatives 2 and 4) as referenced in Table 1. These lands are within 6 discrete, specifically delineated areas for cross-country over snow vehicle use. These areas along with the additions are shown in Table 2 and described in further detail in each OSV area below.

Table 2: Summary of Selected Alternative

OSV Area Name	Areas Designated for OSV Use (Acres)	Groomed OSV Trails (Miles)	Non-Groomed OSV Trails (Miles)
Ashpan	82,907	57.42	9.65
Bogard	277,006	26.58	24.22
Fredonyer	30,031	43.65	4.76
Jonesville	97,907	67.91	0.90
Morgan Summit	98,467	62.07	22.71
Swain Mountain	160,874	91.78	0
Total	747,192	349.4	62.24

The *Ashpan OSV Area* is located in the southwest portion of the Hat Creek Ranger District (HCRD) and occupies some of the highest elevations on the district where OSV trails can be designated and groomed for much of the winter season. Approximately 57 miles of groomed OSV trails are accessible through the available snowmobile staging area on highways 44/89 where the trailhead provides direct connectivity to the additional 27 miles found on the adjacent Latour State Park. Significant non-motorized recreational opportunities are also found in this area including Eskimo Hill which is popular with sledders, snowshoers and cross-country skiers and provides access to non-motorized opportunities in the adjacent Lassen Volcanic National Park. Thousand Lakes Wilderness where additional non-motorized opportunities area available is bounded by this area.

The *Bogard OSV Area* is bounded by the Lassen Volcanic Scenic Byway/State Route 44 in the south, the forest boundary in the northern most portion of the area, and Brockman Flats in western portion. The area includes approximately 27 miles of designated groomed trails in the southwest portion serviced by the Bogard snowmobile staging area off Highway 44 and has an extensive road system that can be utilized for cross country recreational use. The groomed trails provide significant opportunities for short and long loop motorized recreational options that access Silver Lake, Crater Lake and Antelope outlooks along with panoramic views of the Hat Creek Valley, Lassen and Shasta Peaks, and Eagle Lake. In addition, the FS 10 Road, part of the designated non-groomed trail system, connects these loops. Non-motorized recreational users can utilize these trails to gain access to the adjacent Caribou Wilderness. Additional acreage designated for OSV use includes Blacks Mountain Experimental Forest. The Research Natural Areas within the Experimental Forest will be closed to OSV use.

The *Fredonyer OSV Area* features some of the best opportunities for high elevation motorized recreational use on the forest. Bounded by Highway 36 to the north and Plumas National Forest in the south, users can access nearly 44 miles of designated trails via the Fredonyer winter OSV staging area providing opportunities to reach elevations of nearly 7000 feet at Indicator and Coyote Peaks within the Diamond Mountains. This area is also popular with cross country skiers and users are naturally separated by early and late season winter conditions. Additional acreage designated for OSV use include portions of the Diamond Mountains administered by the Lassen National Forest.

The *Jonesville OSV Area* offers motorized recreational users with over 67 miles of designated groomed trails with multiple loops traversing primarily Humboldt and Humbug Roads. Yellow Creek loop provides impressive views of Lake Almanor while Colby Mountain Lookout at over 6000 feet is a popular destination for both motorized and non-motorized users alike via FS Road 27 and the non-motorized Colby Mountain Ski Trail, respectively. Up to three Pacific Crest Trail (PCT) crossings (Humboldt Summit [27N43], Humbug Summit [27N11], and Cirby Meadows [26N02]) are available to motorized users to access open areas bisected by the PCT. The area is bounded in the Northwest by Highway 32 and in the west by Highway 89 on the West Shore of Lake Almanor and is serviced by the Jonesville snowmobile area which offers users a parking area, restroom facilities and a warming hut on Yellow Creek Trail. Additional motorized recreational use will be available southeast of Deer and Cub Cree RNAs (closed to OSV) while cross-country skiers and snowshoers will continue to enjoy a non-motorized experience in those areas on the east side of Highway 89 via the Lake Almanor Recreational Trail.

The *Morgan Summit OSV Area* includes the popular Morgan Summit Snowmobile Area which is located 4 miles east of Mineral, CA on Hwy 36 and has 85 miles of groomed and ungroomed designated trails, a large parking area, restrooms, and a warming hut. Several designated groomed trail loops are available around Turner Mountain for both novice and more experienced snowmobile recreationists with vistas of the Sacramento Valley, Sutter Buttes, Lake Almanor and Mt. Shasta available from the lookout. County Route 17 offers motorized users' easy access to other open areas of the forest as well as access to non-

motorized areas including Heart Lake Recommend Wilderness and the Lassen Volcanic National Park. Approximately 13 miles of the PCT traverse this area with up to four designated crossings (S. Domingo Loop [29N97], North Stover [28N61] and Stover Springs [28N16]) are available to motorized users in the Stover Mountain area to access cross country areas on either side of the PCT. Additional cross-country areas near Horseback Ridge will be available in the southwestern portions of this area for motorized recreational use. Other amenities include the non-motorized McGowan Cross Country Ski Trail two miles north of the Morgan Summit Snowmobile parking area on Hwy 89, which offers 10 miles of cross-country ski trails.

The *Swain Mountain OSV Area* is accessible from several trailhead locations and is bounded by State Rt. 44 on the west, forest boundary to the south, State Rt. 89 in the far northwestern portion, and Caribou Wilderness to the west. This area provides a variety of timbered scenery from open pine to mixed conifer and higher elevation fir stands with over 90 miles of groomed trails available to motorized recreationists. The far northwestern edge of the area is open to cross country motorized use where up to five PCT crossings are available (NE Twin Bridges [32N71], West Prospect Lookout [32N12], Little Bunchgrass [32N20], and Old Station store [33N22] and Emigrant Ford [32N92]). The Swain Mountain and Bogard snowmobile parking areas located opposite of each other off Highway 44 provide opportunities to motorized users looking for short and long trail loop recreation including access to Silver Lake via FS 21, which is part of the designated groomed trail system. Popular with cross-country skiers and snowshoers, is Butte Lake within the LVNP accessible via Butte Lake Road off Highway 44 through LNF lands as well as the Bizz Johnson Historic Trail to the south. Additional acreage designated for OSV use in this area include Rail and Box Canyons, Potato Butte (Little Potato Butte will be closed to OSV) north of the Lassen Volcanic National Park but south and east of Hwy 44 and 89, and areas north of Caribou Wilderness (closed to OSV) near Bogard and Signal Buttes but south of Hwy 44; Table Mountain outside of Lassen Volcanic National Park near Eskimo Hill snow play area; McCoy Flat Reservoir south to Bizz Johnson Trail (BJ trail east of this area will be open to non-motorized users only).

