

Objection Issues

WILDERNESS AND ROADLESS SUMMARY

PRIMARY OBJECTORS:

- **Stephen Alastuey**
- Tahoe Area Sierra Club, Wilderness Committee, **Fred Roberts**
- Sierra Forest Legacy, Sierra Club, Friends of the River, California Wilderness Coalition, Snowlands Network, Sierra Nevada Alliance, Earthjustice, et. al., **Michael Graf and Craig Thomas**

Summary of Objection Issues In general, the Objectors disagree with LTBMU's decision to not recommend any new wilderness areas. Stephen Alastuey believes additional wilderness would benefit the area ecologically, financially and in quality of life in addition to The Wilderness Committee and Sierra Forest Legacy requesting new recommended wilderness designations, "your agency found pristine conditions at the Dardanelles and Freel that caused you to propose them for wilderness areas in Alternatives you did not select (C and D). We found those same pristine conditions in Meiss Dardanelles), Granite Chief Addition, Desolation Addition, Hell Hole and Trimmer Peak. Without the protection of wilderness status, these candidate wilderness areas will degrade from overuse during the fifteen year life of the plan until they are no longer wilderness appropriate. The loss of candidate wilderness area will be irrevocable"...and in addition,... "as both the 1982 planning regulations and the new planning rule clearly indicate, the USFS has the authority to look beyond IRAs at "other essentially roadless areas," at "Newly identified areas" and at "undeveloped areas." It is simply impossible for the USFS to properly discuss roadless area issues without first determining where the roadless areas are. It is critically important that the LTBMU accurately map all roadless areas during the LRMP development process because of the many important social and ecological benefits these areas provide....Once again, we respectfully request that the USFS identify and examine all of the LTBMU's roadless lands. If the LTBMU fails to do so, the ROD, LRMP and FEIS will violate NEPA by failing to take a "hard look" at roadless issues, by failing to include a "full and fair discussion" of the topic and by failing to include a "full range" of alternatives that respond to public concerns."

The Objectors recommend all the potential wilderness areas evaluated by LTBMU in the FEIS Appendix C, while others believe the LTBMU has failed to offer a sufficient range of alternatives to address roadless and wilderness concerns. They also contend that the Roadless inventory is not accurate and

does not take into account a previously conducted Citizen's Inventory of Roadless areas...they go on to say, "as both the 1982 planning regulations and the new planning rule clearly indicate, the USFS has the authority to look beyond IRAs at "other essentially roadless areas," at "Newly identified areas" and at "undeveloped areas." It is simply impossible for the USFS to properly discuss roadless area issues without first determining where the roadless areas are. It is critically important that the LTBMU accurately map all roadless areas during the LRMP development process because of the many important social and ecological benefits these areas provide....Once again, we respectfully request that the USFS identify and examine all of the LTBMU's roadless lands. If the LTBMU fails to do so, the ROD, LRMP and FEIS will violate NEPA by failing to take a "hard look" at roadless issues, by failing to include a "full and fair discussion" of the topic and by failing to include a "full range" of alternatives that respond to public concerns."

What is Required

- The law, regulation and/or policy these issues fall under are NEPA; 36 CFR 219.17 (1982 Planning Rule); and FSH 1909.12, Chapter 70
- FSH 1909.12, Chapter 70 (Wilderness Evaluation) describes general criteria for the potential wilderness inventory, including minimum acreage and allowable improvements, along with mapping and listing requirements. However, this agency policy is not very prescriptive in terms of a required process for applying the criteria to delineate "potential wilderness," nor the specific documentation required to support the inventory process. FSH 1909.12, section 71, instead describes some of the site-specific considerations that should be taken into account when applying the inventory criteria:
 - The application of the inventory criteria should rely on local knowledge and judgment regarding unique, site-specific conditions of each area being considered for placement on the inventory of potential wilderness. When delineating areas for the potential wilderness inventory; locate boundaries at prominent natural or semi-permanent human-made features to facilitate easy on-the-ground identification."
 - Once potential wilderness areas are delineated, a more rigorous process is then applied to evaluate these areas for their capability, availability, and need as wilderness.

