
DRAFT RECORD OF DECISION

**STANISLAUS NATIONAL FOREST OVER-SNOW
VEHICLE (OSV) USE DESIGNATION**

**U.S. FOREST SERVICE
STANISLAUS NATIONAL FOREST**

**ALPINE, CALAVERAS,
MARIPOSA, AND TUOLUMNE
COUNTIES, CALIFORNIA**

INTRODUCTION

This Record of Decision (ROD) documents my decision for the Stanislaus National Forest Over-Snow Vehicle (OSV) Use Designation Project. The purpose of this Project is to effectively manage OSV use on the Stanislaus National Forest by providing wintertime recreation access, ensuring OSV use occurs where there is adequate snowfall, promoting the safety of all recreation users, enhancing public enjoyment, minimizing impacts to natural and cultural resources, and minimizing conflicts between various winter recreation uses. The Forest Service needs to take action to provide a manageable, designated system of OSV trails and areas within the Stanislaus National Forest that is consistent with, and achieves the purposes of, the Forest Service's Travel Management Rule (36 CFR 212, Subpart C). Further, an amendment to the *Stanislaus National Forest Land and Resource Management Plan* (LRMP 1991) is needed simultaneously with this decision to: (1) appropriately place planning, analysis, and decision-making for OSV use at the project level and ensure this Project is consistent with the LRMP as amended (pursuant to 36 CFR 219.15(c)(4)).

The Final Environmental Impact Statement (FEIS) for the Stanislaus National Forest Over-Snow Vehicle (OSV) Use Designation Project discloses the environmental impacts associated with the proposed action, a no action alternative, and three additional action alternatives developed to meet the purpose of, and need for, this Project while responding to significant issues raised through scoping.

DECISION

Based on my review of the *Stanislaus National Forest Over-Snow Vehicle Use Designation Final Environmental Impact Statement* (FEIS), supporting documentation, and review of public comments, I have decided to select Alternative 5-Modified as presented in the FEIS. I believe the selected alternative best meets the purpose and need for this Project and responds to the significant issues associated with providing quality motorized and non-motorized recreation experiences while providing for natural and cultural resource protection.

Alternative 5-Modified includes the following:

- Eight discrete, specifically delineated areas for cross-country OSV use will be designated. These areas would encompass 129,780 acres (or approximately 14.5 percent of the NFS land within the Stanislaus National Forest (FEIS, Map 5 and Draft ROD Map).

- Alpine OSV-use Area – 9,214 acres
- Alpine East OSV-use Area – 6,299 acres
- Eagle OSV-use Area – 7,138 acres
- Hwy 108 OSV-use Area – 22,023 acres
- Hwy 108 East OSV-use Area – 27,418 acres
- Mi-Wok OSV-use Area – 11,145 acres
- North Hwy 4 OSV-use Area – 34,976 acres
- Spicer OSV-use Area – 9,694 acres
- A total of approximately 83.7 miles of OSV use trails will be designated for OSV use as follows:
 - Approximately 24.7 miles of OSV use trails available for winter snow grooming (should funding be available)¹.
 - 05N01g – 7.02 miles
 - 06N65Yg – 0.39 miles
 - 07N01g – 9.99 miles
 - 07N75g – 1.84 miles
 - 08N13g – 0.42 miles
 - 17E02Lg – 0.39 miles
 - 18EV288g – 0.89 miles
 - LP01g – 0.52 miles
 - SM01g – 0.59 miles
 - SP01g – 0.42 miles
 - Approximately 58.4 miles of OSV use trails not available for grooming².
 - 03N01 – 24.7 miles
 - 04N12 – 19.39 miles
 - 04N12C – 0.47 miles
 - 05N31 – 0.65 miles
 - 06N06 – 6.24 miles
 - 06N75Y – 1.49 miles
 - 07N17 – 3.66 miles
 - 19EV114 – 1.87 miles
- Five temporary winter stream crossings will be installed annually at:
 - Eagle Creek
 - Long Valley Creek
 - Bloods Creek
 - Silver Creek
 - Duck Creek
- Snow depth requirements for public OSV use will be implemented by:
 - Forest-wide: Allowing OSV travel in designated cross-country OSV use areas and along designated OSV use trails, by vehicles designed specifically for that

¹An additional 33.7 miles of non-jurisdiction state groomed OSV-use trails and 5.03 miles of other non-jurisdiction groomed OSV use trails exist, however, because the Forest Service has no jurisdiction over these trails, they are not designated in this Decision (see FEIS, Vol. I. Table S- 3 and FEIS, Vol. II. Tables A-4 and A-5).