2. Snow Depth Requirements: 12 inches would be the minimum snow depth for OSV use to occur within areas, with 6 inches being allowed on those roads and trails designated for OSV use as a part of the groomed trail system, to avoid damage to resources. The designated groomed trail system will be depicted on our official Over-snow Vehicle Use Map (OSVUM). All other roads or trails available for use within designated OSV areas follow the 12-inch snow depth requirement. By adopting these minimum depth requirements, the forest provides a quantifiable guideline in which to minimize the potential for resource damage to occur as a result of OSV use. OSV use will only be allowed as long as resource damage does not occur, and it is the users' responsibility to determine when areas are suitable for OSV use, as enforcement will be based on resource damage rather than strict adherence to snow depths.
3. The PCT segments and crossing areas will be identified on the OSVUM with these crossings only applying to the public use of over-snow vehicles as defined in the Forest Service's Travel Management Regulations (36 CFR §212.1). OSV use along the PCT is prohibited by

the National Trails System Act, P.L. 90-543, Section 7(c). The majority of the PCT, 70 miles on either side (approx. 19 miles) of the portion traversing the Lassen Volcanic National Park, would be located within areas not designated for OSV use. Four segments of the PCT, totaling approximately 55 miles, would be in areas designated for OSV use. These segments are in the Jonesville, Morgan Summit and Swain Mountain OSV areas. These segments would allow for up to 12 designated crossings of the PCT. It is important to note that OSV use would be restricted to crossing within one quarter mile of the designated trail crossing to allow for difficulty in identifying specific crossings due to accumulated snow or dangerous conditions. In addition, snow conditions may be highly variable at these locations during the course of a winter season and pose significant safety concerns including high winds and avalanches and prone to wind loading of snow and formation of cornices. Crossings have been designated to provide OSV users options to select a safe crossing of the PCT under constantly changing, variable snow loading conditions. OSVs crossing the PCT must do so at 90 degrees to minimize the time and distance needed to cross the trail.

4. Approximately 349 miles of OSV trail would be designated and groomed for OSV use.
 - a. Approximately 27 miles of trails will be groomed where the trails are not under the jurisdiction of the Lassen National Forest but are part of the California State Parks system at Latour State Park. The Forest has an agreement with the State to groom these miles as grooming equipment belongs to the state.
5. Approximately 62 miles of non-groomed OSV trails would be designated for OSV use. The non-groomed OSV trails overlay NFS roads to provide connectivity primarily to designated groomed trails, as well as private landowners of inholdings and adjacent communities.

The selected alternative is displayed in figure 1, below.