Review Team Summary: LTBMU appropriately applied FSH 1909.12, Chapter 70, evaluating areas for potential recommendation as Wilderness by completing assessments of wilderness "capability", "availability" and "need" for each roadless area. See FEIS Appendix C (Evaluation of Areas for Potential Wilderness). The evaluations in Appendix C seem to point to the recommendation of some additional acreage as wilderness, particularly in the case of the Dardanelles Roadless Area (0519-002):

- The area rated highly in terms of “capability.”
- The evaluation of the area’s “availability” did not raise any substantive management issues that would preclude a wilderness recommendation. All criteria received an evaluation of “LOW”, with the exception of need for vegetative management, which yielded a “MODERATE”.
- The area rated “HIGH” in terms of “need.”

LTBMU then utilized their professional judgment and incorporated various management considerations into the development of multiple alternatives for consideration, including two alternatives with recommended wilderness. The FEIS analyzes five alternatives, each of which considers, among other factors, recreation visitor growth trends as discussed in Chapter 3, Section 3.4.19.2. The Draft Record of Decision opted to select an alternative that did not recommend any additional areas for wilderness designation, citing the general need for vegetation management to reduce wildfire potential and perpetuation of opportunities for mountain bike use. It is within the Responsible Official’s discretion to balance competing resource needs and make a management decision to choose an alternative that does not recommend any areas for wilderness designation, as the wilderness evaluation process does not mandate the selection of a particular alternative.

However, the draft ROD is not currently fully supported by the analysis in the FEIS, and this limitation is most obvious in the case of the Dardanelles Roadless Area. The need for vegetation management to reduce wildfire risk needs to be explained further, as the Dardanelles is outside of the Wildland Urban Interface. See Forest Plan 2013-Fire Management Units, Map 4. In addition, “areas with existing motorized or mechanized access or use” was characterized as LOW in the Appendix C Availability assessment (see Table C5, page C-42).

The objector’s statements that placing these Roadless Areas in the Backcountry MA would result in environmental degradation and “irrevocable” loss of future consideration for wilderness is not substantiated. The Inventoried Roadless Areas evaluated as potential wilderness are included in the Backcountry Management Area, which is managed “to perpetuate the long term roadless character of these lands.” These lands will be Backcountry Management Areas which are managed as natural landscapes, with dispersed recreation use (motorized OSV use is restrained to designated areas), and limited vegetation management. Backcountry MAs are managed with many of the same objectives as Wilderness, though certain activities are allowed, including the use of mechanized transport (mountain bikes), maintenance of native-surface roads (though no permanent road construction), and occasional management activities to improve forest health, improve habitat and reduce fuels. None of these activities would necessarily exclude them from future wilderness consideration under the current set of criteria in FSH 1909.12, Chapter 70.

The Plan FEIS addresses management and analyzes impacts at the programmatic level. It covers broad geographic areas for 15 years or more and does not itself authorize projects or activities. Instead, it

provides a framework for integrated resource management that guides subsequent projects and activity planning. The forest plan does not result in direct physical impacts because no site-specific decisions are being made.

After the DEIS was released for public comment, the agency received several comments that requested a more detailed effects analysis. Though more detail has been added to the FEIS, a discussion was added to describe the analytical methodology used to prepare Chapter 3--and why a more detailed effects analysis would be impractical. For details, *SEE* Appendix O – LTBMU Effects Analysis.

The 18 issues explored in the Roadless Area Conservation Rule FEIS describe some of the issues that could be studied and discussed in the effects analysis for each alternative in a forest plan. The Revised LTBMU Plan uses another method. Nonetheless, it ensures that the effects analyses address all legal and regulatory requirements and that the level of accuracy and precision are consistent with the methods and technology used (FSM 1950.41).

