



Promoting opportunities for quality, human-powered
winter recreation and protecting winter wildlan

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Also via email: objections-chief@fs.fed.us

Re: Lake Tahoe Basin Management Unit
Revised Land and Resource Management Plan

Snowlands Network, Winter Wildlands Alliance and the Toiyabe Chapter of the Sierra Club (together, "Objectors") object to the LTBMU revised Forest Plan on the grounds that the revised Forest Plan does not meet Forest Service rules and policy on land management, and that the environmental analysis accompanying such plan revision fails to satisfy the National Environmental Policy Act ("NEPA").

In the plan revision process, Objectors and others asked the LTBMU to review OSV restrictions as part of the plan revision. Objectors pointed to the many reasons that such review is required under NEPA and Forest Service planning rules. However, the final plan continues LTBMU's refusal to reconsider OSV restrictions.

Winter recreation impacts – and demand for winter recreation opportunity -- have changed dramatically since OSV restrictions were reviewed in the LTBMU more than twenty-five years ago. The LTBMU's finding that "no significant impacts that would drive a change in [OSV use] designations were revealed in the analysis"¹ is not supported by substantial evidence.

Significant impacts, especially in the area of user conflict, multiple use management, management sustainability and potential impacts to Lake Tahoe

¹ FEIS 2-21.

water clarity were, in fact, revealed in the analysis but summarily dismissed without the hard look that NEPA requires. Among other deficiencies, the LTBMU failed to analyze or consider (i) OSV impacts on ambient air quality, especially at shared-use trailheads, (ii) the contribution of OSV use to winter recreation overcrowding in the LTBMU, (iii) the displacement of human-powered recreation caused by OSV use, including OSV outfitter-guide use specifically approved by the LTBMU, (iv) safety concerns caused by OSVs and skiers/snowshoers sharing use of the same popular areas and trails, and (v) the potential impact of OSV use on watershed quality and on Lake Tahoe clarity.

The lead objector is Snowlands Network, whose address and phone number is:

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P.O. Box 2570
Nevada City, CA 95959
530-265-6424

For purposes of correspondence regarding this objection, Snowlands's email address is browen@snowlands.org.

Winter Wildlands Alliance joins in this objection. Its address and phone number is:

Winter Wildlands Alliance
910 Main Street, Suite 235
Boise, Idaho 83702
208-336-4203

The Toiyabe Chapter of the Sierra Club joins in this objection. Its address and phone number is:

Toiyabe Chapter of the Sierra Club
P. O. Box 8096
Reno, Nevada 89507
775-303-8461

The name of the plan revision being objected to is "Lake Tahoe Basin Management Unit Revised Land and Resource Management Plan" as published November 2013, document R5-MB-254B.

The responsible official is Randy Moore, Regional Forester, Pacific Southwest Region.

The grounds for the objection, including links to the Objectors' prior comments, are summarized herein.

We appreciate that the LTBMU has facilitated a collaborative effort to resolve OSV-skier-snowshoer conflicts in the Tahoe Meadows and that it appears to be commencing full subpart C travel management. However, such facilitation and the start of such process does not satisfy the responsibility of the Forest Service in this plan revision to consider adverse impacts from OSV use. Following a discussion of our objection, we propose a solution that builds on this collaborative effort, formalizes the need for subpart C management and allows the plan revision to be completed. Our proposed solution immediately addresses two particular situations in the basin which concern less than four square miles -- less than 2% of the land owned and managed by the LTBMU. With this limited additional closure, more than half of the LTBMU lands will continue to be open to OSVs pending further consideration of appropriate OSV restrictions through a full Subpart C notice and public comment procedure.

I. The LTBMU Cannot Rely on the 1988 Designations as Satisfying its Current Obligations to Review Impacts and Manage for Multiple Use and Sustainability

The purpose of a plan revision is to review decisions made in prior plan documents based on changed conditions and new science and understanding. The LTBMU asserts that there is not an adequate reason to revisit the 1988 OSV use restrictions as part of the plan revision², based on (i) a cursory review of the impact of OSVs to regional air quality, (ii) a brief look at OSV impacts to aquatic systems, and (ii) escapist statements that the issue of OSV restrictions is one on which many users have conflicting views and most users are satisfied with their recreation experience. The issue of OSV impacts is serious and merits closer attention and review.