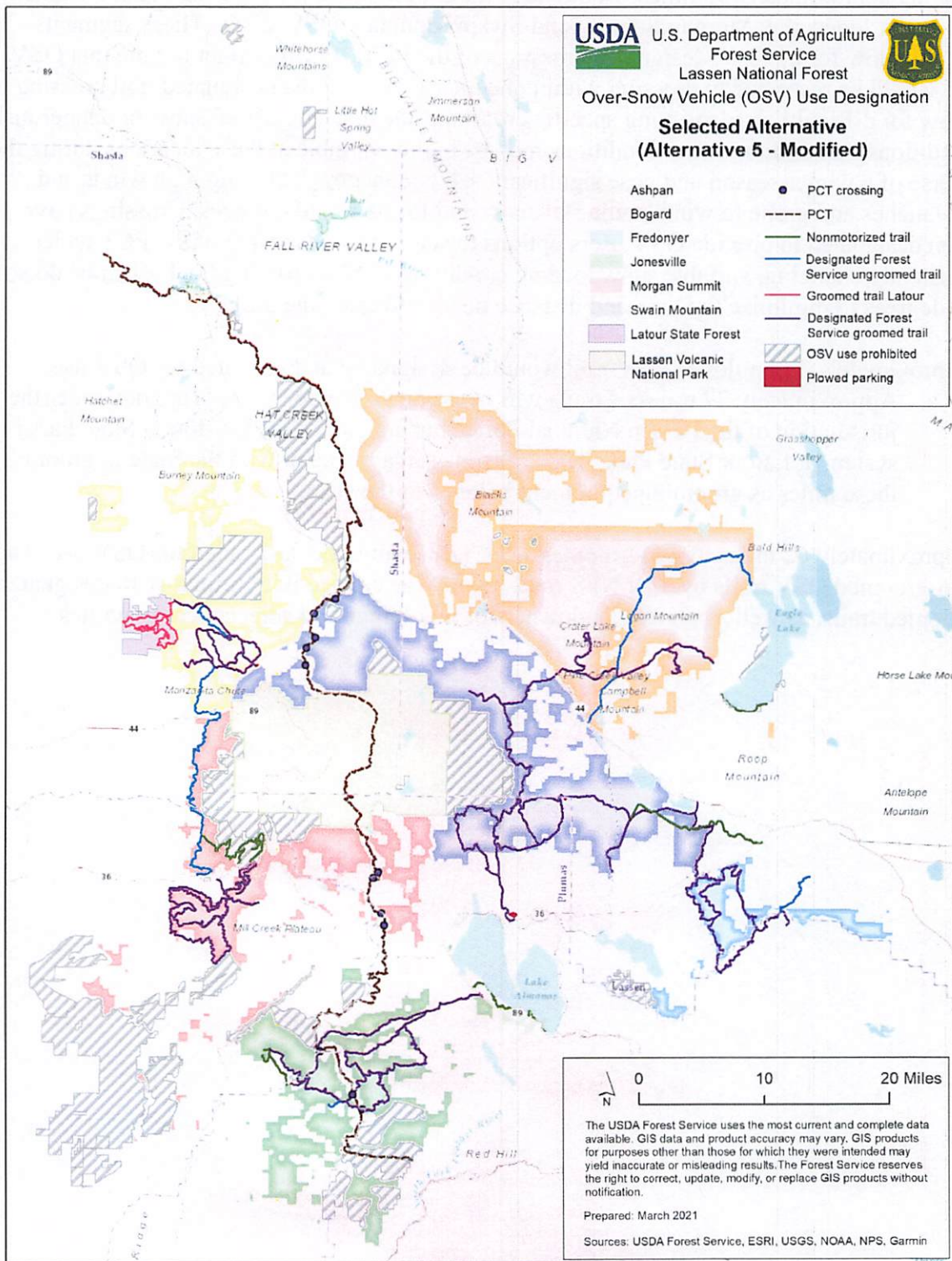


Figure 1: Over Snow Vehicle Map - Alternative 5 Modified

BACKGROUND

The project is located on National Forest System (NFS) lands within the Lassen National Forest in the southernmost and northern most ranges of the Cascade and Sierra Nevada mountain ranges in northern California, respectively. The purpose of this project is to establish designated areas and trails for OSV use on the Lassen National Forest to: provide access, ensure that OSV use occurs when and where there is adequate snow, promote the safety of all users, enhance public enjoyment, minimize impacts to natural and cultural resources, and minimize conflicts among the various uses of National Forest System lands. In addition, this project identifies OSV trails where the Forest Service or its contractors will conduct grooming for OSV use, consistent with the terms of the 2013 Settlement Agreement between the Forest Service and Snowlands Network et al. which requires the Forest Service to “complete appropriate NEPA analysis to identify snow trails for grooming” on the Lassen National Forest and four other national forests in California. There is a need to provide a manageable, designated OSV system of trails and areas within the Lassen National Forest that is consistent with, and achieves the purposes of, the Forest Service Travel Management Regulations at 36 CFR part 212 and Subpart C. The existing system of available OSV trails and areas on the Lassen National Forest is the culmination of multiple agency decisions over the past 30 years. Public OSV use of the majority of this system continues to be manageable consistent with current Travel Management Regulations. Exceptions have been identified, based on internal and public input and the criteria for designating roads, trails, and areas listed at 36 CFR §212.55. These include needs to provide improved access for OSV uses and enact prohibitions required by the 1992 Lassen National Forest Land and Resource Management Plan (Forest Plan) and other management direction. These exceptions represent additional needs for change, and in these cases, changes are proposed to meet the overall objectives and designation criteria consistent with the Travel Management Regulations.

The Forest Service has identified trails and areas in which OSV use should not be designated based on management direction in the Forest Plan. These trails and areas are currently managed as closed to OSV use through temporary closure orders to comply with Forest Plan direction. However, those closure orders have expired or will eventually expire. This OSV Use Designation Project will produce an Over-snow Vehicle Use Map (OSVUM), which will replace the need for forest orders and will improve information available to the public about opportunities for OSV use and will be more effective for enforcement.

DECISION RATIONALE

It is important to consider the context of the Lassen National Forest’s over-snow vehicle program while weighing the merits of each alternative and making the final decision. The Lassen National Forest over-snow vehicle system is the largest in the Pacific Southwest Region of the National Forest System (at just over 400 miles of groomed trails when non-National Forest System routes are considered) and yet is lightly used relative to other forests. Depending upon the information source, snowmobiling visits to the Lassen may be as high as 25,000 visitors per year but are also likely to be significantly lower (RFEIS, page 106). In addition, snowmobile registration in the seven counties covered by this decision has steadily decreased since 2009 (RFEIS, page 107).

For these reasons, along with consultation from my specialists and consideration of the comments received concerning user conflicts and wildlife impacts, I have selected a modified

version of Alternative 5, as I believe that this Alternative best responds to these significant issues. While I recognize that this decision will impact both motorized and non-motorized recreation, I believe it provides a reasonable balance for recreation opportunities on this Forest while meeting travel management regulations and related designation criteria, including the minimization criteria.

In this decision, I address the purpose and need by designating a manageable system of snow trails and areas for public over-snow vehicle use within the Lassen National Forest that is consistent with and achieves the purposes of the Forest Service Travel Management Regulations at 36 CFR Part 212. Public over-snow vehicle use will be allowed only in areas and on snow trails designated by this decision. To comply with the settlement agreement, my decision also identifies those designated National Forest System snow trails that will be groomed by the Forest's state-funded snow trail grooming program for public over-snow vehicle use on the Lassen National Forest. While my decision reflects the use of designated snow trails when snow depth reaches a minimum of six inches, it is important to note that the forest will only groom these trails when snow depth reaches at least 12 inches per State guidelines.

Key Issues

Since the initial Draft Environmental Impact Statement was written in 2016, many private individuals as well as those from a variety of advocacy groups, local, state and federal agencies, tribes and others have contributed their knowledge and expertise to this decision. Their efforts have provided me with a rational basis upon which to make a decision that achieves the greatest good for recreational opportunities, both motorized and non-motorized, while protecting natural and cultural resources across the forest. Although a variety of concerns were brought forward, three were particularly noteworthy, provided for frequent discussions and debate, and deserve special mention here.

Snow Depth

Snow depth proved to be a challenge to develop meaningful standards. I recognize that snow depth can be highly variable from location to location, especially during "shoulder" seasons when snow initially accumulates with the first winter storms and then completes melting during the warmer months. Additionally, the highly varied terrain of the forest makes snow depth inconsistent, even during the primary winter periods. In multiple reviews of best available scientific data, specialists have determined there is little or no science to support a universal snow depth for protection of multiple resources. Specialists believe this is due to differences in the snow depth to protect different resources and the variable nature of snowpack and differences that occur regionally and nationally. However, recent studies suggest that a minimum of 12" of snow is necessary to protect resources (Fassnacht, S. R., Heath, J. T., Venable, N. B. H., and Elder, K. J.: Snowmobile impacts on snowpack physical and mechanical properties, *The Cryosphere*, 12, 1121–1135).