FSH 1909.12, chapter 70 describes the Forest Service process for identifying and evaluating potential wilderness in the National Forest System, and then determining whether areas are to be recommended for wilderness designation by Congress. LTBMU followed a process for evaluating the wilderness potential of six roadless areas on the Management Unit that is consistent with 36 CFR 219.17 (1982 Planning Rule) and Agency policy (FSH 1909.12, 70), as documented in FEIS Appendix C. LTBMU utilized their professional judgment and incorporated various management considerations to develop multiple alternatives for consideration, including two alternatives that included recommended wilderness. *See* FEIS, Chapter 3.4.27. However, the responsible official selected an alternative that did not include any recommended wilderness, in part based on the rationale that “[t]he current proportion of Wilderness contributes to a balanced distribution of recreation opportunities and land management strategies across the LTBMU landscape.” Draft ROD, p. R-10. Further the areas evaluated for wilderness potential in FEIS Appendix C will be managed as Backcountry. As the draft ROD describes, “[t]he suitable uses and activities for Backcountry will continue to be limited to those that will perpetuate the long term roadless character of these lands.” p. R-11.

While the objectors disagree with LTBMU’s decision to not recommend additional wilderness acres, the responsible official has the discretion to balance competing resource needs and uses. And the rationale and analysis to support this decision is provided in the project record.

Roadless Area Inventories

Inventoried Roadless Area maps used on the LTBMU Revised Forest Plan are current. The process used to evaluate the wilderness potential of all six areas on the Lake Tahoe Basin Management Unit (LTBMU) is described in Appendix C: Evaluation of Areas for Potential Wilderness. The analysis is based on GIS mapping of existing wilderness and inventoried roadless area polygon data, adjusted based on local knowledge. They are the maps contained in the 2001 Roadless Area Conservation Rule (36 CFR 294).

Due to ongoing litigation it is outside the scope of this plan revision to alter the published Inventory Roadless Areas that are part of the 2001 Roadless Rule. The 2001 roadless rule made no wilderness recommendations.

Objectors request that the USFS identify and examine all of the LTBMU's roadless lands and provide a more comprehensive assessment of the impacts to the roadless lands of the various alternatives described in the FEIS. Use the list of 18 issues from the RACR FEIS.

A number of areas were identified by objectors as currently unroaded and relatively undisturbed and were shown on a map as Citizen's Inventoried Roadless Areas (CIRAs). The objectors proposed designating these as roadless areas. Some of these areas had been mislabeled in the DEIS maps and are actually IRAs; this mistake has been corrected in the FEIS maps. The remaining CIRAs were analyzed in **Alternative D** [emphasis added]. Approximately 3,600 acres of one of the CIRAs is included in Alternative E as the Stanford Rock Backcountry Management area; these lands would receive a level of protection similar to IRAs.

LTBMU recently acknowledged that the above statement is incorrect, clarifying that "CIRAs were added to Alternative D as new Backcountry MAs, not as Wilderness.... So we will need to correct that statement in 2.5.5 – it should agree with the Alternative D description and map

There are no compliance issues associated with LTBMU's current documentation and analysis regarding potential wilderness areas, and the current documentation meets minimum NEPA "hard look" and "range of alternatives" requirements. However, the record could be enhanced through further documentation of the inventory process and clarification on how objectors' CIRAs were considered.

The objector contention for this issue made no mention of a citizen's inventory; they only wanted all six areas on the LTBMU to be evaluated for their potential wilderness. This was addressed in the LTBMU Vol., III – Appendices for the Forest Plan and FEIS, Appendix- N, Response to Comments, PC - 421, pg. N-

The two roadless areas at issue here, the Granite Chief Additions and the Desolation Additions (Pyramid), were considered by LTBMU for their wilderness potential but were assessed to have generally less wilderness potential, in terms of "capability," than other roadless areas in the evaluation and were not ultimately included in any of the alternatives.

In the case of the Granite Chief Additions, LTBMU found that the areas did not possess any locally unique features and management was made more challenging due to their irregular sizes and adjacency to non-federal lands.