² An additional 9.1 miles of non-jurisdiction state non-groomed OSV-use trails and 10.9 miles of non-jurisdiction county non-groomed OSV-use trails exist, however, because the Forest Service has no jurisdiction over these trails they are not designed in this Decision (see FEIS, Vol. I. Table S- 3 and FEIS, Vol. II. Tables A-6 and A-7).

purpose, where 12 or more inches of snow is present and no contact is made with native soil or vegetation (FEIS minimum snow depth requirement 1.1) except in areas specified otherwise (see next two bullets).

- Stanislaus Meadow: Allowing cross-country OSV travel with Stanislaus Meadow, by vehicles specifically designed for that purpose, when there is 24 inches or more of snow is present and no contact is made with native soil or vegetation (FEIS minimum snow depth requirement 1.2).
- Highland Lakes Area: Allowing cross-country OSV travel within the Highland Lakes Area, by vehicles designated specifically for that purpose, where 24 inches or more of snow is present and no contact is made with native soil or vegetation (FEIS minimum snow depth requirement 1.3).
- A season of use in the portion of the HWY 108 cross-country OSV use area located at Sonora Pass (411 acres, FEIS Map 5 and Draft ROD Map) will be implemented by:
 - Season of Use A: Closing the area to cross-country OSV use, by vehicles designed specifically for that purpose, annually on April 15, unless the Forest Supervisor issues a Forest Order for an earlier or later closure date (but no later than the last Sunday in April) in coordination with the Bridgeport Ranger District's seasonal management of the Bridgeport Winter Recreation Area (USDA Forest Service 2010, Bridgeport Winter Recreation Area Management Plan).
- A season of use within the Bear Valley Ski Resort permit area (1,873 acres, FEIS Map 5 and Draft ROD Map) will be implemented by:
 - Season of Use B: Allowing cross-country OSV use, by vehicles designed specifically for that purpose, as soon as the ski resort closes to commercial downhill skiing annually as long as 12 or more inches of snow is present and no contact is made with native soil or vegetation.

My Decision includes the management requirements included in the FEIS, "Management Requirements Common to All Action Alternatives" (FEIS, Vol. I, Chapter 2) and the "Resource-Specific Management Requirements" prescribed as a result of STEP 4 of the Minimization Criteria Screening Exercise (described in Chapter 2 of the FEIS, "Applying the Minimization Criteria and Other Specific Designation Criteria"). Each resource-specific management requirement identified (in column 4 of Tables 8 through 11) as applicable to 'all' alternatives and those specifically applicable to Alternative 5-Modified are included in my Decision (FEIS, Vol. I, Table 8 through Table 11). In addition, this Decision includes the monitoring and enforcement procedures described in the FEIS Chapter 2 (pp. 49 – 53). Finally, my Decision will amend the *Stanislaus National Forest Land and Resource Management Plan (1991)* as described in Table 1 below.

All practicable means to avoid or minimize environmental harm have been adopted in the design of the selected alternative (Alternative 5-Modified). I have included the alternative elements and management requirements that I believe are necessary to avoid, minimize, or rectify impacts on resources affected by the implementation of the selected alternative. My Decision is based on the best available science. The resource analysis disclosed in Chapter 3 of the FEIS identifies the effects analysis methodologies, references scientific sources that informed the analysis, and discloses limitations of the analysis.

Table 1. Stanislaus National Forest Over-Snow Vehicle Use Designation Project Forest Plan Amendments