In their experience managing forest resources, resource specialists consistently point to a minimum of 12 inches for cross-country over-snow vehicle travel that appears to be sufficient to protect resources. It is worth noting also, that consultations with the State Historical Preservation Office have recommended that a 12-inch minimum be used to fully meet the guidelines for protecting heritage resources as outlined in the Regional Programmatic Agreement. Further, California State grooming standards require a minimum of 12 inches of snow prior to allowing

groomers to operate to ensure that equipment is not damaged. Although empirical data are subject to interpretation, every specialist and expert appears to accept a 12-inch minimum as sufficient for resource protection for cross-country over snow vehicle while traveling off designated and groomed trails.

Therefore, my decision to set a 12-inch minimum depth for cross-country over-snow vehicle travel and six inches for travel on designated over-snow vehicle trails overlying Forest Service roads reflects the best available estimate for minimum snow depth protections as referenced in Table 1 and Figure 1 of this decision. Snow depth will be determined through regular inspection by patrollers and groomers. Monthly grooming reports will document the depth and distribution of snowpack within open areas and on groomed trails. Current snow depth and snow depth requirements will be available through the Lassen National Forest webpage. Snow depth stakes and over-snow vehicle regulations will be added to plowed trailhead areas that access designated over-snow vehicle trails and areas as an indicator and education tool for over-snow vehicle users. However, citations and/or area and trail closures, if necessary, will be made on the basis of resource damage caused from over-snow vehicle use, not on the basis of snow depth violations. Such damage may include (but is not limited to) the following: road and trail rutting, uprooted vegetation and soil mixed with snow, and damage to natural or cultural resources. Snow depth requirements would be described on the over-snow vehicle use map to comply with U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA) and the State Historic Preservation Office (SHPO) consultation.

Pacific Crest Trail

Much discussion centered on the issue of protection for the Pacific Crest Trail. In particular, the question of whether to add an area not currently designated for over-snow vehicle use on either side of the trail tread, which drove the most passionate discussions. The establishment of the Comprehensive Management Plan (Plan) was intended to interpret and implement the National Trails System Act (NTSA), P.L. 90-543 (as amended) to assist the USFS in developing guidance for and managing use of the PCT. Section 7(a)(2) of the NTSA (as amended) establishes the relationship between the trail and the management of adjacent land: *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 the specific area in order to insure continued maximum benefits from the land.*

In our alternatives we analyzed for designating adjacent to and up to 500-feet from the trail. Upon further consideration of the intent and purpose of the NTSA, and after consulting with staff from our regional office, I have decided not to designate OSV use adjacent to the trail in specific areas where existing conditions make that possible. These areas prioritized those lands that best met the purpose of and intent for maintaining a scenic, non-motorized experience for Pacific Crest Trail users. Furthermore, distinct boundaries using existing roads and permanent geographical features will enable the OSV user to easily identify these boundaries minimizing encroachment of motorized use of the trail during the winter season when it may be difficult to identify under snow.

One segment of the PCT in and around the town of Old Station requires special focus. In response to water scarcity and wildfires creating significant hazards, a small section of the PCT (approximately 7.25 miles) was rerouted through town from the Hat Creek Rim, providing the

opportunity for respite and safe passage to trekkers. However, it also created a unique administrative challenge for my staff to provide a contiguous scenic and non-motorized experience along the entire PCT within the forest boundary. This community has enjoyed year-round recreation on adjacent Forest Service lands for decades and, with few exceptions, has done so in harmony with multiple land management uses in close proximity to the town. Because of the unique factors present on Forest Service lands in and around the community of Old Station, I have decided to designate motorized recreational use adjacent to the PCT. Motorized use along the trail will remain prohibited. In addition, I have taken steps to reduce, wherever possible, user conflicts and safety concerns by allowing four designated crossings of the PCT in this area - Old Station store [33N22], Little Bunchgrass [32N20], West Prospect Lookout/Twin Bridges [32N12] and NE Twin Bridges [32N71] - to provide reasonable access on either side of the trail to designated open areas as well as directing the OSV user to specific roads where crossings are easily identified. I am committed to working closely with both the motorized and non-motorized communities in monitoring this situation very closely to reduce conflicts and enhance user experience as more information becomes available.

West Shore Lake Almanor

I have decided not to designate the area northeast of Highway 89 along the west shore of Lake Almanor as it was described in the draft ROD. After consulting with my staff, I felt it necessary to make this change for public safety concerns (crossing Highway 89, uneven terrain and large boulders), to minimize disturbance to important wildlife resources, and reduce conflicts associated with trespass of private recreation residences and the non-motorized trail traversing the west shore of Lake Almanor. I understand there are those who visit during the winter season that prefer to stage their trailers on private property in Prattville and others who do so along Highway 89 due to the difficulty of staging at the Almanor Picnic Area parking lot adjacent to the designated groomed trail in this area. To address this issue, I have instructed my staff to prioritize a decision process in the next Fiscal Year. This additional decision process would include expanding the parking facilities for the Almanor Picnic area to accommodate these multiple use needs for our motorized recreationist community. We will work with the county this season to ensure that at least some visitors can utilize this area to stage while my staff plan, design and implement the desired improvements. I believe this option best addresses comments received from the public about this need and provides the best balance to forest resources while minimizing the potential conflicts on the west shore of Lake Almanor.

Other Issues

My selection of a modified Alternative 5 also reflects my commitment to address other concerns raised over natural resource protection. Areas not designated for public over-snow vehicle use were included from the original Alternative 5, primarily the Fall River and Shasta OSV Areas to further protect a variety of wildlife resources, including northern spotted owls, winter deer habitat, and ospreys, to name a few. Additionally, after consulting with my staff it became clear the lack of consistent snow fall, no designated trails for motorized users to utilize, and the likely conflicts associated with other recreationists visiting the areas adjacent to McArthur-Burney Falls State Park further supported the need to not designate these areas.

