United States Department of Agriculture **Forest Service** **Pacific Southwest Region**

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File Code: 1570
Objection No.: 21-05-00-008-O218

Date: July 12, 2021

Dear Objectors,

As the reviewing officer for the Plumas National Forest Over Snow Vehicle (OSV) Use Designation Project, this is my written response to the objections filed on the draft Record of Decision (ROD) and Final Environmental Impact Statement (FEIS) in accordance with 36 CFR 218.26(b). The responsible official for this decision is Plumas National Forest Supervisor Christopher Carlton. The legal notice of the objection period for the FEIS and draft ROD was published on August 21, 2019, initiating a 45-day objection filing period. Eighteen timely objection letters were received from: Friends of Plumas Wilderness, Pacific Crest Trail Association, Plumas County Coordinating Council, Sierra Access Coalition and California Off-Road Vehicle Association, Sierra County Board of Supervisors, Sierra Snowmobile Foundation, The Wilderness Society et al., Winter Wildlands Alliance and Snowlands Network, James M. Battagin, Steve and Jeanne Burroughs, Kyle Felker, Douglas Meyers, Ronald Ondracek, Jesse O'Rourke, Mike Price, Rob Russell, Caeli Slagle, and Jerad Slagle.

RESOLUTION MEETING

In preparation for the resolution meeting, the Forest Service held five virtual objection workshops (May 7, 11, 13, 18, and 20, 2021), totaling 17 hours with 12-15 objectors participating per workshop. Subsequently, we held a three-hour resolution meeting on June 3, 2021, in which we heard from 16 objectors representing 17 of the objection letters and had a total of 22 non-Forest Service participants. Below are some of the key outcomes:

- Hopefully the workshops improved everyone's collective understanding about how the Forest arrived at their draft decision, the regulatory framework of the agency, and how it influences Forest Supervisor Chris Carlton's decision space moving forward.
- The workshops provided a space for objectors to share ideas and work collaboratively to consider and develop OSV management approaches to overcome challenges and address concerns. Understandably, there remains disagreement on what the best approach might be for managing the Forest for OSV use. However, I along with Chris and our staff carefully listened to your questions, concerns, and suggestions and sincerely appreciate your time and effort. While objection issues might not have been resolved, hearing the conversations and perspectives of the various objectors was time well spent and will ultimately result in a well-informed decision.

- Objectors shared some new information verbally during the workshops that wasn't included in their objections including: concerns and places most important to them, places where they felt concessions could be made, alternative OSV designations, and suggestions to modify boundaries of certain OSV areas to discernable features. The objectors' ideas are being considered as the Forest looks for opportunities to modify the decision. Some objectors committed to continuing to work with the Forest and other objectors to further refine OSV designations.
- Through the icebreakers and other conversations, objectors shared how they value the Forest and their connection to the Forest. Hopefully these workshops were just the beginning of improved relationships between and among all of you and the Forest that can be carried forward through this decision and others into the future. The Forest is interested in partnerships and other collaborative efforts such as monitoring, enforcement, and education that can be developed to help facilitate the successful management of OSV use on the Forest.

No objection issues were resolved; however, Forest Supervisor Chris Carlton made some commitments to:

- Coordinate with the counties to clarify which county roads should be shown as OSV trails not under Forest Service jurisdiction on the Over Snow Vehicle Use Map.
- Allow time following the resolution meeting for the objectors to collaboratively provide recommendations for specific areas.
- Maintain coordination among objectors and the Forest to refine OSV designations. Objectors can submit refinements for certain areas, or the Forest may reach-out to certain entities to ask questions or seek clarification, as based upon previously submitted objection comments or input during the objection workshops or resolution meeting.

Forest Supervisor Chris Carlton wanted to clarify some sideboards for his upcoming decision:

- Within the range of alternatives considered in the FEIS, Motor Vehicle Use Map (MVUM) roads and trails where no other resource conflicts occur would generally be available as ungroomed designated routes subject to snow depth requirements. Wheeled vehicle use will be allowed subject to snow depths.
- The Forest will follow the Sierra Nevada Yellow-legged Frog requirements in our Biological Assessment/Biological Opinion (BA/BO). Therefore, if we have roads that cross habitat we will allow access consistent with the terms and conditions of the BO.
- The Forest will designate OSV open areas that do not cross the PCT. The Forest will use discernible features to bound the OSV open areas. The Forest will provide adequate crossings to maintain connectivity and access across areas.

- The Forest will designate ungroomed routes over MVUM roads and trails across Special Interest Areas[1] that facilitate continuity of access across or between OSV Open Areas. The Forest will designate routes that provide direct connectivity to communities within Forest Service jurisdiction and/or as consistent with county and state jurisdiction.

Following the objection resolution meeting, Forest Supervisor Chris Carlton also wanted to share some of his intentions on which he plans to base his decision:

- The project decision is specifically for OSV designations and not winter recreation generally. Accordingly, portions of the Lost Sierra Traverse will be considered for OSV designation. An exception will be the Lakes Basin area, where the decision will consider the Plumas National Forest Land and Resource Management Plan that describes considerations for both non-motorized and motorized use.
- Mount Fillmore will be designated as a OSV open area.
- OSV designation will not be restricted solely based on OSV user conflict. OSV designations will consider OSV impacts to resources.
- OSV designation will be adaptable as needed to account for changing conditions, new information or locations of wildlife, plants, or other resources, but also based on OSV impacts or conflicts.

Some recommendations were submitted by the objectors; however, objectors were unable to reach agreement on any of the specific proposals. While there is still disagreement on the objection issues, there is improved understanding and at least partial agreement between objectors on some of the issues. The information provided and recommendations submitted by the objectors will be considered by the Responsible Official prior to making a final decision. Following the workshops, the Forest will review proposals for consistency with the forest plan and settlement agreement, and other law, regulation, and policy, possibly reconsulting as needed. Proposals may also be combined or modified to be compliant and responsive to objectors.

OBJECTION REVIEW

Upon closure of the objection filing period, I convened an objection review team consisting of staff from the regional office and national forests throughout California to review the FEIS, draft ROD, and the project record concerning the issues brought forward in the objection letters. The issues raised in the objection letters centered on alleged violations of law, regulation and policy related to compliance with the Travel Management Rule (the rule), Pacific Crest Trail (PCT) management requirements, National Environmental Policy Act (NEPA), and rationale for

[1] In this context, Special Interest Areas includes both designated and proposed that were set aside for unique values (e.g. botanical, geological). There are seven designated and 10 proposed Special Interest Areas on the Plumas National Forest.

designations related to the Forest Plan. The objection review team reviewed the record related to these claims, and findings related to their review are summarized below. I apologize for the lengthy and complex response letter, but I wanted to clearly articulate how I arrived at my findings.