PRACTICE	EXISTING STANDARD AND GUIDELINE	AMENDMENT
Forestwide: ROS Semi-primitive Non-motorized [10-B-2] (USDA Forest Service 2017, p. 50)	Motorized use is normally prohibited except for: 4N80Y; 5N02R (NMFPA ¹ ; USDA Forest Service 2009).	Motorized use is normally prohibited, except for: 4N80Y; 5N02R (NMFPA); and, <u>where over-snow vehicle (OSV) use areas and trails have been designated consistent with travel management regulations.</u>
Forestwide: Motor Vehicle Travel Management (10-G); 1. Closed Motor Vehicle Travel Management [10-G-1a] (USDA Forest Service 2017, p. 51)	Closed to motorized use except for: 4N80Y; 5N02R (NMFPA, USDA Forest Service 2009).	Motorized use is normally prohibited (closed) except for: 4N80Y; 5N02R (NMFPA); and, <u>where over-snow vehicle (OSV) use areas and trails have been designated consistent with travel management regulations.</u>
Forestwide: Motor Vehicle Travel Management (10-G); 2. Restricted Motor Vehicle Management [10-G-2, C1a] (USDA Forest Service 2017, p. 54)	Prohibit motorized use and close motorized routes in non-motorized areas, except for: 4N80Y; 5N02R.	Motorized use is normally prohibited and motorized routes are normally closed in non-motorized areas, except for: 4N80Y; 5N02R (NMFPA); and <u>where over-snow vehicle (OSV) use areas and trails have been designated consistent with travel management regulations.</u>
Near Natural: ROS Semi-primitive Non-motorized [10-B-2] (USDA Forest Service 2017, p. 116)	Manage to the ROS Class of Semi-primitive Non-motorized.	Manage to the ROS Class of Semi-Primitive Non-motorized, <u>except where: over-snow vehicle (OSV) use areas and trails have been designated consistent with travel management regulations.</u>
Near Natural: Closed Motor Vehicle Travel Management [10-G-1] (USDA Forest Service 2017, p. 117)	Manage to Forestwide S&Gs for Closed Motor Vehicle Travel Management.	Generally, manage to Forestwide S&Gs for Closed Motor Vehicle Travel Management, <u>except where: over-snow vehicle (OSV) use areas and trails have been designated consistent with travel management regulations.</u>
Special Interest Areas: Closed Motor Vehicle Travel Management [10-G-1] (USDA Forest Service 2017, p. 126)	Manage to Forestwide S&Gs for Closed Motor Vehicle Travel Management: Emigrant road and Big Trees-Carson Valley Road.	Emigrant Road and Big Trees-Carson Valley Road are generally managed to Forestwide S&Gs for Closed Motor Vehicle Travel Management, <u>except where: OSV use areas and trails have been designated consistent with travel management regulations.</u>
Minimum Snow Depth: Motor Vehicle Travel Management [10-G]; Restricted Motor Vehicle Travel management; Resource Setting[10-G-B5-b-2b] (USDA Forest Service 2017, p. 53)	Designated OSV Routes: Cross-country over-snow travel, by vehicles designed specifically for that purpose, will be permitted when there is 12 inches or more of snow and no contact is made with native soil or vegetation	Designated OSV Routes: <u>Manage over-snow vehicle (OSV) use through designation of areas and trails consistent with travel management regulations.</u>
Minimum Snow Depth: Motor Vehicle Travel Management [10-G]; Restricted Motor Vehicle Travel management; Management Setting [10-G-C-1-i-1b.] (USDA Forest Service 2017, p. 55)	Minimum Snow Depth: Cross-country over-snow travel, by vehicles designed specifically for that purpose, will be permitted when there is 12 inches or more of snow and no contact is made with native soil or vegetation	Minimum Snow Depth: <u>Manage over-snow vehicle (OSV) travel through designation of areas and trails consistent with travel management regulations.</u>

DECISION RATIONALE

The Stanislaus National Forest's relative proximity to large population centers, winter highway access, and readily accessible terrain in the wintertime make it a popular wintertime recreation destination. Highway 4, Highway 108, and Highway 120 each provide year round access to lands within the forest from the west during the winter months. These highways provide the links to Sacramento, the San Francisco Bay Area, and the Central Valley. The Stanislaus National Forest is the closest National Forest accessible to the San Francisco Bay Area and about a two and half hour drive. The forest offers high mountain scenery and a plethora of wintertime recreation activities for the visiting public, including two ski resorts, a system of groomed snow trails available for motorized and non-motorized users, areas established solely for non-motorized winter recreation use (e.g., cross-country skiing and snowshoeing), and large expanses of backcountry available for adventurous OSV users, and backcountry skiers. The forest's close proximity to urban areas, combined with its year- round attractive recreation opportunities, results in millions of visitors annually. Recreation and tourism are the largest industry in the counties where the Stanislaus National Forest is located. All winter recreation (motorized and non-motorized) help drive these economies, thus our attention to balance the various uses. I am committed to providing outstanding recreational opportunities across the Stanislaus National Forest for all, while protecting the natural and cultural resources on these public lands. I believe this decision fulfills this commitment.