As the LTBMU recognizes, “recreation demands have changed dramatically since 1988 and continue to change”.³ Snowshoeing has emerged as a recreational sport. Backcountry skiing has blossomed with the introduction of light AT (alpine touring) bindings and light powder skis, as well as a variety of avalanche protection gear and systems. The nature of snowmobiling has changed with the introduction of higher-powered machines. Because of the increased demand for winter recreation, organizations have been created and partnered with the National Forest to provide avalanche forecasting for backcountry ski areas. Since 1988, changes in winter recreation have created the “drama” in “dramatic changes”.

In addition, land management concerns have changed over the last twenty-five years, including increased attention to noise impacts and water quality issues. OSVs are a significant contributor to both. Thus both changes in use patterns and changes in our appreciation of impacts require a review of OSV restrictions in this plan revision.

² FEIS 2.5.3 at 2-20.

³ ROD R-8; FEIS 1-6.

Indeed, the LTBMU previously recognized the appropriateness of considering new OSV use restrictions in this plan revision. In its 2003 review of a North Shore Outfitter/Guide permit for a snowmobile operation, Snowlands urged the LTBMU to consider the impact of such operation on pushing motorized use into an adjoining area that had been used mostly by human-powered recreationists. Snowlands urged the LTBMU to close the Martis Peak area as mitigation of the impact of the outfitter-guide permit in increasing overall OSV usage in the area. In refusing to consider such impact, the LTBMU stated:

Changing the Martis Peak Area (east of Highway 267) to non-motorized use only would require a Forest Plan amendment. The LTBMU Forest Supervisor decided not to consider a Forest Plan amendment at this time. This could be addressed in the upcoming Forest Plan Revision.... The upcoming Forest Plan revision is expected to address those other (non-project) areas of National Forest lands within the entire Lake Tahoe Basin.⁴

This has NOT happened and the specific problem we then foresaw – gradual displacement of skiers and snowshoers from the east side of Brockway Summit, has happened.⁵

In our comments on the plan revision, we raised this exact issue and a number of other OSV impacts that merit further review, including impacts to regional air quality, impacts to ambient air quality and impacts to water quality. In response, the LTBMU looked at impacts to regional air quality and, based in part on one study that actually demonstrated OSV impacts to water quality, declined further review of the water quality issue. The LTBMU did not consider use impacts at all, other than its statement that most visitors are very pleased with their recreation experience. This may not be fully indicative of the winter – rather than summer – experience. In any event, we submit that this high degree of satisfaction is worth protecting. We believe the LTBMU is charged with the protection of one of America’s most cherished bodies of water and recreation areas, and that the LTBMU is not justified in refusing to review all OSV impacts.

User conflicts are an important issue in Forest Service management, especially with regard to a forest such as the LTBMU which has the highest density of use of any National Forest. As the Forest Service recognizes, the intensity of use in the LTBMU mandates a focus on “sustainable recreation opportunities consistent with public desires and natural resource capacities.”⁶ Under its principles of multiple use and sustainability, the Forest Service is required to consider the extent one activity may be adversely impacting another activity – the concept of “multiple use” recognizes that some uses need to be protected or they will be

⁴ North Shore Commercial Outfitter-Guide Snowmobile and Grooming Project Environmental Assessment, Appendix C. Pre-Decisional Comments Response, April 1, 2003

⁵ Snowlands repeated such request when the outfitter/guide permit came up for renewal but did not receive any response from the LTBMU.

⁶ Revised LRMP at 12.

displaced by other uses. Since the 1988 Plan Revision, skiers have been displaced from areas in Lake Tahoe, including the Relay Ridge area and on both sides of Brockway Summit. The Forest Service should have considered in this plan revision how non-motorized users are being impacted by OSV use and how growth in winter recreation demand can best be accommodated through additional restrictions on OSVs.

The rather obvious statement of the LTBMU that there are conflicts of opinion on this issue surely is not adequate grounds to dismiss it. The LTBMU has not reassessed the nature, reason and extent of OSV-caused user conflicts in the FEIS. It has not looked at OSV pollution as a source of unhealthy air at heavily used trailheads and other locations. It has not analyzed the extent OSV noise from open areas impacts other users, both within and outside such areas. It has not analyzed how management of this issue affects the recreational capacity of the land and the sustainability of such capacity. It has not analyzed how OSVs consume a forest resource, fresh “powder” snow. It has not analyzed safety with regard to shared use of trailheads and trails by OSVs, which can travel over 60 miles per hour.