KEY FINDINGS

Travel Management Rule (the rule).

Objectors raised concerns that the Forest failed to designate use consistent with the rule definition of "area"; the rule general designation requirement regarding "where snowfall is adequate for that use to occur"; and the rule specific designation criteria (or "minimization criteria").

Designating Discrete Areas

The objectors claim the decision designates contiguous, adjacent areas for OSV use that are inconsistent with the rule's definition of "area", specifically in reference to the Antelope and Frenchman OSV Areas. The rule defines "area" 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). The relevant operable terms in this definition of area are "discrete" and "delineated", which need not be strictly defined as requiring that space or other physical barriers be the dividing criteria or that the division be completely impermeable. The Forest describes in detail the Antelope, Frenchman, and Davis open areas and their boundaries (see FEIS, Vol. 1, pp. 24-25). The Forest also directly responds to this issue as raised during the DEIS comment period, detailing their use of, among other factors, natural topographic features to distinguish the individual areas (see FEIS, Vol. 3, p. 134). The Forest is clear that all proposed area designations are smaller than the Ranger Districts on the Forest (FEIS, Vol. 1, p. 4). I find that the area designations are consistent with the rule definition of "area".

Designating Areas Where Snowfall is Adequate for that Use to Occur

The objectors claim the decision fails to comply with the rule general requirement to designate areas "where snowfall is adequate for that use to occur" (36 CFR 212.81(a)) when it designated areas as low as 3,500 feet in elevation though the FEIS recognizes that snowfall below 5,000 feet is generally inadequate. The Department did not intend the rule to determine the adequacy of snowfall for OSV designations, instead deferring such determinations to the local level; the Department has clarified that the determinations "should be based on local conditions, including, as appropriate, variability in the weather" (see 80 FR 4507). While the Forest states that adequate snow occurs in most years above 5,000 feet elevation, it is also explicit that in some years adequate snow accumulates as low as 3,500 feet (see FEIS, Vol. 1, pp. 23-24). The Forest supports its assertions with appropriate data from the National Weather Service's National Operational Hydrologic Remote Sensing Center. I find that the Forest adequately addressed the rule requirement to designate OSV areas where adequate snowfall occurs.

Applying the Minimization Criteria

The objectors claim the Forest failed to demonstrate how they applied the minimization criteria to locate areas and trails for designation, and inappropriately relied on mitigation measures and monitoring as a substitute for applying the minimization criteria. The rule states: "in designating National Forest System trails and areas on National Forest System lands, the responsible official

shall consider effects on 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 or proposed recreational uses of National Forest System lands or neighboring Federal lands; and (4) Conflicts among different classes of motor vehicle uses of National Forest System lands or neighboring Federal lands" (36 CFR 212.55(b)). The Department has clarified that interpreting the phrase 'with the objective of minimizing' to mean that forests should prevent impacts all together "would not reflect the full context of E.O. 11644 or other laws and policies related to multiple use of NFS lands"; rather the phrase is designed to "assure that environmental impacts are properly taken into account, without categorically precluding motor vehicle use" (see 70 FR 68281).

The Forest describes its process for applying the minimization criteria in the FEIS, Vol. 1, pp. 5, 27-28, explaining its 1) development of screening questions to identify specific resource impacts that are to be minimized, 2) application of the screening questions via a screening exercise, 3) prescription of measures that would appropriately minimize any identified impacts, and 4) recommendation for designating (or not) each potential area or trail considered. The screening questions are identified in Table 7 of the FEIS, Vol.1 (pp. 33-34). The screening exercise is demonstrated in detail in the FEIS, Vol.2 – see Appendix D (pp. 67-135) for screening of the potential area designations and Appendix E (pp. 136-505) for screening of the potential trail designations. In the "Refinement of the Action Alternatives" section of the FEIS (Vol. 1, pp. 28-37), the Forest further describes how application of the minimization criteria shaped each of the alternatives. I find the Forest appropriately applied the minimization criteria to each area and trail designation.

Minimizing impacts to wildlife

Objectors raise specific concerns that the minimization criteria were not properly applied in consideration of impacts to wildlife species (36 CFR 212.55(b)(2)), including goshawk and spotted owl, marten, Sierra Nevada yellow-legged frog and California red-legged frog, deer and their winter range, and bald eagle.

Goshawk and spotted owl:

Minimization criteria screening questions considered for each potential area and trail designation include assessments of whether the designations would encompass California spotted owl and/or goshawk nest sites or Protected Activity Center (PACs) (see FEIS, Vol. 1, Table 7, p. 33). Accordingly, potential impacts to goshawk and spotted owl PACs were identified and impacts to the nest site are identified for mitigation for proposed area designations in the FEIS, Vol.2, Appendix D – examples include, but are not limited to, Antelope (p. 70), Bucks (p. 80), and Canyon (p. 91) areas. Similarly, potential impacts to goshawk and spotted owl PACs were identified and impacts to the nest site are identified for mitigation for proposed trail designations in the FEIS, Vol.2, Appendix E – examples include, but are not limited to, Grizzly Loop (p. 167), Gravel Range (p. 175), and Granite Basin (p. 183) trails. Mitigations to be made at these area and trail locations include implementing a breeding season limited operating period from March 1 through August 15 (for spotted owl) or February 15 through September 15 (for goshawk), when there is documented evidence of disturbance to the nest sites for either species (consistent with the requirements of the 2004 Sierra Nevada Forest Plan Amendment ROD). However, no documentation was found in the FEIS that explains how nests and PACs would be identified

(PACs/nests are not static year to year), and there is no documentation of how disturbance to the nest sites would be identified. This information is found in the 2004 Sierra Nevada Forest Plan Amendment ROD. I find the Forest considers impacts to goshawk and spotted owl with the objective of minimizing them but does not document how the mitigation measures would be implemented.

Marten and Forest Carnivores:

Mitigation criteria screening questions considered for each potential area and trail designation include assessments of whether the designations would contain habitat for marten, wolverine, or other sensitive forest carnivores (see FEIS, Vol. 1, Table 7, p. 34). Accordingly, potential impacts to marten habitat were identified and mitigated for proposed area designations in the FEIS, Vol.2, Appendix D – examples include, but are not limited to, Davis (p. 102), Lakes Basin (p. 120), and La Porte (p. 130) areas. Similarly, potential impacts to marten habitat were identified and addressed for proposed trail designations in the FEIS, Vol.2, Appendix E – examples include, but are not limited to, Gravel Range (p. 176), Granite Basin (p. 184), and Four Trees (p. 192) trails. Prescribed mitigations for these area and trail designations include 1) immediate measures, such as posting educational materials and trail signage that promote group awareness of prohibitions against harassment of wildlife; and 2) temporary closure of the area surrounding any carnivore den sites if/when one is detected and disturbance to it is suspected or documented (consistent with the 2004 Sierra Nevada Forest Plan Amendment ROD). However, there is no documentation in the FEIS that explains how dens would be identified, and there is no documentation of how disturbance to the dens would be identified. I find the Forest considers impacts to marten with the objective of minimizing them but does not document how mitigations would be implemented.

