

# Plumas National Forest Over-Snow Vehicle Use Designation Analysis

## Frequently Asked Questions

### **1. What is the over-snow vehicle travel management effort?**

The Plumas National Forest, in addition to the Lassen, Stanislaus, Eldorado and Tahoe National Forests, is undertaking the analysis required to comply with Subpart C - Use by Over-Snow Vehicles, of the Forest Service Travel Management Rule (Code of Federal Regulations (36 CFR 212, Subpart C)). The Plumas NF is the last of the five Forests to start this effort.

As a result of a court ruling (*Winter Wildlands Alliance v. U.S. Forest Service*, 2013 WL1319598, No. 1:11-CV-585-REB (D. Idaho, March 29, 2013)) Subpart C was revised to require the Forest Service to designate roads, trails, and areas on National Forest System lands that receive adequate snowfall for over-snow vehicle use to occur. The intent of this part of the rule is to designate National Forest roads, trails and areas where over-snow vehicles are allowed, restricted or prohibited on National Forest System Lands.

### **2. Besides designation of roads, trails, and areas, what other decisions will be made?**

Of the roads and trails designated for over-snow use, the Forest Service will identify snow trails where grooming for over-snow vehicle use will occur. The need for an analysis and decision on grooming stems from the 2013 Settlement Agreement between the Forest Service and Snowlands Network, Winter Wildlands Alliance, and Center for Biological Diversity (*Snowlands Network, et al. v. U.S. Forest Service*, Case No. 2:11-cv-02921-MCE-DAD (E.D. Cal. August 26, 2013)). In the settlement, the Forest Service agreed to “complete appropriate NEPA analysis(es) to identify snow trails for grooming on the Plumas National Forest, Tahoe National Forest, Eldorado National Forest, Stanislaus National Forest, and Lassen National Forest.”

### **3. When and how did the forest announce the beginning of the environmental analysis?**

The Notice of Intent for the Plumas National Forest Oversnow Vehicle EIS was published in the Federal Register on September 29, 2015. The Federal Register is the official US government journal of federal regulations and public notices. When the Forest Service is preparing an environmental impact statement, it is required to publish a “Notice of Intent to Prepare an Environmental Impact Statement” in the Federal Register.

Additionally, the announcement was posted and a webpage published on the Plumas National Forest website, tweeted to over 2,000 recipients, and sent out via RSS feed to an unknown number of self-subscribers. The Plumas sent press releases to the forest press release mailing list and sent announcements to federally recognized tribes, county supervisors, other government agencies, as well as over 300 people from the November 2014 pre-scoping public meeting or who had previously requested information about Forest planning efforts.

#### **4. How can the public participate in the process?**

Public participation is essential for the project's success.

Prior to initiating the NEPA process, the Plumas, Eldorado, Stanislaus, Lassen and Tahoe National Forests hosted public meetings in late 2014/early 2015, to introduce the project and enhance public awareness of the associated NEPA process. A report on the information gleaned from those meetings is available on the Plumas National Forest website at: <http://www.fs.usda.gov/plumas>. See the Travel Management link.

During the Plumas National Forest public scoping phase of the analysis (September 29-November 13, 2015), which initiated the NEPA process, we are inviting the public to identify issues and concerns with the proposed action. While comments are welcome at any time in the process, there are several critical junctures (see discussion about objection period at the end of this answer) at which time the public will be specifically invited to comment.

Following the scoping phase, an interdisciplinary team will be reviewing comments and then analyzing the impacts of the proposed action, developing alternatives to the proposed action, and analyzing their impacts. Documentation of that effort, called the draft environmental impact statement (DEIS), is expected in spring 2017. Comments received following the release of the DEIS will be considered in the development of the final environmental impact statement and draft record of decision, expected in the fall of 2017.