My decision formalizes prohibitions on public over-snow vehicle use in areas that the Forest Plan and other existing management direction have previously designated as off-limits to public over-snow vehicle use, but no formal closures had been in place. These areas include the 520-

acre Blacks Mountain Research Natural Area. My decision enhances safety of all winter recreation enthusiasts by designating additional non-motorized winter recreation areas where public OSV use is restricted to designated OSV use trails only. This minimizes conflicts among user groups. A complete description of design features, minimization measures as required by 36 CFR §212.55, and monitoring procedures that will be implemented with this decision is in appendices C, D, E, and F of the RFEIS.

As a final note, I was pleased to see that local recreational and environmental groups with a variety of interests met to discuss their differences and seek common ground on areas of both designation and non-designation. Many of their ideas are incorporated into this decision. While not formalized with this decision, one of the group's proposals was the formation of a multi-stakeholder working group to monitor forest conditions and educate land managers, owners and users on issues of winter recreation on the Lassen. I encourage formation of this group to continue to advise the forest on areas of management improvements and changes to help us preserve quality winter recreation experiences for everyone.

I recognize that the public was passionate about what they felt was best for the land, and that no single management strategy could completely satisfy all concerns expressed about the Lassen National Forest OSV use designations. While a modified Alternative 5 is not intended to be a comprehensive, holistic winter recreation planning effort, opportunities for the continued enjoyment of the Lassen National Forest areas and trails for all winter recreationists, both motorized and non-motorized, were carefully considered. Through all our efforts and careful consideration of all public comments and interest, I recognize this decision includes elements that will not satisfy everyone. It is important to note that this decision does not preclude or prejudice future decisions or designations by any subsequent land management planning efforts such as a future forest plan revision and I encourage all our stakeholders to actively engage with the forest on the opportunities in the future.

The Lassen National Forest Over-snow Vehicle Use Designation REIS documents the analysis and conclusions upon which this decision is based.

PUBLIC INVOLVEMENT

The interdisciplinary team relied on public involvement to ensure that a reasonable range of alternatives, representing a broad array of perspectives, would be analyzed in this RFEIS.

A pre-scoping meeting was held on November 5, 2014, which was attended by interested and affected stakeholders. These included individuals, agencies, and groups on the Forest Service's public notice mailing list for the Lassen National Forest, known winter recreation interest groups, and the plaintiffs and intervenors in the Snowlands lawsuit. The meeting's objectives were to share information about the project and the National Environmental Policy Act (NEPA) process, gather input on public engagement, and confirm and collect public input on a preliminary purpose and need for action through shared concerns and solutions with current over-snow vehicle management on the Forest. The meeting was attended by 28 people. A more detailed description of this meeting and outcomes are included in the December 2014 Pre-NEPA meeting summary report, available on the project's website and in the project record. The project first appeared on the Lassen National Forest's Schedule of Proposed Actions (SOPA) in January

2015. A scoping letter describing the proposed action and request for public comments was sent via regular mail or email to approximately 138 interested groups, individuals, and agencies on January 14, 2015, with comments requested to be returned by February 15, 2015.

A press release was sent to local news media outlets on January 14, 2015. A notice of intent to prepare an Environmental Impact Statement was published in the *Federal Register* on January 20, 2015 (80 FR 2676). All notices included a web address for the project's website where comments could also be submitted. The public was invited to comment on the proposed action, identify potential concerns or endorsements, and provide any relevant information that would be useful in the subsequent environmental analysis.

The Forest Service received and considered responses from 66 interested groups, individuals, and agencies in the form of letters, emails, and website submissions. All comments were thoughtful narratives responding to the proposed action with support, opposition, concerns, or requests for revision and new alternatives. I appreciate the time and perspectives shared by each commenter, and the willingness of all to engage in the environmental analysis process.

During scoping, we also held and attended meetings and discussed the over-snow vehicle designation process with local county governments and considered those opinions in developing alternatives.

A Draft Environmental Impact Statement (DEIS) was released for public review and comment. A notice of availability to comment on the DEIS was published in the *Federal Register* on January 29, 2016 (81 FR 5013). The 45-day comment period began on January 30, 2016. A legal notice of opportunity to comment was published in the newspaper of record on February 2, 2016. Letters were sent to 402 interested groups, individuals, and agencies, notifying them that the DEIS was available for review. As a result of these solicitations, the Forest received 156 comment letters containing 623 comments from 142 interested groups, individuals, and agencies in the form of letters, emails, and website submissions. These comments were sorted for redundancies and the Forest addressed the 357 remaining comments that were considered materially relevant to the analysis. Documentation of our consideration of these comments is in the project record.

A final EIS (FEIS) and draft record of decision were released for pre-decisional administrative review in August 2016, and the "Legal Notice of Opportunity to Object" was published in the *Lassen County Times* (the newspaper of record) on August 23, 2016. This notice signified the beginning of a 45-day objection period that began on August 24, 2016. After considering the objections received, the Forest determined it would be necessary to revise the analysis by adding an additional alternative that more closely aligned with stakeholder concerns.

We prepared a revised DEIS (RDEIS) as required by the Council on Environmental Quality's implementing regulations for NEPA at 40 CFR §1502.9(a). A notice of availability was published in the *Federal Register* on October 6, 2017 (82 FR 193, p. 46808). A legal notice was also published in the *Lassen County Times* requesting public comment on October 10, 2017. Outreach efforts included an email sent to 511 recipients who had previously expressed interest in this analysis. The 45-day comment period concluded on November 20, 2017.

The Forest received 609 comment letters from different sectors of the public, expressing a range of concerns and comments. I have considered the comments made on the RDEIS in the decision-making process. All correspondence was reviewed and our responses to these comments are in Appendix I of the revised Final Environmental Impact Statement (RFEIS).