Sierra Nevada yellow-legged frog and California red-legged frog:

Mitigation criteria screening questions considered for each potential area and trail designation include assessments of whether the area would contain Threatened, Endangered Species (TES) habitat and/or designated critical habitat (see FEIS, Vol. 1, Table 7, p. 33). Potential impacts were identified and mitigated for Sierra Nevada yellow-legged frog occupied, suitable, and critical habitat, as well as historic sites in proposed area designations in the FEIS, Vol.2, Appendix D – examples include, but are not limited to, Frenchman (p. 111), Lakes Basin (p. 120), and La Porte (p. 130) areas. Similarly, potential impacts were identified and addressed for proposed trail designations in the FEIS, Vol.2, Appendix E – examples include, but are not limited to, Bucks Summit/Four Trees (p. 191), Big Creek (p. 200), and Cutoff/Lookout Rock (p. 208) trails. Measures taken to minimize impacts for area and trail designations within historic Sierra Nevada yellow-legged frog locations and suitable and critical habitat include allowing OSV use only when snow depth is adequate to protect frogs and their habitats, and not designating OSV use across open or flowing water. Additionally, within critical habitat for Sierra Nevada yellow-legged frog, cross-country OSV use would not be designated within 50 feet of flowing water.

The Forest notes that California red-legged frog critical habitat within the OSV areas occurs at areas below 3,200 feet without adequate snow, where cross-country OSV use would not be designated (see FEIS, Vol.2, pp. 81, 130); however, the FEIS analysis discloses that OSV use would occur in suitable habitat (FEIS, Vol. 1, p. 270). Those impacts are not addressed in the

minimization criteria table, even though the screening criteria includes suitable and critical habitat (e.g. see FEIS, Vol. 2, p. 130).

I find the Forest considers impacts of OSV use designations on Sierra Nevada yellow-legged frog suitable and critical habitat, and California red-legged frog critical habitat, with the objective of minimizing them; however, the explanation for not including the California red-legged frog suitable habitat in the minimization criteria screening process is missing.

Deer winter range:

As part of the minimization criteria screening questions used to address the rule requirement to minimize harassment of wildlife and significant disruption of wildlife habitats, for each proposed area and trail designation the Forest asked whether the area or trail contains key deer winter range and whether the area would contain TES habitat, including that for wolves (see FEIS, Vol. 1, Table 7, p. 33). Accordingly, potential impacts to key deer winter range and wolves or wolf prey (deer and elk) habitat were identified and mitigated for specific proposed area designations in the FEIS, Vol. 2, Appendix D and for specific trail designations in the FEIS, Vol. 2, Appendix E. For example, the Forest minimized such impacts for the Antelope, Bucks, Canyon, and Davis Areas area designations (see Appendix D, pp. 71, 80, 91, and 101, respectively) and the Antelope Lake Northeast and Indian Cove trail designations (Appendix E, pp. 146 and 153, respectively). Measures taken to minimize impacts include not designating OSV cross-country use in key deer winter range and allowing pass-through OSV travel only on designated trails.

Relatedly, objectors claim there is no science or evidence that OSV use has a negative impact on deer winter range that supports closing historical OSV areas. However, the FEIS cites a number of literature sources indicating that OSV traffic negatively affects mule deer through displacement, collisions, harassment, increased metabolic rates and stress responses, and more (FEIS, Vol. 1, p. 225). The FEIS also cites wintering deer as a primary prey species for gray wolves, a threatened species (FEIS, Vol. 1, p. 195).

I find the Forest meets its obligation under the rule for deer winter range and wolves and provided sufficient supporting analysis for the decision to close historical OSV areas affecting deer winter range.

Bald eagle:

As part of the minimization criteria screening questions used to address the rule requirement to minimize harassment of wildlife and significant disruption of wildlife habitats, for each proposed area and trail designation, the Forest asked whether the area or trail would encompass known bald eagle nest sites or winter roosts (see FEIS, Vol. 1, Table 7, p. 33). Potential impacts to bald eagle nest sites or winter roosts were identified and mitigated for specific proposed area designations in the FEIS, Vol. 2, Appendix D and for specific trail designations in the FEIS, Vol. 2, Appendix E. For example, the Forest minimized such impacts for the Antelope, Bucks, Canyon, Davis, Frenchman, Lakes Basin, and La Porte area designations (see Appendix D, pp. 70, 80, 91, 101, 110, 119, and 129, respectively) and at least thirteen different trail segments (see Appendix E, pp. 138, 145, 153, 159, 275, 297, 358, 365, 371, 378, 385, 443, and 451). Measures the Forest takes to minimize impacts for these designations come from Rx11 in the Plumas Land and Resource Management Plan. Specifically, the Forest precludes bald eagle nesting territories from cross-country OSV use designation, allowing what the Forest terms pass-through only travel on OSV trails. The minimization criteria table states: “Limiting OSV travel to the trail

only within (and adjacent to) eagle territories would likely mitigate potential adverse effects to eagles," however, it does not explain how they came to that conclusion, especially in light of the statement that: "Designating an ungroomed trail may increase potential OSV use conflicts in eagle territories" (FEIS, Vol. 2, p. 138). Also, the Forest does not describe how pass-through only travel is consistent with the Rx11 requirements to: "Limit recreation use in bald eagle habitat… Close the areas to ORV use… [and] Between November 1 and March 31, limit activities within winter roost habitat to minimize disturbance" (Plumas Forest Plan, pp. 4-96 to 4-97). I find the Forest considers impacts to bald eagle nests and winter roost sites with the objective of minimizing them, but does not document how the identified mitigation would be consistent with Forest Plan Rx11 and how the mitigations would be sufficient to minimize impacts.