In reaching my decision, I drew upon the local knowledge and experience of employees and the public. Despite apparent differences in opinion, the public, through their comments and participation in meetings and open houses held across the forest during scoping and the DEIS comment period, revealed a strong connection with the Stanislaus National Forest. These connections are based on individuals and multiple generations of families enjoying wintertime recreation activities and exploration as well as traditions in the making. My decision to designate specific areas and trails and vehicle classes on the Stanislaus National Forest for public OSV use strikes a balance between providing motorized winter recreation opportunities, providing winter recreation opportunities for users who prefer non-motorized settings, and protecting the forest's natural and cultural resources. This balance also includes not designating certain areas and trails for public OSV use (for example: Interface Area, South HWY 4 OSV-use area, the Groveland Trail Network, Tryon Peak and Bald Peak Proposed Wilderness Areas, and the west and east shores of Lake Alpine, among others) as well as designating OSV use trails through areas otherwise not designated for OSV use (for example, Fence Creek Road (06N06)), and designating OSV use trails within OSV use areas to better reflect known use along a corridor or to overlook destinations.

I reviewed the public comments received on the Draft Environmental Impact Statement (DEIS). I modified and clarified the selected alternative (FEIS Alternative 5-Modified) between the Draft and Final EIS to respond to public concerns about: (1) Providing winter motorized recreation in specific areas of the forest (including acres within Near Natural management areas); (2) Preserving more contiguous, accessible, lands for quiet, non-motorized winter recreation; (3) Specifically identifying and designating more miles of OSV use trails where use is known to concentrate along a corridor to better reflect use patterns; (4) Refining OSV use area boundaries to better utilize topography and other natural features to enhance compliance and enforcement; (5) Adjusting OSV use designations to comply with land ownership and legal access (e.g. private property, jurisdiction, easements, right-of-ways); (6) Providing winter motorized recreation during the late season within the Bear Valley Ski Area permit boundary after the resort closes to commercial downhill skiing annually; (7) Implementing a season of use in the Highway 108 OSV use area near Sonora Pass; (8) Prejudicing future wilderness recommendation processes and the eligibility of lands for future wilderness designation; (9) Designating OSV use adjacent to the Pacific Crest Trail (PCT); (10) addressing the Travel Management Rule's minimization criteria at 36 CFR 212.55(b); (11) Minimum snow depth requirements; and (12) forest plan consistency.

Winter Recreation Opportunities (Motorized and Non-Motorized)

Public comments provided very helpful information about important areas and trails throughout the forest, highly valued by different winter recreation users for a variety of reasons. For example, numerous commenters expressed the desire that I expand motorized access in Near Natural management areas to maintain highly desirable, high alpine, unique snowmobiling opportunities accessible from both the Highway 4 and Highway 108 corridors. Other commenters requested these same areas be preserved as non-designated, non-motorized management areas in order to protect sensitive wildlife and maintain the possibility for future wilderness designation. Similarly, additional commenters expressed the desire that I preserve a larger portion of specifically identified, highly desirable, accessible, non-motorized winter recreation areas by not designating OSV use in particular areas.

These, along with other suggestions and recommendations from the public, helped our team modify our analysis. The team more closely looked at the potential impacts of designating or not designating OSV use within Near Natural areas and other specifically requested desirable areas from both the motorized and non-motorized user groups. Through this additional analysis the team informed my Decision by helping me find a balance between designating specific areas and trails to provide OSV access to wintertime recreation opportunities and not designating other areas to provide more accessible, quality, non-motorized wintertime recreation opportunities and solitude.

I modified the OSV use designations for specific areas and trails under Alternative 5-Modified (the selected alternative) in response to public comments. To highlight a few here, I added OSV use designations within Near Natural management areas (i.e. Pacific Valley and Eagle / Night) while preserving other portions of these management areas, less suited for OSV use, as non-motorized. This Decision was made after additional analyses were conducted to consider the potential impacts to both sensitive wildlife species and the potential for OSV use to impact the ability to consider these acres for wilderness designation in future land management planning efforts. Based on these analyses, I determined that there was a very low risk of potentially impacting sensitive wildlife species within these Near Natural areas and that the potential for these areas to be recommended for wilderness designation in the future would not be impacted.