The Plan was prepared under the 1982 Planning Rule⁷ which specifically requires the consideration of impacts from off-highway motorized use, including OSVs, to “minimize conflicts with other uses”. 36 CFR 219.21(g) (1982).

We appreciate the inclusion in the Revised Plan of a mandate to manage user conflicts⁸, but even this mandate appears to misunderstand the nature of the conflict between motorized and nonmotorized users in winter. The mandate speaks of managing “user interactions” but user interactions are not the issue. The noise and exhaust produced by OSVs, and other impacts, are not personal in nature. Interactions between user groups are, to our knowledge, infrequent and, on the whole, cordial. But that does not deny or mitigate the unavoidable changes to the physical environment caused by OSVs. Such impacts cannot be reduced by any amount of user education.⁹

II. The LTBMU Failed to Consider Significant OSV Impacts as Required by NEPA

The FEIS fails to review, analyze and address the following environmental impacts, each of which is significant in itself:

⁷ Revised LMRP at R-2.

⁸ Revised LRMP 2.2 at 66.

⁹ We cannot help but see a bias in the LTBMU’s consistent attempts to cast this issue as some metaphysical conflict, whereby skiers and snowmobilers both somehow impact the other’s space. (see FEIS 3.4.19.2 at 3-387, suggesting conflict is two-sided.) The issue is not different user groups but the physical environmental impacts of OSVs: their noise and their emissions most obviously. The impacts are very one-sided.

- The noise pollution produced by OSVs.** OSVs are very loud and their noise travels far. The winter landscape is quieter than the summer landscape because the snow muffles ground noise. Motor vehicle noise actually travels farther across the winter landscape than the summer landscape, both because of the reflective capacity of snow surfaces, especially in the spring, and the relative lack of daytime heat waves rising from the ground. The fact that the majority of OSV's meet single event noise limits is irrelevant to the separate issue of where such noise is appropriate, and the LTBMU's discussion of noise¹⁰ therefore fails to address the noise issue. OSVs are free to travel over 52% of the LTBMU lands, bringing their noise deep into remote territory that is otherwise quiet. It is not sufficient for the Forest Service to simply refer to existing noise limits in review of this process; the issue is WHERE such noise occurs. A primary objective of the LTBMU – distinct from single event maximum noise limits – is to provide for “abundant quiet recreation areas”¹¹. It is hard to see how this objective of the Revised Plan is satisfied if one of the most noisy recreational vehicles is allowed to roam over 52% of the forest without analysis of its impact on otherwise quiet environments.
- The ambient air pollution produced by OSVs at trailheads and heavily used areas.** In the FEIS the LTBMU analyzed OSV contributions to greenhouse gas emissions¹² but did not look at the primary air pollution issue of local concern: the fact that OSVs can generate a toxic cloud at trailheads and other areas where users are trying to engage in cardio exercise, among other activities. Numerous studies, including at Yellowstone National Park, have shown the OSV exhaust can accumulate at unhealthy levels, and this needs to be reviewed in the context that this exhaust cloud is created at some of the exact points where other users are trying to enjoy clean air.
- The impact of OSV pollution in contributing to a decline in Lake Tahoe's clarity.** Throughout the planning documents, the LTBMU has recognized the unique importance of protecting the Lake Tahoe watershed and its SEZ's¹³. The LTBMU misinterpreted one study (McDaniel 2013) of OSV pollution to summarily dismiss such impacts, when, in fact, the study pointed to the need for further review of this issue.¹⁴ The discussion of

¹⁰ FEIS 3.4.17.3 at 3-367.

¹¹ Revised LRMP at 12.

¹² FEIS 3.4.2.3 at 3-62.

¹³ See, e.g. DC9, Revised LRMP at 17; FEIS 3.4.3.2 at 3-81.

¹⁴ The purpose of the study was limited: to determine whether OSV pollution was entering the watershed. The study found that it was. The LTBMU wrongly took measurements of one pollutant from such study to support a finding that the levels of pollution are insignificant. In fact,

OSV impacts to aquatic environments¹⁵ notes a need for concern and monitoring. This is not enough, not for the protection of Lake Tahoe. The LTBMU claims that its objective is to be an “international model for sustainable alpine communities that apply the best-known practices in...environmental protection...” among other things, to maintain “exceptional water quality.”¹⁶ It is hard to see how the LTBMU fulfills this objective by overlooking OSV impacts and potential impacts, in particular when OSVs are allowed to roam freely over riparian habitat adjacent to Lake Tahoe.