Minimizing impacts to soil, watershed, and vegetation

Objectors raise specific concerns that the Forest does not properly apply the minimization criteria in consideration of impacts to soil, watershed, and vegetation (36 CFR 212.55(b)(1)). The screening questions the Forest uses to address the rule requirement to minimize damage to soil watershed, vegetation, and other forest resources include an assessment of whether the designation would 1) be located within defined Riparian Conservation Areas or surface waters, including streams, lakes, and reservoirs; 2) contain sensitive riparian areas such as wet meadows, bogs, and fens; 3) drain into a 303(d)-listed waterbody; 4) overlap or be adjacent to known occurrences of TES plants, in particular those that are near, at, or above the surface of the snow; and 5) include designated botanical areas such as Special Interest Areas or Research Natural Areas (see FEIS, Vol. 1, Table 7, pp. 33-34). In the FEIS Vol. 2, the Forest applies the minimization screening questions to every proposed trail (Appendix D) and area (Appendix E); specifically, table (b)(1) for each area and trail consideration. Measures taken to minimize impacts to these resources include designating a minimum snow-depth requirement for OSV use that is adequate to avoid damage, not designating OSV use over open water, and implementing appropriate best management practices described in the 2012 USDA Forest Service National Core BMP Technical Guide. I find that the Forest adequately considers, with the objective of minimizing, impacts to soil, watershed, and vegetation.

Minimizing impacts to wilderness

The objectors' specific claim here is that expanding OSV grooming along Forest Road 24N33 and concentrating OSV use on Silver Lake Road (24N29X) adjacent to Bucks Lake Wilderness will increase noise levels and frequency of motorized trespass into the wilderness, failing to minimize impacts to wilderness. However, the Forest states that it will not designate OSV use adjacent to Bucks Lake Wilderness (FEIS, Vol. 1, p. 29). The Forest further states that 1) it will not designate the high value non-motorized recreation areas within the Black Gulch area, between the eastern boundary of Bucks Lake Wilderness and Silver Lake Road, in order to minimize use conflicts in that area; 2) the Black Gulch area currently receives little to no OSV use; and 3) the Forest would not designate the area north of Bucks Lake Road between the staging area and the east arm of Bucks Lake, in order to prevent motorized entry into the wilderness (FEIS, Vol. 2, p. 83). Nevertheless, the Forest can better address objectors' concerns regarding potential concentration of use on Silver Lake Road; and, to the extent possible, the Forest can better explain why it thinks the steps it outlines will reduce or eliminate incursions into Bucks lake Wilderness. Regarding expanding grooming along Forest Road 24N33, the Forest states that this designation allows for a safe turnaround for grooming equipment and will

direct riders away from Bucks Lake wilderness (FEIS, Vol. 1, p. 123). I find that the Forest does consider, with the objective of minimizing, the impacts of its OSV designations on wilderness, and has continued to listen to suggestions from objectors in the workshops and through other means to inform the decision.

Applying minimization criteria to "undesignated trails"

The objector claims the Forest fails to comply with the rule by not designating and applying the minimization criteria to "undesignated trails" within areas open to cross-country travel, since established trails concentrate use and associated impacts. The Department's position on this issue is that "if an area is analyzed appropriately under NEPA for OSV use utilizing the [rule minimization criteria], there is no need for additional analysis to evaluate effects of OSV use on specific trails in that area, which are typically covered by snow. As units analyze an area, impacts on the environment and other users will be minimized within that area as specified in [the rule minimization criteria]" (80 FR 4508). The Forest discloses that there are "2,753 miles of undesignated, unmarked, ungroomed trails underlying the designated cross-country OSV-use areas" in alternative 2-modified (FEIS, Vol. 1, p. 31), and the Forest compares the miles of undesignated trails across all alternatives (see FEIS, Vol. 1, p. 50). However, it is unclear what the snow-depth requirement is for these undesignated trails. For the selected alternative (alternative 2 – modified), the description in the FEIS (Vol. 1, p. 39) states: "[t]o avoid damaging resources on designated OSV trails… a minimum of 6 inches of snow or ice is typically needed", while the draft ROD (p. 2) states: "[t]o avoid damaging resources on designated *and undesignated, ungroomed* OSV trails… a minimum of 6 inches of snow or ice is typically needed" (emphasis added). I find that the Forest is generally correct to apply the rule minimization criteria to the areas and not necessarily the undesignated trails within those areas; however, it is unclear how to apply snow depth requirements in a situation where the snow-depth requirements for the undesignated trails and the areas they pass through are different.

<u>Snow Depth Requirements</u>

Several objectors claim having a minimum snow depth requirement is arbitrary, unenforceable, and unsupported by science. One objector claims the 12-inch snow depth for cross-country and 6-inch for designated trails is inadequate and does not address variability in the snow conditions.

The FEIS and draft ROD discuss rationale for selecting a 12-inch minimum snow depth for cross-country OSV use in designated OSV use areas. The Forest references a study by Fassnacht et al. (FEIS Vol. 1, p. 26) which found that "snow density changes were more pronounced for thinner snow accumulations [of 11.8 inches]" and that less density change occurred with deeper snow. The FEIS acknowledges that there is not a large volume of scientific data to support a specific number for snow depth, but that setting a minimum snow depth is nonetheless beneficial. Specifically, the minimum snow depth "provides a quantifiable and tangible mechanism for managing when OSV use occurs during times of the year when snow depths are most variable" (FEIS Vol. 1, p. 26). The Forest also points to recent State Historic Preservation Office concurrence that a 12-inch minimum snow-depth would be sufficient to protect underlying historic properties.

Meanwhile, the FEIS discusses methods for monitoring and enforcing the snow depth requirement in the Monitoring section of Chapter 2 (FEIS Vol. 1, pp. 46-49). The Compliance Monitoring section states where and how snow depth would be monitored (FEIS Vol. 1, p. 48, 2.5), and the Effectiveness Monitoring section describes what constitutes resource damage (FEIS

Vol. 1, pp. 46-47, 1.2). The Enforcement section (FEIS Vol. 1, pp. 48-49) states education and warnings would be used in addition to citations.

I find that the rationale for the 12-inch snow depth is well supported and that the rationale for how it will be monitored and enforced is sufficiently explained in the FEIS. However, further clarification is necessary to explain how snow depth requirements for designated trails is sufficient to avoid damaging resources.

Pacific Crest Trail (PCT)

Several objectors raised concerns about the designation of OSV areas adjacent to the PCT and the designation of crossings of the PCT. Some objectors claim the selected alternative (alternative 2 – modified) does not comply with the National Trails Systems Act (NTSA) and the Comprehensive Management Plan for the Pacific Crest National Scenic Trail (PCT Comprehensive Plan/PCT CMP) with regards to the designation of areas adjacent to the PCT and frequency of the PCT crossings. Other objectors disagree that open OSV areas may not be designated immediately adjacent to the PCT and designated crossings are required.

Designation of OSV areas adjacent to the PCT

The objector claims that the designation of OSV use immediately adjacent to the PCT does not comply with the NTSA or the management direction found in the PCT Comprehensive Plan.