Similarly, I did not include OSV use designations in a few specifically requested areas which had the opportunity to provide accessible, quiet, non-motorized winter recreation opportunities including: (1) the west and east shores of Lake Alpine; (2) a contiguous corridor extending from the Lake Alpine sno-park south to a more open 2,882 acres area adjacent to the Bear Valley cross-country ski special use permit area; (3) a 333 acre area accessed from Big Meadow; (4) a 951 acre area south of Leland Meadow bordered by Herring Creek Road along its southern boundary; and (5) a 9,711 acre area accessible from at least four parking areas between Pincrest Lake Road and the Dodge Ridge Ski Resort Parking area. While these areas were not specifically designated for OSV use, thereby preserving them as non-motorized, non-motorized recreationists are not confined to only recreating in these areas. Non-motorized recreation enthusiasts, not concerned about interacting with OSVs or a quiet recreation experience, may also choose to recreate within designated OSV areas and on OSV designated trails.

The FEIS, Map 5 (Alternative 5-Modified) and the Draft ROD Map display the decision's designated OSV areas and trails.

OSV Use Trails

A number of commenters raised concerns that we hadn't accurately identified OSV trail use located within OSV use areas or sufficiently considered the potential impacts of concentrated use along such routes. Based on these comments, the forest added additional trail mileage to identify where OSV use is known or anticipated to concentrate along a route corridor within OSV use areas to better reflect use patterns and analyze for potential impacts of OSV use along these routes. As a result, I modified the OSV trail designations in Alternative 5-Modified including: (1) designating the entire 19.39 mile Herring Creek

Road (4N12) as a non-groomed OSV use trail which is located entirely within the Hwy 108 and Hwy 108 East OSV-use areas (a route not previously included in any alternative); (2) designating a combined 2.34 miles of 04N12C and 19EV114 to reflect known usage to a popular overlook; and (3) designating an additional short 0.65 mile spur off of 4N12 which is used to access another notable overlook.

OSV Use Area Boundaries

Commenters raised concerns about the forest's ability to enforce OSV use designations and the public's ability to comply with the designations due to poorly defined boundaries. To address these concerns, I modified the designated OSV use area boundaries in Alternative 5-Modified to better utilize topography and other natural features to enhance compliance and enforcement.

Land Ownership and Legal Access

A handful of private land owners identified areas where the forest proposed OSV use in areas where the forest had no legal access or jurisdiction over. After verifying input, modifications were made to Alternative 5-Modified to comply with land ownership and legal access (e.g. private property, jurisdiction, easements, and right-of-ways). Examples of these modifications include; (1) Eliminating the private property parcel located at the Bennett Juniper Tree; and (2) Eliminating OSV use trails 05N01 and 20EV77 from designation because private parcels (of which the forest has no jurisdiction over or an established right-of-way) would have to be traversed to access either route.

Late Season OSV use in the Bear Valley Ski Resort Permit Area

Significant feedback from the public was received expressing the desire for me to designate the Bear Valley Ski Resort permit area for OSV use annually after the resort has closed to commercial downhill skiing for the season. In other words, provide for a late season, OSV season of use. In response to this feedback, I had the team analyze the potential impacts of doing so. The team recognized that designating this area for OSV use late in the season would provide additional OSV use opportunities in the Highway 4 corridor that would be particularly conducive to family use and allow long standing traditions of use to be maintained. In addition, the team did not identify any specific natural or cultural resource concerns with designating this particular area for late season OSV use. Therefore based on this analysis, I modified Alternative 5-Modified to designate the Bear Valley Ski Resort permit area to allow OSV use within the permit boundary, for vehicles designed specifically for that purpose, after the ski resort closes to commercial downhill skiing annually as long as 12 or more inches of snow is present and no contact is made with native soil or vegetation, thus providing an additional seasonal OSV use area.