These impacts go far beyond the “perceived user conflicts”¹⁷ that the LTBMU dismisses. Because these impacts were not adequately considered, the finding in the ROD that “OSV use in the current designated OSV use areas does not result in significant impacts”¹⁸ lacks foundation and is not supported by substantial evidence.

III. The LTBMU Defends its Action Using False Arguments

The LTBMU has consistently disregarded real and significant issues regarding OSV recreation:

- Most significant, as described above, the LTBMU has failed to accept that substantial changes in winter recreation in the last twenty-five years mandate a review of all OSV impacts and reconsideration of OSV restrictions in this plan revision.
- The LTBMU dismisses its allowance of OSV’s on land classified under the ROS system as semi-primitive-non-motorized (SPNM,) on the ground that most OSV areas are located on lands classified as semi-primitive motorized and “some” use occurs on SPNM lands.¹⁹ This is false. It is apparent from an overlay of the snowmobile designation map on the ROS chart included as Map 9 in the Draft Forest Plan that there is, in fact, more OSV play area in lands classified SPNM than in lands classified SPM.
- The LTBMU dismisses winter user conflicts on the ground that most summer trails are mixed use as well²⁰. This statement is disingenuous. The distinction between motorized and non-motorized use is one of the

the study pointed out that there many different pollutants entering the snowpack and did not purport to calculate the total impact of ALL the pollutants.

¹⁵ FEIS 3.4.2.3 at 3-107, 108. This discussion also falsely states that 4-stroke engines are becoming “much more prevalent”.

¹⁶ Revised LRMP at 12, 13.

¹⁷ FEIS 2.5.3 at 2-21,

¹⁸ ROD at R-9.

¹⁹ FEIS 3.4.19.2 at 3-384.

²⁰ FEIS 2.5.3 at 2-21.

key distinctions in recreation management. The LTBMU has substantially restricted OHV use in summer and most OHV trails are, in fact, single use. In summer, less than 1% of the LTBMU is open to free-riding OHV's. In winter, OSVs are able to travel freely across 52% of the forest.

- The FEIS excuses the LTBMU's failure to consider expanded OSV restrictions on the ground that the LTBMU "received few specific suggestions for changes, and none that we thought would be acceptable to all parties"²¹. The first part of this statement is wrong: Snowlands has provided the LTBMU specific proposals for OSV restrictions, both in its comments on the plan and in a half-dozen meetings and other correspondence. The second part of the statement is irrelevant and demonstrates the LTBMU's unwillingness to assume the role of responsible land manager. If all changes were easy and unopposed, we would have little need for decision-makers in the Forest Service. Taken as a whole, the statement is disingenuous: the Objectors specifically asked the LTBMU to review OSV restrictions throughout the basin and the LTBMU consistently refused to consider specific management changes as part of its plan revision process.
- The FEIS fails to acknowledge that National Visitor Use Monitoring data likely understates backcountry skier and snowshoer activity participation. Such sports have emerged as mainstream sports only in recent years, have very dispersed use patterns and are not specifically tracked in NVUM surveys²².
- In the FEIS and the revised Forest Plan, the LTBMU repeats and clings to its argument that OSVs are restricted to "designated areas"²³. This is misleading. In fact, the 1988 Plan and subsequent forest orders have not "designated" OSV areas as that term is commonly used, to suggest some narrow restriction on use, when in fact over 50% of the lands in the Forest Service system are open to OSVs.²⁴

IV. The Solution

Despite the LTBMU's attempt to deny this fact, the objectors have proposed a range and variety of actions to ameliorate motorized-nonmotorized conflicts in the basin. Consistently, we have focused on the need for the LTBMU to protect the greater Tahoe Meadows area, which has one of the highest concentrations of use in the basin in winter. We have also repeatedly asked for greater protection of the west side drainages.

²¹ FEIS 2.5.3 at 2-21.

²² FEIS 3.4.19.2 at 3-381.

²³ FEIS 2.5.3 at 2-22; Revised LMRP 2.3 at 81.

²⁴ See discussion in FEIS 3.4.1.1 at 3-17.