The National Trails System Act states "[t]he use of motorized vehicles… along any national scenic trail shall be prohibited" (16 U.S.C, Ch. 27, Sec. 1246(c)). The PCT Comprehensive Plan states that "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" (PCT CMP, p. 17). The PCT Comprehensive Plan further states that "[t]he entire landscape and its scenic quality are important to the purposes of the Pacific Crest National Scenic Trail. 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" (PCT CMP, p. 17).

The FEIS acknowledges the prohibition of OSV use on or along the trail (FEIS, Vol. 1, pp. 39 and 45). While the Forest's original proposed action did not designate open OSV areas within 500' of the PCT, exceptions were made in alternative 2-modified (see changes included in the modified proposed action, FEIS, Vol. 1, pp. 40-41). The Forest speaks to the nature and purposes of the PCT in describing this change, noting that there are motorized roads and trails marked for non-winter use in proximity to the trail (FEIS, Vol. 1, pp. 39-41). However, the rationale for OSV designations within proximity of the PCT could be clarified.

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.

Conflict of Use Adjacent to the PCT in Relation to Plowed Trailheads and Related Adequacy of Analysis

Objectors claim that the project violates the NTSA and the PCT Comprehensive Plan, as it would allow OSV use adjacent to the PCT when beyond 5 miles from a plowed trailhead and as a result

displace skiers and snowshoers using the PCT. They assert that noise impacts should be mitigated along the entire PCT.

Objectors further state that the decision is arbitrary, as they claim the FEIS does not cite specific visitor use analysis to support the Forest's assertion that there is not considerable non-motorized use of the PCT beyond 5 miles of plowed trailheads. They point out that the Draft ROD clearly identifies the PCT and Lost Sierra Traverse as an important non-motorized travel route through a remote section of the Forest. Objectors claim the FEIS fails to document an overwhelming need to designate OSV use adjacent to the PCT.

While the Lost Sierra Traverse might be an historic non-motorized travel route, it is not protected by either the Pacific Crest Trails Act or the National System Trails Act, and therefore, does not have the same agency requirements associated with its management as the PCT.

The PCT Comprehensive Plan states that "if cross-country skiing and/or snowshoeing is planned for the trail, any motorized use of adjacent land should be zoned to mitigate the noise of conflict" (PCT CMP, p. 21). Arbitrary decisions are prohibited by the Administrative Procedures Act (5 U.S.C. §706). Generally, arbitrary is defined as a decision that does not consider relevant factors and provide 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). There is no identifiable law, regulation, or policy that requires OSV use be designated only where there is an overwhelming need for it.

The FEIS discloses the methodology used for the Recreation analysis, which includes forest plan direction, National Visitor Use Monitoring results, case studies and primary literature, and more (see FEIS, Vol. 1, pp. 88-89). The FEIS identifies the 5 mile radius from plowed trailheads as a potential zone of conflict, including noise conflict, between OSVs and non-motorized trail users; the discussion incorporates information received from public comments on the DEIS (FEIS, Vol. 1, pp. 96-98). The Forest's assumptions as relates to the 5-mile radius zones, however, are not fully explained.

These zones of conflict near trailheads were used as only one factor in determining OSV use designations for each alternative (see FEIS, Vol. 1, pp. 92 and 125). Each alternative varies the amount of acres within 500 feet of the PCT that would be designated for OSV use (FEIS, Vol. 1, Table 9, p. 67; also see maps on pp. 126, 135, 143 and 153). The Draft ROD strives to strike a balance between motorized and non-motorized winter recreation opportunities (Draft ROD, p. 6). It considers the impacts of OSV designations adjacent to the PCT, both within 5 miles of plowed trailheads and beyond (Draft ROD, p. 10). Meanwhile, the Forest acknowledges and avoids high-valued non-motorized use of the PCT outside of these zones of conflict, including in the Antelope, Bucks, Davis, and Lake Basin Areas (see Draft ROD, p. 10).

I find the Forest adequately considers non-motorized winter use of the PCT and mitigates use and noise conflicts with its OSV use designations. 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."

Frequency and Width of the PCT crossings in the Lakes Basin Area.

The objector claims designated crossings placed in close proximity to each other in the Lakes Basin OSV Area essentially opens the PCT to unrestricted OSV use. The objector asserts that the frequency of designated OSV crossings should align with the ROS classification of the areas in which the trail passes and should not be so wide that they permit open OSV use.

The PCT Comprehensive Plan sets minimum distances between motorized crossings of the PCT, based on ROS class of the given area (PCT CMP, pp. 18-19). The PCT Comprehensive Plan does not explicitly define crossing or give guidance on the required width of crossings.

The FEIS identifies varying numbers and locations of OSV crossings of the PCT for each alternative (FEIS, Vol. 1, p. 50). In the selected alternative (alternative 2-modified) these crossings are identified based on the prior existence of roads and/or trails, the need to connect OSV use areas on either side of the PCT, and the need to provide public safety (FEIS, Vol. 1, p. 39). The width of the crossings is discussed in general terms; the Forest indicates that only some crossings would be wider than the width of a road for reasons of safety, in light of constantly variable winter conditions, and all crossing would occur at 90 degree perpendicular to the PCT (FEIS, Vol. 1, p. 39). The FEIS states that the crossings would not be greater than ¼-mile wide (FEIS, Vol. 1, p. 67). The Forest appears to assume that the width of crossings should not exceed the distance between crossings specified in the PCT Comprehensive Plan direction per ROS class, but the FEIS does not state that assumption explicitly. The FEIS also does not disclose the underlying ROS classifications or distances between crossings; therefore, it cannot be determined if the frequency of crossings complies with the PCT Comprehensive Plan requirements.

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.

National Environmental Policy Act

Objectors raised concerns regarding failure to consider an alternative suggested by The Wilderness Society, adequacy of the socioeconomic analysis, OSV use in un-roaded areas and "wilderness-suitable" lands, cumulative impacts from climate change, and impacts to wildlife.

Considering an Alternative Suggested by The Wilderness Society

The objector claims the Forest fails to analyze an alternative that would not designate for OSV use "wilderness-suitable" lands identified by The Wilderness Society (TWS) in their wilderness inventory. Under NEPA, agencies have an obligation to "[r]igorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated" (40 CFR 1502.14(a)).

The Forest addresses this issue in its response to comments on the DEIS (FEIS, Vol. 3, p. 170). The Forest acknowledges receipt of TWS' inventory and request for this alternative on July 13, 2018. The Forest states that because the effects analysis was already underway on the DEIS, such an alternative was not feasible to incorporate due to court-mandated timelines. The Forest further clarifies that although not all of TWS' identified "wilderness-suitable" lands are incorporated into any one of the alternatives, a large portion is incorporated into various

alternatives for lands not designated for OSV use – ranging from 40 percent to 52 percent of TWSs' identified lands per alternative. Notwithstanding this explanation in the response to DEIS comments, the FEIS identifies significant issues that were used to develop alternatives (FEIS, Vol. 1, p. 16), and TWS' alternative would appear to address two of the significant issues. Thus, it may still be reasonable to consider TWS' inventory as an alternative.