During the objection period following the release of the draft record of decision, we will work with any objectors to attempt to resolve any objection issues before making a final decision. (This is because the project is subject to pre-decisional administrative review consistent with the Consolidated Appropriations Act of 2012 (Pub. L. 112-74) as implemented by subparts A and B of 36 CFR Part 218.) According to the pre-decisional administrative review regulations (these replaced the former 36 CFR 215 appeal regulations), generally, eligibility to object is conveyed when an individual or entity submits specific written comments "during any designated opportunity for public comment."

Anyone interested can view project information, request to be on the project mailing list or determine how to submit comments via the project website at

<http://www.fs.usda.gov/project/?project=47124> or contact David Wood at (530) 283-2050.

**5. How long is the scoping or comment period?**

The comment period for the scoping phase of the planning process was extended until November 13 and an additional public meeting scheduled (see meeting schedule on webpage). However, there are various ways to provide comments; people do not need to attend a meeting. Comments during this phase help the Forest Service to define the scope of the planning effort by identifying issues and concerns with the proposed action. The planning process is just beginning; there are several more opportunities for public comment as noted above.

**6. Because of the settlement agreement, do the Plaintiffs & Intervenors get preferential treatment during the process?**

The settlement agreement (available at [http://www.gpo.gov/fdsys/pkg/USCOURTS-caed-2\\_11-cv-02921/pdf/USCOURTS-caed-2\\_11-cv-02921-6.pdf](http://www.gpo.gov/fdsys/pkg/USCOURTS-caed-2_11-cv-02921/pdf/USCOURTS-caed-2_11-cv-02921-6.pdf)) requires the Forest Service to consider an alternative submitted by the Plaintiffs (Snowlands Network, Winter Wildlands Alliance, and Center for Biological Diversity) and/or Intervenors (International Snowmobile Manufacturers Association, American Council of Snowmobile Associations, and Blue Ribbon Coalition), in each forest NEPA analysis so long as the alternative meets the purpose and need, is feasible and within the scope of the NEPA analysis, and Plaintiffs and/or Intervenors provide the Forest Service with a detailed description of that alternative during the scoping period for the NEPA analysis.

The Plaintiffs & Intervenors were notified of the Plumas NF scoping period at the same time and by the same methods as the parties noted in question #3 above. If people are interested in being on the project mailing list, they may make a request on the project website at <http://www.fs.usda.gov/project/?project=47124> or contact David Wood at (530) 283-2050.

**7. Who will sign the decision to designate roads, trails, and areas for over-snow vehicle use?**

The Forest Supervisor of the Plumas National Forest will sign the decision.

**8. Who will produce the analysis?**

The Forest Service's TEAMS Enterprise Unit will help with completing the analysis in close coordination with the Forest Service resource specialists who work on the Plumas National Forest (as with the other four forests) and in the regional office. The TEAMS Enterprise Unit is a group of Forest Service employees who are experts in meeting the requirements of NEPA. They work on environmental analyses nationwide and are typically assigned to help complete environmental analyses when local Forest Service units do not have sufficient staff or resources to complete the project.

**9. Didn't the State of California Off-Highway Motor Vehicle Recreation Division already analyze an OSV program on these forests?**

The State of California prepared an environmental impact report analyzing the program and the funding the Off-Highway Motor Vehicle Recreation Division provides for the Over-snow Vehicle Program under the California Environmental Quality Act. This Forest Service analysis covers Federal requirements under NEPA and is wider in scope.

**10. What types of vehicles will the Forest Service's over-snow route designations cover?**

These designations will only apply to the use of over-snow vehicles. An over-snow vehicle is defined in the Travel Management Rule as "a motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow" (36 CFR §212.1). Other types of motor vehicles that may operate over snow, but do not meet the definition of an over-snow vehicle, are already regulated.