Season of Use: Highway 108 OSV-use Area (411 acres)

Numerous comments were received both in support of and against closing the portion of the Highway 108 OSV-use area located at Sonora Pass (411 acres) to cross-country OSV use travel every year on April 15th. The impacts of including this seasonal closure on the availability and quality of motorized OSV recreation opportunities, availability and quality of non-motorized winter recreation opportunities, and in regards to sensitive wildlife inhabiting the area were considered. Ultimately, I have decided to include this seasonal closure in the Decision in order to minimize the potential for OSV use to cause adverse impacts to potential fox breeding, such as disturbance of Sierra Nevada red fox den establishment and disturbance or predation of emerging pups.

Some commenters point out that this seasonal closure is not sufficient to provide protection nor is it in alignment with the current Forest Plan direction. The management direction they are referring to in the Forest Plan states, "*When verified sightings [of Sierra Nevada red fox] occur, conduct an analysis to determine if activities within 5 miles of a verified detection of Sierra Nevada red fox have a potential to affect the species, and if necessary, apply a limited operating period from Jan. 1 to June 30 to avoid adverse impacts to potential breeding*" (USDA Forest Service 2017, p. 40, Standard and Guideline 32). Commenters suggest that this standard and guideline, requires the forest to include a limited operating

period (or seasonal closure) in the Decision that would close all suitable SNRF habitat located within 5 miles of known detections on January 1 annually. After conducting an analysis to determine whether OSV use within 5 miles of the verified detections of Sierra Nevada red fox on the Stanislaus National Forest had the potential to affect the species, the wildlife biologist determined that closing SNRF suitable habitat areas to OSV after January 1 annually was not “necessary”. This conclusion was based on the finding that the overlap between OSV use and suitable SNRF habitat within 5 miles of known detections was quite low, and particularly low in Alternative 5-Modified (less than 6% of suitable habitat available within 5 miles of known detections; FEIS, Table 51). The wildlife biologist, did not however, dismiss the need for some action to minimize the potential for adversely impact potential breeding of the small isolated population known to inhabit the Sonora Pass area. Hence the reduced seasonal closure prescription starting on April 15th annually, citing that a seasonal closure on April 15th will ensure that OSV use does not overlap with the majority of the SNRF denning period, a time when this species would be most vulnerable to potential impacts.

This seasonal closure date is consistent with management of the Bridgeport Winter Recreation Area, located on the Humboldt-Toiyabe National Forest with adjoins the Stanislaus National Forest in the Sonora Pass area. The Sierra Nevada red fox is known to inhabit both side of Sonora Pass. Consistent management for the species is desired by both the Humboldt-Toiyabe and the Stanislaus National Forest.

Further influencing my decision to include the seasonal closure was an additional indirect benefit that was identified during the DEIS comment period pertaining to non-motorized winter recreation opportunities on and near the Pacific Crest Trail located within the Highway 108 OSV-use area. A review of the comments revealed that non-motorized use of the 0.48 mile segment of the PCT located within the Highway 108 OSV-use area and the surrounding area is most likely to occur in the spring, when conditions are most conducive for accessing the area and traveling the greater than 10 miles (from the east) or 26 miles (from the west) to reach the area from the nearest non-motorized trailheads. Therefore, closing the area to OSV use after April 15th annually, will greatly reduce the potential for non-motorized and motorized recreation to overlap spatially and temporally, when non-motorized use is most likely to occur, and therefore reduce the potential for conflicts to arise or the non-motorized experience to be diminished.

I recognize that by including this seasonal closure late season OSV opportunities for people who enjoy this area will be eliminated. Most significantly the seasonal closure at Sonora Pass will motorized users who have described spring use in that area as their only opportunity to use OSVs with their families. I regret that this loss of opportunity will occur, however, I am hopeful that other OSV use designations included in the Decision will be able to provide a similar spring experience for families. For example, this Decision also designates the Bear Valley Ski Area with a season of use to allow OSV use within the permit boundary after the resort closes annually, thus providing additional, easily accessed, late season, spring OSV opportunities, also conducive to family use.

Future Wilderness Designation

Multiple comments were received during the DEIS comment period suggesting that the Forest Service needed to minimize impacts to NFS lands (such as Near Natural Management Areas) as to not short-circuit or prejudice the mandatory wilderness recommendation process that will occur during the forest’s future forest plan revision process (36 CFR 219.7(c)(2)(v)). These comments were developed into Significant Issue 4A: *“Eliminating or impacting the potential for either Near Natural or Proposed Wilderness Areas to be designated as Wilderness by Congress in the future”* and addressed in Chapter 3’s Recreation section in Vol. I of the FEIS wherever Issue 4A is discussed (FEIS, Vol. I, Chapter 3, Recreation, pp. 82 – 84; 102; 109; 116; 130-131; and 132).