I find that the Forest has not completely fulfilled its obligation to explain why TWS' inventory constitutes an unreasonable alternative eliminated from detailed study.

Conducting an Adequate Socioeconomic Analysis

The objector claims that the FEIS fails to recognize and fully account for the impact on the economy.

The socioeconomic analysis considers the changes in the quantity and quality of motorized and non-motorized snow-dependent recreation opportunities, including direct, indirect, and induced economic impacts, for all the alternatives (FEIS Vol. 1, pp. 319-362). The resource indicators for economic activity were analyzed as "number of jobs and amount of labor income" (FEIS, Vol.1. p. 323, Tables 79 and 80). The Draft ROD (p. 12) and FEIS (Vol. 1, pp. 347-349) explain that alternative 2 – modified would result in an overall negligible net increase in both labor income ($27,815) and jobs (0.8), resulting from the combined effects of: 1) a 7.4 percent overall decrease in high-quality OSV areas; 2) no net change in the miles of snow trails available for grooming; and 3) a 273 percent increase in highly desirable non-motorized recreation opportunities. The socioeconomic analysis also considered the distribution of effects across communities within and adjacent to the Plumas National Forest; community-level impacts were anticipated to vary slightly based on changes in OSV opportunities by region (FEIS Vol.1, pp. 348-349). This analysis was conducted for each of the alternatives (FEIS Vol. 1, pp. 352-353; 356-357; 359-360). The Forest also provided detailed responses to public comments pertaining to economic impacts (FEIS Vol. 3, pp. 47-52).

I find that the FEIS sufficiently analyzed and disclosed economic impacts.

Designating Use in Unroaded Areas ("Wilderness-Suitable" Lands)

The objector claims that the Forest fails to fully or accurately analyze how OSV designations degrade wilderness character and potential, particularly on 279,343 acres of land TWS identified as "wilderness-suitable" lands beyond existing inventoried roadless areas (IRAs).

The FEIS lists the nine roadless area characteristics defined in the 2001 Roadless Area Conservation Rule. Table 9 of the FEIS compares the alternatives relative to the impact they would have on IRAs according to these roadless area characteristics (see FEIS, Vol. 1, p. 66). For alternative-2 modified, the table states "[a]ir quality, and primitive and semi-primitive non-motorized classes of dispersed recreation 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." Chapter 3 of the FEIS discusses the impacts of the alternatives on IRAs further, reiterating that the selected alternative "would not impact the potential future designation of any of the IRAs as wilderness. Due to the temporal nature of OSV use and the lack of on-the-ground imprints after snow melt, designating OSV use in portions of IRAs would not preclude any area from being considered as wilderness in the future" (FEIS, Vol. 1, p. 124). The FEIS also considers an alternative (Alternative 5) that would not

designate any IRAs as open to OSV use (FEIS, Vol. 1, p. 151). However, the Forest does not extend its analysis of roadless area characteristics beyond IRAs.

I find the Forest has not completely fulfilled its obligation to explain the bounds of the analysis area.

Cumulative Effects Analysis and Climate Change

One objector claims the cumulative effects analysis is inadequate because it fails to consider the cumulative impacts from climate change.

The Council on Environmental Quality's "Guidance Memorandum on Consideration of Past Actions in Cumulative Effects Analysis" (June 24, 2005) states: "[a]gencies should be guided in their cumulative effects analysis by the scoping process, in which agencies identify the scope and 'significant' issues to be addressed in an environmental impact statement. 40 C.F.R. §1500. 1(b), 1500.4(g), 1501.7, 1508.25. In the context of scoping, agencies typically decide the extent to which 'it is reasonable to anticipate a cumulatively significant impact on the environment.' 40 C.F.R. §1 508.27(b)(7). Agencies should ensure that their NEPA process produces environmental information that is useful to decision makers and the public by reducing the 'accumulation of extraneous background data' and by 'emphasizing real environmental issues and alternatives.' 40 C.F.R. §1500.2(b)… In determining what information is necessary for a cumulative effects analysis, agencies should use scoping to focus on the extent to which information is 'relevant to reasonably foreseeable significant adverse impacts,' is 'essential to a reasoned choice among alternatives,' and can be obtained without exorbitant cost. 40 C.F.R. §1502.22."

The FEIS explains the steps the Forest took in their scoping period and in gathering public comments on the DEIS (FEIS, Vol. 1, pp. 10-12). The FEIS lists the six significant issues identified, which does not include climate change explicitly (FEIS, Vol, 1, p. 13). The FEIS explains the cumulative effects analysis methods and past, present, and reasonably foreseeable future actions considered in the analyses (FEIS Vol. 1, p. 83; and Vol. 3, Appendix G). For consideration of past actions, the FEIS states "this analysis relies on current environmental conditions as a proxy for the impacts of past actions" (FEIS, Vol. 3, Appendix G, p. 7). For consideration of ongoing and reasonably foreseeable future activities, the FEIS states "[t]he relevance and usefulness… depends on the context in which those direct and indirect impacts are considered. Those actions and events are discussed in the relevant resource sections" (FEIS, Vol. 3, Appendix G, p. 8). The impacts of climate change and assumptions used in the analysis are discussed in relation to multiple resource areas throughout the FEIS (Vol. 1, Chapter 3), including Recreation (p. 132), Air Quality (pp. 174-175; 179-180), Terrestrial Wildlife (pp. 188; 226-227; 274), Aquatic Wildlife (p. 274), Socioeconomics (p. 321), Transportation (p. 367), Soils (p. 385), and Hydrology (p. 394).

Notably however, for the Terrestrial Wildlife analysis, the FEIS states that "[c]limate change, when identified as a specific threat (marten) or stressor to a species, is disclosed, by species" (FEIS, Vol. 1, p. 188), yet the potential impacts of climate change are not apparently disclosed for marten (see FEIS, Vol. 1, pp. 199-204). Also notable, the Forest explains in its response to comments on the DEIS that "[t]he cumulative impacts of climate change and OSV designations are discussed in relation to multiple resource areas throughout the FEIS (volume I pages 118, 154, 159, 167, 206, 239, 254, 302, 304, 349, 350, 359, 367, 375, and 379)" (see FEIS Vol. 3,

Appendix I, p. 157), yet a review of the citations provided did not disclose the referenced climate change cumulative effects analyses.