**11. What types of uses will the Forest Service's over-snow route designations cover?**

The over-snow route designations will generally apply to all over-snow vehicle use on the Plumas National Forest, where snowfall is adequate for that use to occur. However, the following uses will be exempt from this decision and the resulting prohibitions:

- Limited administrative use by the Forest Service;
- Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;
- Authorized use of any combat or combat support vehicle for national defense purposes;
- Law enforcement response to violations of law, including pursuit; and
- Over-snow vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations (proposed Subpart C rule at 36 CFR 212.81(a)).

**12. What issues will the Forest Service consider in making this decision?**

We will consider the issues and concerns identified externally and internally during scoping (September 29-November 13, 2015), as well as the input we received prior to scoping during our public open house in November 2014 and developed during coordination with Plumas County in summer 2015. We will also consider potential effects on "National Forest System natural and cultural resources, public safety, provision of recreational opportunities, access needs, conflicts among uses of National Forest System lands, the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for that maintenance and administration," as required by 36 CFR §212.55(a).

**13. What is the range of alternatives that the Forest Service will analyze in this process?**

The range of alternatives will depend on the issues and concerns raised by the public and agency (includes agencies in addition to the Forest Service) resource specialists once they've had the opportunity to consider the Forest Service's proposed action. The Forest Service considers an alternative as reasonable if it addresses the underlying purpose and need for action identified for the project (see questions #1 & #2 above).

Scoping comments to help develop the range of alternatives are due November 13, 2015. Comments may be submitted via an electronic comment feature, FAX, hard mail or email as noted on the project website at <http://www.fs.usda.gov/project/?project=47124>.

**14. How will the public know which National Forest System roads, National Forest System trails, and areas on National Forest System lands will be open to over-snow vehicle use?**

After the decision is issued, the forest will publish an over-snow vehicle use map (OSVUM) that will show the over-snow vehicle use designations. This map will be available to the public at no cost on national forest websites and at local offices.

**15. If the proposed bald eagle route restrictions are implemented as proposed, what would be the penalty if a snowmobile operator was cited for riding off the designated road or trail?**

We believe forest visitors are interested in maintaining our bald eagle populations and will elect to do what's necessary to protect them. Under the current proposed action, snowmobile travel within the bald eagle buffers ("red circles") would be permitted on designated roads and motorized trails. Snowmobile travel off of designated roads or trails within the bald eagle buffers would be a violation. The penalty would be a \$250 fine, unless the rider caused resource damage, in which case there might be additional fines.

**16. How will bald eagle nest sites be analyzed?**

The circles on the proposed action map indicate nest sites previously used by bald eagles in the Lake Davis area. (Eagles are not nesting at this time of year.) The number of eagles nesting in the area varies annually as do the specific locations where eagles choose to nest each year. Multiple biologists will analyze potential impacts of the proposed action and alternatives on eagle habitat use in the area as part of the National Environmental Policy Act process. Once completed, environmental analysis results will be presented for public review and comment in the draft environmental impact statement, expected in spring 2017.

**17. Why are there 18 bald eagle nest sites included in the proposed action if not all are being used simultaneously?**

As noted in question 16, the circles on the proposed action map indicate nest sites previously used by bald eagles. In the case of the Lake Davis area, the nest sites are potential alternate nest sites within territories of several eagle pairs. The number of eagle territories occupied may vary annually. The proposed action was developed with information collected by Forest Service biologists and compiled in the Natural Resource Information System (Forest Service biological database) prior to the development of the proposed action. Additional bald eagle data will be collected and analyzed in coming months during the next phase of the environmental planning process. A final decision on OSV management has not been made, and will not be made until after the final environmental impact statement is completed (expected in fall 2017).

**18. How much of the Plumas National Forest has enough snow for snowmobiling?**

Snow cover varies from year to year and with time of year, elevation, aspect, and other geographic factors. The snowmobile staging areas on the Plumas NF range in elevation from approximately 4100 feet to 5500 feet. Areas at or above these elevations are more likely to have snow cover in the colder months. Approximately 50 percent of the Plumas National Forest land is at or above 5500 feet; approximately 85 percent of the Plumas is at or above 4100 feet.