A key component of the future wilderness recommendation process that will be included as part of the Forest’s forest plan revision process, is compiling data that will inform which areas will be included (and excluded) from further consideration. Identifying inventoried roadless areas (IRAs) is one of twelve

datasets that will be used to inform this process. Because a large proportion of Near Natural areas overlap with inventoried roadless areas or “other” roadless areas, they will automatically be included for further consideration in the wilderness recommendation process because they would be identified as areas that may be suitable for inclusion in the National Wilderness Preservation System.

There are strong opinions suggesting that allowing OSV use in IRAs (including Near Natural areas) will preclude the ability of future wilderness designation, and that this decision will unfairly prejudice the ability to make a decision within the next forest plan revision. Some worry that those who oppose the idea of designated additional Wilderness will more strongly oppose this idea in future considerations involving these areas if OSV-use is authorized now. Those who favor OSV-use in these areas argue that over 50% of the Stanislaus National Forest is already designated as Wilderness or Proposed Wilderness, and believe that this provides sufficient conservation of wildlife habitat and non-motorized recreation opportunity. They also note that the Forest did not recommend these areas for future Wilderness designation when it signed its Forest Plan in 1991, and that this constitutes a decision on behalf of the Forest Service regarding the importance of these areas as Wilderness. They feel that the Forest should allow a wider variety of uses in these areas, particularly uses which have been identified as having only minimal environmental impacts (e.g. OSV-use). There is no way to bridge this gap in differing perspective, nor is there any way to resolve the question of whether or not Congress will ultimately designate any area as Wilderness in the future. Congress has reserved, for itself, the power to designate Wilderness as part of its broader Constitutionally derived authority to “make all the needed rules and regulations respecting the territory... belonging to the United States...” Therefore, ultimately Congress holds the power to resolve the conflicts in values and uses of these lands. Anticipating the future political climate and Congressional or Presidential agendas is beyond the Forest Service ability. However, despite the uncertainty of whether or not Congress would ultimately designate areas recommended for inclusion in the National Wilderness Preservation System, the Forest can control what lands are included as “recommended”.

Based solely on the fact that the majority of Near Natural management areas are also IRAs, and barring any new or differing opinions regarding the suitability of these lands in the future, these acres would be included in those NFS lands considered for recommendation for wilderness. To support the recommending of IRAs where OSV use is designated to occur, my team conducted an analysis to determine the potential for OSV use to impact the roadless characteristics of IRAs. A qualitative description of the potential for OSV use to impact the roadless characteristics of IRAs is described in the FEIS (Table 26). The effects of OSV use on the roadless characteristics of IRAs range from “No Effect” to “Highly Unlikely”. For these reasons, I determined that the designation of OSV use areas would have no effect or minimal short term effect on roadless area characteristics, and designation of these areas for OSV use would not prevent these areas from being considered during a future wilderness recommendation process (consistent with FSH 1909.12, Chapter 70) or future designation as Wilderness by Congress.

Pacific Crest Trail

I heard many concerns about designating areas for OSV use adjacent to the Pacific Crest Trail (PCT). Some commenters felt that OSV use areas should not be designated adjacent to the PCT while others believed that restricting OSV use near the Trail was not necessary, arguing that the Trail receives minimal to no use during the wintertime.

In my Decision, I designate OSV use adjacent to a 0.48 mile segment of the PCT in the Highway 108 OSV-use area located south of Highway 108 near Sonora Pass. Although I designate acres adjacent to the trail, no new PCT crossings will be authorized by this Decision. The Decision still prohibits OSV use on the PCT pursuant to the National Trails System Act of 1968. An existing legal motorized crossing point of the PCT exists where Highway 108 crosses the PCT at Sonora Pass. This crossing is located directly adjacent to the acres designated for OSV use in Alternative 5-Modified and this Draft Decision. The

topography in the area naturally focuses motorized crossings to this point and also focuses OSV use in the play area, rather than near the trail.