I find that the analysis is largely adequate in addressing cumulative effects consistent with regulations and policy and the impacts from climate change. However, the Forest should clarify its related statement regarding marten and should review the citations provided in the relevant response to comments on the DEIS.

Wildlife Analysis

The objector claims that the Forest fails to take a "hard look" at the direct, indirect, and cumulative effects to wildlife, and fails to comply with NFMA's viability and diversity requirements. The objector also states the Forest relies on a broad, forest-wide analysis that lacks site-specific information, claiming an analysis at multiple scales is necessary (individual, home range, population scales, and OSV open area scale).

The impact analyses for terrestrial threatened, endangered, or proposed species, designated or proposed critical habitat and Forest Service sensitive species are documented in the Wildlife Biological Evaluation (pp. 30-88) and the FEIS (Vol. 1, pp. 199-226). The wildlife biologist reached determinations of "not likely to adversely affect" for gray wolves and "may affect individuals, but not likely to lead to a loss of viability or a trend toward Federal listing" for Pacific marten, California spotted owls, northern goshawks, bald eagles, fringed myotis, pallid bats, Townsend's big-eared bats, willow flycatchers and western bumblebees. The FEIS includes detailed rationales for why this action is not expected to threaten the viability of these species. It acknowledges that individuals may be negatively affected but that the effects would be limited and in some cases minimized by mitigations. The primary resource indicators and measures used to quantitatively determine direct and indirect effects are found in Table 32 of the FEIS (Vol. 1, pp.184-185), and the methodology used is provided on pp. 186-189. The analyses are based on the overlap between species specific suitable habitat and OSV areas and routes, focusing specifically on those area and routes predicted to receive the heaviest use. The analyses include a quantitative analysis of the number of acres of habitat and the percentage of available habitat potentially impacted by OSV routes. No known law, regulation, or policy requires an analysis at multiple scales to determine viability.

Cumulative effects were addressed by considering existing conditions, impacts of the project, and future foreseeable projects, consistent with Council on Environmental Quality direction (see FEIS, Vol. 3, Appendix G). Each species impact analysis section in Vol. 1 of the FEIS addresses cumulative impacts on the species.

I find the Forest took an appropriate "hard look" at impacts on wildlife and appropriately complies with viability and diversity requirements under NFMA and ESA.

Fisher

The objector claims the conclusion that the project area is outside of the range of fisher is unsupported and unsubstantiated and is directly contradicted by the Agency's own statements in the FEIS.

The FEIS discusses fisher under "Species Not Analyzed in Detail", citing appropriate literature to discuss why the species does not occur within the project area (see FEIS, Vol. 1, p. 198). Nonetheless, the FEIS states that direction and analysis related to fisher is covered in addressing potential impacts to another forest carnivore occupying similar habitat (American marten),

stating that "[s]hould fisher colonize the project area in the future, management direction in the EIS designed to mitigate threats to fisher will immediately be implemented (e.g., den site buffers) while analyzing project impacts on the species" (FEIS, Vol. 1, p. 198). However, the FEIS does not seem to acknowledge the known proximity of introduced fisher to the project area or the species' dispersal capabilities, which would indicate that the species could occur within the project area. Indeed, the FEIS acknowledges that "the extent to which fisher are using the forest is unknown" (FEIS, Vol. 1, p. 198).

I find that the fisher analysis does not account for the proximity of fisher to the project area where introduced individuals of the species are known to occur.

Bald Eagle

The objector claims the analysis lacks site-specific information and contains confusing and unexplained data regarding the amount of habitat that will be impacted by each alternative.

Impacts to bald eagles are addressed in the Wildlife Biological Evaluation (pp. 79-85) and in the FEIS (Vol. 1, p. 184, 219-222). The Forest reached a determination that the project "may affect individuals but are not likely to lead to a loss of viability or a trend toward Federal listing" for four explicit reasons stated in the "Determination Statement" on pp. 221-222. The FEIS discloses the number and acres of bald eagle Primary Use Areas within OSV use areas by alternative (see FEIS, Vol. 1, Tables 46-47, pp. 219-220).

I find the Forest discloses appropriate and site-specific analysis to determine impacts of the OSV designations on bald eagle.

Sierra Nevada yellow-legged (SNYLF) and California red-legged frog (CRLF)

One objector claims the analysis of impacts to SNYLF and CRLF suitable habitat lacks site-specificity, relying on minimum snow depths to prevent damage to soil and vegetation but failing to consider the differences in minimum snow depths among alternatives. Other objectors claim that expanding OSV grooming on Primary Forest Route 33, and that concentrating ungroomed trail designations around Meadow Valley would increase the risk of localized degradation of SNYLF habitat.

The FEIS addresses potential threats to the species, their suitable habitat, and their critical habitat for CRLF (FEIS, Vol. 1, pp. 269-271) and SNYLF (FEIS, Vol. 1, pp. 271-274) that would result from OSV-related activities. The analysis discusses direct, indirect, and cumulative impacts which might result from the alternatives.

The analysis for CRLF focuses on the lower likelihood of CRLFs being impacted by OSV use because of their tendency to occupy lower elevation areas. However, the analysis discloses that suitable habitat at the upper end of the elevation known to be occupied by CRLF would be impacted by OSV designated areas. The CRLF analysis further discloses that CRLF sometimes travel long distances from aquatic habitat in the spring when snow is melting. The analysis touches on snow depth but does not discuss it in detail.

The analysis for SNYLF addresses a greater likelihood of impacts due to the species occupying higher elevations, indicating habitat is more likely to be impacted by areas identified for OSV use. However, SNYLF likely travel over snow in the springtime between aquatic habitat locations at shorter distances than CRLF (see the discussion of habitat use in the FEIS, Vol. 1 for the two species, starting on p. 245 and 249). The SNYLF analysis also discusses the minimum

snow depth as a protective measure for the species, though it only addresses the 12-24 inch minimum snow depth (FEIS, Vol. 1, p. 272); it does not acknowledge that the selected alternative would allow OSV use on designated trails with only 6 inches of snow (see comparison of alternatives table, FEIS, Vol. 1, p. 50).

Regarding expanding OSV grooming on Primary Forest Route 33, the FEIS indicates that there would be no new miles available for grooming under the preferred alternative (FEIS, Vol. 1, p. 50).

Regarding concentrating ungroomed trail designations around Meadow Valley, the FEIS states that the designation of Silver Lake Road through Meadow Valley was made since the DEIS in order to allow access from private land to OSV cross-country travel areas (see FEIS, Vol. 3, Appendix M, p. 232). This change was made in response to comments received on the DEIS (see FEIS, Vol. 3, Appendix I, p. 68). In addition to the broad analysis of impacts to SNYLF habitat described above, specific impacts and associated mitigations for the Silver Lake Road designation can be found in the application of the Travel Management Rule "minimization criteria" for the Bucks Area (see FEIS, Vol. 2, pp. 77-87).