In resolution of this objection, we ask that the LTBMU take the following four actions:

1. Revise the Plan²⁵ to acknowledge the need to review and revisit OSV restrictions in the basin, with particular attention to:

- Assessing the demand for dispersed winter recreation and methods to accommodate growth in demand sustainably, considering the LTBMU as part of a broader Sierra recreation area
- Assessing the impacts of OSV emissions and noise on other users, including at trailheads and heavy use areas, and also the propagation of such impacts to adjoining non-motorized areas
- Taking a hard look at whether OSV emission may be adversely impacting aquatic systems or the clarity of Lake Tahoe, and how to minimize such impact

2. Revise the Plan to include a commitment to implement any basin-wide resolution of OSV restrictions agreed to by the existing winter collaboration group (or its reconstituted successor), and, if such resolution has not been so agreed to by all parties by July 1, 2015 – or is not acceptable to the LTBMU – then proposing its own subpart C travel management plan by December 31, 2015, and completing the management process by July 1, 2017.

3. Through Forest Order, immediately revise the OSV use map to close the Chickadee Ridge area as indicated on Exhibit 1. This closure is extremely important to non-motorized users because existing use will be severely adversely impacted by growth in OSV activity in this area. This closure will have very slight impact on OSV users because there currently is little OSV use in the area.

4. Through Forest Order, immediately revise the OSV use map to close the meadows and riparian areas in Blackwood canyon as indicated on Exhibit 2. This closure will have slight impact on OSV users because most OSV use in this area is along the road which would remain open to OSVs travelling the road or accessing higher country. This closure is important to non-motorized users because it creates some separation of use originating at a multiple use Sno-Park, allowing novice skiers and snowshoers to recreate on the meadows with some separation from OSVs. OSV noise and some exhaust emissions will thus continue to adversely impact the nonmotorized area, but the proposal provides some balance in this popular joint-use area. The proposal is important to protection of the aquatic environment and Lake Tahoe clarity, keeping OSVs off the riparian environment where OSV emissions deposited on the snowpack go most directly into the lake.

²⁵ This provision could be included under either “Recreation Program Strategy” or “Access and Travel Management Program Strategy”.

It is appropriate for the Forest Service to implement both of the above, very limited closures without further notice to the public or public comment because of the minimal impact to OSV users, the unlikelihood that such actions would displace any material amount of OSV use, the substantial benefits to the non-motorized users, and the benefit to Lake Tahoe's clarity and the environment. These immediate closures do not eliminate the need for the LTBMU to take a broad look at OSV restrictions throughout the basin on full public notice and opportunity to comment.

* * *

Without limiting the objections above, we do want to acknowledge and appreciate the LTBMU's recognition in the revised plan of the need for increased parking opportunities for dispersed winter recreation. Improved trailhead and parking access to existing non-motorized areas is an important issue, necessary to accommodate growth in dispersed winter recreation demand. Furthermore, one way of ameliorating the conflict between motorized and non-motorized users is the creation of separate trailheads. Winter travel management should use a variety of management tools to promote multiple use and sustainability.

Indeed, it seems fairly obvious that one of the most immediate impacts of global warming is going to be an increased and prolonged demand for parking areas to be open for hikers during the winter. Over the recent holiday season, it was obvious that with a low snow year there is a high demand for winter hiking and that such hiking is going to occur whether or not parking lots are open. The LTBMU needs to start addressing this impact now. Closing dates for parking areas need to be reconsidered, as well as the viability of plowing parking areas, particularly after early-season snowfalls which may sit on the ground – without further accumulation – for two months or more (as was the case this year.) Thus, a small expenditure in early season plowing may reap large rewards when, as in 2013-2014, it is the only snowfall before a long stretch of dry weather including the high-traffic holiday season. In order to recognize the importance of this adaptation, section 2.2 of the Revised Plan should be modified by adding to "Recreation Program Strategies – Public Access Strategies" the following additional bullet point:

- Increase opportunities for winter trailhead parking, as funds permit, by keeping parking areas open longer and/or creating new plowed parking areas

We also appreciate the addition of the Stanford Rock area to backcountry designation, although the distinctions between backcountry and general conservation also should be changed to deal with the issue of motorized use.

We look forward to working with the LTBMU to resolve this objection and to help direct responsible and proactive management of this treasured area for the enjoyment of all, including future generations.

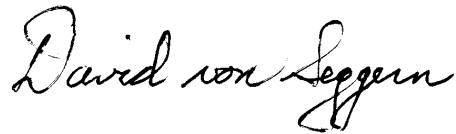
Sincerely,



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