The RFEIS was subject to objection pursuant to 36 CFR 218, Subparts A and B. A legal notice announcing the 45-day objection period on the draft decision was published in the *Lassen County Times*, the newspaper of record, on April 3, 2018. The Forest emailed notice of availability of the draft decision to the project mailing list, including those who submitted project-specific written comments during scoping or the 45-day comment period on the RDEIS. Sixteen timely objection letters were received that raised issues centered on management of the Pacific Crest Trail (PCT), trail designations and non-designations, compliance with the Travel Management Rule and application of the minimization criteria, snow depth requirements, designated OSV use area size and nature of the area boundaries, and effects on select species and their habitat. A resolution meeting was held on July 25, 2018. No objection issues were resolved, however the forest and objectors agreed to follow up on several topics, including reviewing options and providing recommendations for specific area designations, application of minimization criteria from the Travel Management Rule, clarifying how minimum snow depth requirements will be implemented and enforced, and developing recommendations for PCT crossing areas. The Reviewing Officer responded in writing to the objections in a letter dated September 14, 2018 finding that once instructions are fulfilled, the rationale for the decision is clear and consistent with the Lassen National Forest Land and Resource Management Plan and Travel Management Rule. The information provided through the objection process, including recommendations submitted by objectors were considered for this final decision.

The Notice of Availability (NOA) of the FEIS was published in the Federal Register on May 27, 2022, initiating the 30-day waiting period prior to issuing the final Record of Decision. No additional comments were received.

ALTERNATIVES CONSIDERED

In addition to the selected alternative, I considered four other alternatives, which are discussed below. A more detailed comparison of these alternatives can be found in the RFEIS on pages 25 to 83.

Alternative 1 – No-action alternative. There would be no change to the way the Forest Service currently manages public OSV use on the Lassen National Forest.

- Approximately 964,030 acres are open to public over-snow vehicle use, which is approximately 84 percent of the National Forest System land within the Lassen National Forest.
- All areas of the forest are open to over-snow vehicle use except in areas where this use is specifically prohibited.
- Approximately 98.4 miles of the Pacific Crest Trail are within 500 feet of areas open to public over-snow vehicle use on the Lassen National Forest.
- No trails are identified for over-snow vehicles to cross the Pacific Crest Trail.

- Currently, 2,933 miles of groomed, non-groomed, marked, and unmarked snow trail are open to public over-snow vehicle and non-motorized use. Not all of these trails are shown on the 2005 Lassen National Forest Winter Recreation Guide (project record). These trails overlie roads and trails designated for wheeled vehicle use and are within areas currently open to over-snow vehicle use. Approximately 406 miles of these trails are maintained for over-snow vehicle use through signage, snow trail grooming, or both.
- There are 349 miles of snow trails groomed for public over-snow vehicle use. This includes 27 miles of snow trail within Latour State Forest that the Lassen National Forest has agreed to groom but is not under Forest Service jurisdiction.
- The minimum snow depth for snow trail grooming to occur is 12 inches.

Alternative 2 – Modified proposed action.

- Designate areas and trails for over-snow vehicle use.
- Designate eight discrete, specifically delineated areas for cross-country over-snow vehicle use. These areas would encompass 920,260 acres, which is approximately 80 percent of the National Forest System land within the Lassen National Forest.
- Designate no areas within 500 feet of the Pacific Crest Trail for public cross-country over-snow vehicle use.
- Designate up to 28 over-snow vehicle trails that would cross the Pacific Crest Trail to provide connectivity to designated over-snow vehicle areas without having to travel long distances
- Designate 334 miles of snow trails for public over-snow vehicle use.
- 2,509 miles of trail would be open to over-snow vehicle use in areas designated for cross-country over-snow vehicle use but would not be designated. These trails would overlie existing maintenance level 2, 3, and National Forest System roads that are not plowed in winter.
- There are 350 miles of snow trails groomed for public over-snow vehicle use. This includes 27 miles of snow trail within Latour State Forest that the Lassen National Forest has agreed to groom but is not under Forest Service jurisdiction.
- The minimum snow depth for snow trail grooming to occur would be 12 inches.
- The minimum snow depth for public over-snow vehicle use on designated snow trails overlying roads and trails would be six inches.
- The minimum snow depth for public over-snow vehicle use on designated snow trails not overlying roads and trails would be 12 inches.
- The minimum snow depth for over-snow vehicle use in areas designated for public, cross-country over-snow vehicle use would be 12 inches.

Alternative 3 – Designate areas and trails for over-snow vehicle use.

- Designate eight discrete, specifically delineated areas for cross-country over-snow vehicle use. These areas would encompass 833,280 acres, which is approximately 73 percent of the National Forest System land within the Lassen National Forest.
- Designate portions of five of the eight areas identified for public over-snow vehicle use that would be located within 500 feet of the Pacific Crest Trail. Approximately 85.4 miles of the Pacific Crest Trail would be located within 500 feet of an area designated for public over-snow vehicle use on the Lassen National Forest.

- Designate up to 23 over-snow vehicle trails that would cross the Pacific Crest Trail to provide connectivity to designated over-snow vehicle use areas without having to travel long distances
- Designate approximately 383 miles of snow trails for public over-snow vehicle use.
- 2,200 miles of trail would be open to over-snow vehicle use in areas designated for cross-country over-snow vehicle use but would not be designated. These trails would overlies existing maintenance level 2, 3, and 4 National Forest System roads that are not plowed in winter.
- There are 349 miles of snow trails groomed for public over-snow vehicle use. This includes 27 miles of snow trail within Latour State Forest that the Lassen National Forest has agreed to groom but is not under Forest Service jurisdiction.
- The minimum snow depth for snow trail grooming would be 18 inches.
- The minimum snow depth for public over-snow vehicle use on designated snow trails would be six inches.
- The minimum snow depth for over-snow vehicle use in areas designated for public cross-country over-snow vehicle use would be 12 inches.

Alternative 4 – Designate areas and trails for over-snow vehicle use.