I find that the analysis of impacts to SNYLF and CRLF and their habitats do not address the varying impacts of different minimum snow-depth requirements across alternatives.

Rationale for Designations Related to Forest Plan

Semi-primitive Prescription

The objector claims that the Forest inappropriately used the semi-primitive prescription in the 1988 Plumas National Forest Land and Resource Management Plan (the LRMP) as a justification for not designating historically active OSV use areas.

The FEIS acknowledges that the LRMP "does not restrict or prohibit OSV use based on non-motorized classifications (ie., recreation opportunity spectrum classes, semi-primitive areas) in areas other than those that are restricted by law, regulation, or policy" (FEIS, Vol. 1, p. 58). Alternative 2-modified (preferred alternative) would not designate many semi-primitive areas for OSV use, while alternative 4 includes them for OSV use (see FEIS, Vol. 3, pg. 67). While the FEIS states that "[s]ome semi-primitive areas… were not designated for OSV use" (FEIS, Vol. 1, p. 30), this occurs in the context of the Forest describing its application of the Travel Management Rule "minimization criteria" to alternatives 2-modified, 3, and 5. In contrast, alternative 4 retains for OSV use all of the semi-primitive areas currently open to OSVs (see FEIS, Vol. 1, p. 64). The FEIS explains that some alternatives did not include semi-primitive areas for OSV designation because of conflicts between OSV use and non-motorized uses (FEIS, Vol. 1, p. 30).

I find that the Forest considered keeping the semi-primitive areas open to OSV use by analyzing them in Alternative 4 and included adequate rationale for why those areas would not be open to OSVs in the selected alternative.

Botanical Special Interest Areas

The objector claims that the Forest inappropriately used the proposed botanical special interest areas (SIAs) in the LRMP as justification for not designating OSV areas, and that OSV use does not preclude botanical SIAs from designation, nor is it incompatible if they are to be designated.

The Alternative Comparison Table in the FEIS (Vol. 1, p. 76) indicates that there would be no OSV areas designated in any botanical SIAs under any alternative. The botany analysis in Chapter 3 of the FEIS also states there is no variation in OSV use across alternatives regarding SIAs (FEIS, Vol. 1, p. 303), a review of the alternative maps indicates that Alternative 4 would designate OSV use in the SIAs.

In response to comments to the DEIS on this issue, the FEIS makes clear that factors other than botany were considered when removing OSV use from proposed SIAs (see FEIS, Vol.3 p. 137). The FEIS also states that alternative 2- modified does not designate OSV use in the Mount Fillmore, Dixie Mountain, McRae Meadow, and Brady's Camp special interest areas, because "[a]lthough minimal to no effects are expected for most rare plant species/occurrences, some direct and indirect effects are possible depending on life form and habitat types" (FEIS, Vol.3 p. 176).

I find that the responsible official provided adequate rationale for not designating OSV use in proposed botanical SIAs. However, I find that the record is inconsistent when describing whether proposed botanical SIAs would be designated for OSV use under any alternative.

INSTRUCTIONS AND SUGGESTIONS TO THE RESPONSIBLE OFFICIAL

I am instructing Forest Supervisor, Christopher Carlton to complete the instructions identified below. I am recommending that the suggestions included below also be incorporated into the project record, but as those suggestions are not required by law, regulation or policy, I am leaving the implementation of those to the discretion of the responsible official.

Instructions

1. Clarify how California spotted owl and goshawk nest sites will be identified and how disturbance to the nest sites would be documented.
2. Clarify how fisher and marten den sites will be identified and how disturbance to the den sites would be documented. Clarify fisher's occurrence in the project area.
3. Explain how 'pass-through travel' within bald eagle nest and winter roost sites is consistent with Rx11 of the Plumas Land and Resource Management Plan, and how the mitigations are sufficient to minimize impacts.
4. Clarify the rationale for not including California red-legged frog suitable habitat in the minimization criteria screening exercise.
5. Confirm that the snow depth requirement for undesignated trails is consistent with that for areas they pass through. If the snow depth requirements are different, then clarify how the rule minimization criteria are appropriately applied to the undesignated trails.
6. Clarify how the snow depth requirements for designated trails is sufficient to avoid damaging resources.
7. Clarify how the proposed OSV use designated adjacent to the trail is consistent with the nature and purpose of the PCT. Clarify how designated open areas prohibit motorized use along the PCT.

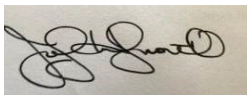
8. Disclose the crossing width and locations of trails where OSV crossings of the PCT are designated. Confirm that the distances between designated crossings are consistent with direction specified in the PCT Comprehensive Plan. Provide rationale to support the widths of PCT crossings in the decision.
9. Clarify why The Wilderness Society's suggested alternative, related to their "wilderness-suitable" lands inventory, was eliminated from detailed study.
10. Clarify the boundaries and effects of the designated open areas and trails overlaying named roadless areas in the roadless character analysis.
11. Clarify statements in the FEIS regarding potential effects of climate change on marten, disclosing those effects as appropriate.
12. Review and revise citations provided in the response to comments on the DEIS regarding discussions of cumulative impacts of climate change and OSV designations on the various resources.
13. Update the record to incorporate by reference the final BA and BO for SNYLF and CRLF habitat as relates to the varying snow depth requirements across alternatives, particularly the 6-inch snow depth requirement for designated trails.
14. Clarify if botanical SIAs would be designated for OSV use under any alternative and mitigate and/or analyze the impacts to SIAs, if designated and appropriate.

CONCLUSION

With the instructions, I made a reasonable and appropriate effort to resolve the concerns and requested relief that were brought forward by the objectors while also maintaining a balanced approach to managing the lands and meeting the purpose of the project. Once the instructions are incorporated, the rationale for this project will be clear, the analysis and findings will be well supported, and the decision will be consistent with the Plumas National Forest's Land and Resource Management Plan (1988), as amended by the Sierra Nevada Forest Plan Amendment Supplemental Final Environmental Impact Statement and Record of Decision (2004), and Travel Management Rule.

By copy of this letter, I am instructing Forest Supervisor, Christopher Carlton to proceed with the issuance of a final Record of Decision once I have had a chance to review the implementation of the instructions. There will be no further review of this response by any other Forest Service or U.S. Department of Agriculture official as per 36 C.F.R. 218.11(b)(2).

Sincerely,

X 

Signed by: Department of Agriculture
JODY HOLZWORTH
Deputy Regional Forester

cc: Chris Carlton, Katherine Carpenter, Alan Olson, Jim Bacon