LTBMU found similar limitations with the Desolation Additions, scoring relatively low in terms of "capability." The area was also viewed as having low risk to wilderness characteristics and values if not designated due to the steep terrain.

While the objector may disagree with the ratings LTBMU applied to the Granite Chief and Desolation Additions throughout the wilderness evaluation process, LTBMU utilized their professional judgment and appropriately incorporated various considerations in that process, as well as in the development of alternatives. And based on this analysis and the other considerations described within the FEIS, it was within the responsible official's discretion to select Alternative E in the Draft ROD.

INSTRUCTIONS BEING CONSIDERED

- Explain why objectors' recommendation to modify the boundaries to the Dardanelles and Freel Roadless Areas alternative was not explored further. Also, update the response to PC 418 in Appendix N-Response to Comments accordingly.
- Section 2.5.5 of the FEIS (p. 2-23) should be modified to clarify that approximately 12,000 acres of the CIRAs were added to the Backcountry Management Area in Alternative D **but were not analyzed for wilderness potential or considered for wilderness recommendation** under that alternative.
- Additional text should also be added to FEIS Appendix C (Evaluation of Areas for Potential Wilderness) to describe the basis for the inventory used to delineate potential wilderness. The current empty reference to "Section 6: The Inventory Process," p. C-1, should also be corrected.
- An explanation as to why the CIRAs outside of the IRAs were not included in the inventory and evaluation for wilderness potential would also strengthen the project record. Specifically, LTBMU should explain whether any consideration was given to areas that are not IRAs but otherwise meet the criteria set forth in 1909.12, section 71.1---if such areas exist on the Management Unit.
- Modify the ROD to include a more specific and detailed discussion of the rationale for not recommending any areas for wilderness designation, providing additional specificity concerning why the Dardanelles Roadless Area and Freel Roadless Areas were not recommended in the selected alternative.
- If "motorized or mechanized access or use" is significant enough to warrant not recommending an area for wilderness designation, LTBMU may want to re-evaluate their Availability

Assessment, documented in Appendix C, particularly in the case of the Dardanelles Roadless Area which listed such uses as LOW.

Also, while not mentioned by objectors, LTBMU should modify the following in the draft ROD and FEIS:

- Clarify that wilderness recommendations do not automatically equate to prohibitions on mountain bike and OSV use in those areas---congressional designation as wilderness would do that, but agency policy on management of recommended wilderness does not require that current non-conforming wilderness uses be prohibited in recommended wilderness. *See* FSM 1923.03. Make appropriate changes to the draft ROD, p. R-10; FEIS pp. 3-576, 3-577, 3-578.
- Modify the language about preservation of historic structures to clarify the nature and likelihood of potential impacts. *See* FEIS, pp. 3-575, 3-577. Suggested rephrasing: "Without enabling legislation that explicitly provides for their preservation or identifies them as contributing to the area's wilderness character, wilderness designation could potentially limit the agency's ability to maintain the historic Meiss Cabin, barn structures, and historic dams."

REMEDY(S) PROPOSED BY OBJECTORS

- The objectors would like to have wilderness recommendations included in the Selected Alternative. Though support for several roadless area recommendations are voiced, the most vigorous support is for the Dardanelles and Freel Roadless Areas.
- To both provide a sufficient range of alternatives and to offer more viable wilderness recommendations, please recommend both the expanded Freel Peak Roadless Area shown in green and blue below, and the Dardanelles Roadless Area, as wilderness. However, please exclude all trails from the recommended wilderness areas that are open to mountain bikes. The non-wilderness trail corridors should be managed as backcountry.
- Request that the USFS identify and examine all of the LTBMU's roadless lands.
- Recommend all the potential wilderness areas evaluated by LTBMU in the FEIS Appendix C
- Provide a more comprehensive assessment of the impacts to the roadless lands of the various alternatives described in the FEIS. Use the list of 18 issues from the RACR FEIS.