- Designate eight discrete, specifically delineated areas for cross-country over-snow vehicle use. These areas would encompass 955,470 acres, which is approximately 83 percent of the National Forest System land within the Lassen National Forest.
- Designate 380 miles of snow trails for public over-snow vehicle use.
- 2,534 miles of trails would be open to over-snow vehicle use in areas designated for cross-country over-snow vehicle use, but these trails would not be designated. These trails would overlies existing maintenance level 2, 3, and 4 National Forest System roads that are not plowed in winter.
- There are 349 miles of snow trails groomed for public over-snow vehicle use. This includes 27 miles of snow trail within Latour State Forest that the Lassen National Forest has agreed to groom but is not under Forest Service jurisdiction.
- The minimum snow depth for snow trail grooming would be 12 inches.
- There would be no defined minimum snow depth in areas designated for cross-country over-snow vehicle travel or on designated over-snow vehicle trails. Over-snow vehicle use would be allowed only when conditions are sufficient to allow over-snow vehicle use while protecting underlying resources. This would be determined by a combination of weather station data, observations at trailheads by staff, and when the conditions meet state requirements for grooming. The Forest would encourage or discourage over-snow vehicle use based on conditions through Forest Service and partnership websites.
- The McGowan Cross-Country Ski Trail west of Wilson Meadow would be in an area designated for over-snow vehicle use and the ski trail would be open to over-snow vehicle use, but not designated as an over-snow vehicle trail.

Alternative 5 - Designate areas and trails for over-snow vehicle use.

- Designate six discrete, specifically delineated areas for cross-country over-snow vehicle use. These areas would encompass 632,400 acres, which is approximately 55 percent of the National Forest System land within the Lassen National Forest.

- Designate no areas within 500 feet of the Pacific Crest Trail for public cross-country over-snow vehicle use.
- Designate up to 12 over-snow vehicle trails that would cross the Pacific Crest Trail to provide connectivity to designated over-snow vehicle areas without having to travel long distances.
- Designate 393 miles of snow trails for public over-snow vehicle use.
- 1,677 miles of trail would be open to over-snow vehicle use in areas designated for cross-country over-snow vehicle use but would not be designated. These trails would overlie existing maintenance level 2, 3, and 4 National Forest System roads that are not plowed in winter.
- There are 349 miles of snow trails groomed for public over-snow vehicle use. This includes 27 miles of snow trail within Latour State Forest that the Lassen National Forest has agreed to groom but is not under Forest Service jurisdiction.
- The minimum snow depth for snow trail grooming would be 12 inches.
- The minimum snow depth for public over-snow vehicle use on designated snow trails would be 12 inches.
- The minimum snow depth for over-snow vehicle use in areas designated for public cross-country over-snow vehicle use would be 12 inches.

COMPLIANCE WITH THE TRAVEL MANAGEMENT REGULATIONS

The Travel Management Regulations set forth designation criteria to guide the responsible official's designation of areas and trails for OSV use (36 CFR 212.55(a)-(e)], which are outlined in the FEIS, pp. 6-8.

General Designation Criteria [36 CFR 212.55(a)]

The general designation criteria were considered in the effects analysis for the selected alternative. The analysis contained in Chapter 3 of the FEIS analyzed the effects on natural and cultural resources, public safety, and provision of recreation opportunities, access needs, and conflicts among uses of NFS lands. Because the minimum snow depth requirement is anticipated to be sufficient to avoid ground disturbance and resource damage, the effects to soil resources, water resources, wildlife, botany, and cultural resources are anticipated to be no effect to negligible.

Minimization Criteria [36 CFR 212.55(b)]

I considered the effects of the following with the objective of minimizing:

1. Damage to soil, watershed, vegetation, and other forest resources –
2. Harassment of wildlife and significant disruption of wildlife habitats –
3. Conflicts between motor vehicle use and existing and proposed recreational uses of NFS lands or neighboring Federal lands –
4. Conflicts among different classes of motor vehicle uses of NFS lands or neighboring Federal lands -
5. Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors.

Rights of Access Designation Criteria [36 CFR 212.55 (d)]

Forest Service policy provides direction for reasonable access to private property and other rights of access authorized through special uses. The selection of Alternative 5 or any modifications to this alternative does not affect existing rights of access.

Wilderness Areas and Primitive Areas Designation Criteria [36 CFR 212.55 (e)]

This decision does not designate OSV use in wilderness or primitive areas.

Area Size Criteria (36 CFR 212.1)

An "Area" is defined as "A discrete, specifically delineated space that is smaller, and, except for over-snow vehicle use, in most cases much smaller, than a Ranger District (36 CFR 212.1). An Alternative 5 with modifications designates six areas which are smaller than the smallest ranger district on the Lassen National Forest (RFEIS, pg. 10). The six areas, described in the RFEIS (pp. 11-12) are discrete, specifically delineated areas separated by geographic and topographic features (e.g. highways, roads, steep slopes, canyons, and rivers). OSV use patterns and access were also considered when delineating areas. I do acknowledge that some OSV use may cross into adjacent OSV Areas where terrain allows.

FINDINGS REQUIRED BY LAWS AND REGULATIONS

This decision is consistent with the Lassen National Forest Land Management Plan (1992). The project was designed in conformance with forest-wide standards and guidelines for recreation (Forest Plan, pages 4-25 to 4-26), control of off-highway vehicle use (Forest Plan, Appendix E, page E-4), and off-highway vehicle management practices for each management prescription on the forest.

National Forest Management Act

The Forest Service completed the Lassen National Forest Land and Resource Management Plan (Forest Plan) in 1992, and subsequently amended by the Sierra Nevada Forest Plan Amendment Record of Decision in 2004. The Forest Plan identifies land allocations and management areas within the project area.

The Sierra Nevada Forest Plan Amendment established standards and guidelines specific to wheeled motor vehicle travel off designated routes, trails, and limited off-highway vehicle (OHV) use areas. Unless otherwise restricted by current forest plans or other specific area standards and guidelines or forest orders, cross-country travel by OSVs would continue (S&G 69, 2004 SNFPA ROD, p. 59).

The Forest Plan and its amendments were prepared pursuant to the 1982 version of the National Forest Management Act (NFMA) planning regulations (36 C.F.R. § 219 (1983)). The current regulations, adopted in 2012 supersede those regulations, as well as other versions of the NFMA planning regulations (36 C.F.R. § 219.17(c) "This part supersedes any prior planning regulation."). The current NFMA planning regulations do not apply to this project (36 C.F.R. § 219.7(c) "None of the requirements of this part apply to projects or activities on units with plans developed or revised under a prior planning rule ..."). Therefore, the sole NFMA duty applicable to this project is for the project to be consistent with the governing Forest Plan.

Specifically, the National Forest Management Act (NFMA) requires that use be planned and implemented for off-highway vehicle management for the purpose towards protecting land and other resources, promote public safety, and minimize conflicts with other uses of the NFS lands. NFMA also requires that a broad spectrum of forest and rangeland-related outdoor recreation opportunities be provided that respond to current and anticipated user demands.

National Environmental Policy Act

The National Environmental Policy Act of 1969 (NEPA) requires that all major federal actions significantly affecting the human environment be analyzed to determine the magnitude and intensity of those impacts and that the results be shared with the public and the public given opportunity to comment. The regulations implementing NEPA further require that to the fullest extent possible, agencies shall prepare EISs concurrently with and integrated with environmental analyses and related surveys and studies required by the Endangered Species Act of 1973, the National Historic Preservation Act of 1966, and other environmental review laws and executive orders. Other laws and regulations that apply to this project are described below.

Clean Air Act

The Clean Air Act of 1970 provides for the protection and enhancement of the nation's air resources. No exceeding of the federal and state ambient air quality standards is expected to result from any of the alternatives. The Clean Air Act makes it the primary responsibility of States and local governments to prevent air pollution and control air pollution at its source. California has a plan that provides for implementation, maintenance, and enforcement of the primary ambient air quality standards. This project is located in an area designated as non-attainment for Ozone.

Clean Water Act

The Clean Water Act of 1948 (as amended in 1972 and 1987) establishes federal policy for the control of point and non-point pollution and assigns the states the primary responsibility for control of water pollution. The Clean Water Act regulates the dredging and filling of freshwater and coastal wetlands. Section 404 (33 USC 1344) prohibits the discharge of dredged or fill material into waters (including wetlands) of the United States without first obtaining a permit from the U.S. Army Corps of Engineers. Wetlands are regulated in accordance with federal Non-Tidal Wetlands Regulations (Sections 401 and 404).

Endangered Species Act

The Endangered Species Act of 1973 (16 USC 1531 et seq.) requires that any action authorized by a federal agency not be likely to jeopardize the continued existence of a threatened or endangered species or result in the destruction or adverse modification of the critical habitat of such species. Section 7 of the ESA, as amended, requires the responsible federal agency to consult with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) concerning endangered and threatened species under their jurisdiction.

Consultation with the USFWS was initiated February 27, 2018 and was completed with the issuance of a Letter of Concurrence dated February 6, 2020 (08ES11F00-2016-I-1983-R001). The USFWS concluded that the selected alternative is not likely to jeopardize or adversely affect the continued existence of the Sierra Nevada yellow-legged frog or the northern spotted owl.

National Historic Preservation Act

The National Historic Preservation Act of 1966, as amended, directs all Federal agencies to take into account the effects of their undertakings (actions, financial support, and authorizations) on properties included in or eligible for the National Register. Implementing regulations are found at 36 CFR 800.

I have determined that this decision complies with the “Programmatic Agreement Among U.S.D.A. Forest Service, Pacific Southwest Region (Region 5), California State Historic Preservation Officer, Nevada State Historic Preservation Officer, Advisory Council on Historic Preservation Regarding the Processes for Compliance with Section 106 of the National Historic Preservation Act for Management of Historic Properties by the National Forests of the Pacific Southwest Region, February 2013”.

Other Federal Laws and Regulations

The proposed over-snow vehicle designations will be consistent with the following applicable laws, regulations and policies:

- Wilderness Act of 1964 and applicable Wilderness Implementation Plans
- Wild and Scenic Rivers Act of 1968 and applicable Wild and Scenic River Plans
- National Trails System Act of 1968 (P.L. 90-543) and the Pacific Crest National Scenic Trail Comprehensive Plan (1982)
- 36 CFR § 261.20 Pacific Crest National Scenic Trail. Prohibition of motorized use along the Pacific Crest Trail
- 2001 Roadless Area Final Rule (36 CFR Part 294)

Executive Orders

Executive Order 11644 of February 8, 1972, as amended by Executive Order 11989 of May 24, 1977, and by Executive Order 12608 of September 9, 1987, requires certain Federal agencies, including the Forest Service, to “ensure that the use of off-road vehicles on public lands [is] controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.”

Other Guidance or Recommendations

National Best Management Practices for Water Quality Management on National Forest System Lands – Rec – 7 Over-Snow Vehicle Use (USDA Forest Service 2012).

The California Off-Highway Motor Vehicle Recreation Division of the California Department of Parks and Recreation provides funding for operating, maintaining, and grooming of winter recreation trails and trailheads in mountainous regions throughout California. OSV trail grooming and ancillary activities, such as trailhead plowing and maintenance are described in detail in the OSV Program Draft and Final Environmental Impact Report, Program Years 2010–2020. The Environmental Impact Report includes annual monitoring and reporting requirements for Forest Service participation in the grooming program (California Department of Parks and Recreation 2010).



IMPLEMENTATION DATE

The Revised Final Environmental Impact Statement and Record of Decision will be published in the *Federal Register* which will initiate the 30-day waiting period after which a decision can be signed. It is expected that implementation will begin immediately.

CONTACT

For more information or to request a copy of the Revised Final Environmental Impact Statement and Record of Decision, please contact Kathleen Moore, Forest Environmental Coordinator at the Lassen National Forest by email at kathleen.moore@usda.gov (teleworking, email recommended) with "Lassen Over-snow Vehicle Designation" in the subject line or by phone at (530) 252-6638.

Deb Bumpus

DEB BUMPUS
Forest Supervisor

July 19, 2022

Date

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