Winter access from the west on the Stanislaus National Forest to the PCT segment is approximately 26 miles from plowed roads and plowed parking areas. Winter access from the east through the Humboldt-Toiyabe National Forest is approximately 10 miles from plowed roads and trailheads, making winter access by non-motorized means very unlikely. Non-motorized use of this trail segment in winter would only occur if accessed by motorized OSV, or by non-motorized travel greater than 10 miles from plowed parking areas. The proposed areas to be designated, and not designated for OSV use along the PCT provide for multiple uses along the trail, while also considering the existence of the trail and where winter recreationists are likely to use the PCT, consistent with the management direction for the PCT in the Stanislaus Forest Plan and the purpose and nature of the PCT (as expressed in the National Trails System Act of 1968 and the PCT Comprehensive Management Plan).

Potential for conflict between motorized OSV use and non-motorized recreation use of the PCT is further reduced in my Decision (Alternative 5-Modified) by implementing a season of use for the portion of the Hwy 108 cross-country OSV use area located at Sonora Pass (411 acres, FEIS Map 5). This season of use would close the area designated adjacent to the PCT to motorized OSV use by April 15 (unless the Forest Supervisor issues a Forest Order for an earlier or later closure date [but no later than the last Sunday in April]) in coordination with the Bridgeport Ranger Districts seasonal management of the Bridgeport Winter Recreation Area (USDA 2010, Bridgeport Winter Recreation Area Management Plan). This seasonal closure to OSV use in the area will greatly reduce the potential for non-motorized and motorized recreation to overlap temporally and therefore reduce the potential for conflicts to arise.

My Decision does not designate OSV use adjacent to the only other sections of the PCT that are located outside of designated wilderness on the forest: (1) the segment of the PCT in the northeastern portion of the forest within the Tryon Peak Proposed Wilderness management area; or (2) a 2.2 mile section of the PCT located north of Highway 108 at Sonora Pass which crosses a corner of the Bald Peak Proposed Wilderness Area.

Travel Management Rule Minimization Criteria (36 CFR 212.55(b))

I have carefully considered and applied the Travel Management Rule's minimization criteria at 36 CFR 212.55(b) to each area and trail designated for public OSV use. The details of the myriad of steps I have taken to address the minimization criteria for every area and trail are discussed at length in the FEIS Vol I (FEIS, Vol. I., Chapter 2, Alternative Development, Applying the Minimization Criteria and Other Specific Designation Criteria) and documentation of how the criteria were addressed for each designated OSV area and trail is presented in the FEIS Vol. II (FEIS, Vol. II, Appendix C "Minimization Criteria Management Requirements" and Appendix D "Minimization Criteria Screening Tables"),

Minimum Snow Depth Requirements

The public has provided considerable input across Region 5 in regards to the inclusion of minimum snow depth requirements. In general, environmental groups are in support of the forest designating minimum snow depth requirements and OSV users, groups, alliances, and networks are adamantly opposed to the minimum snow depth requirements. Both sides have questioned the forest's ability to enforce minimum snow depth requirements and have asked for clarification regarding how the minimum snow depths would be measured. Enforcement and Monitoring are more fully described in the "Monitoring" section in Chapter 2 of the FEIS (FEIS, Vol. I, Chapter 2, Monitoring, pp. 50 - 54).

OSV users have explained that snow conditions and depths on the landscape are self-regulating. Machines are expensive, and OSV operators do not intentionally make contact with, or desire to make contact with any native surfaces in fear of damaging their machines. They do not deny incidental contact occasionally occurs, nor does the forest suggest we will be able to avoid all future instances of incidental contact with bare mineral soil or vegetation. The surest way to avoid causing damage to an OSV, is to operate an OSV

when the snowpack is the greatest. For this reason, OSV users have stated the designation of a minimum snow depth requirement will alter their season of use very little. However, OSV users do explain that the designation of a minimum snow depth requirement would invoke a feeling of guilt, wrong doing, or concern that it “criminalizes” their recreational opportunity of choice. I have reviewed the available studies that address snowpack. Due to the variable nature of snowpack, a universal, nationwide, standard, minimum snow depth at which multiple resources may be considered protected from OSV activities has not been defined.

Despite these challenges, forest resource specialists, unanimously agreed that designating a minimum snow depth requirement in order to allow OSV use to occur was mutually beneficial and provided a means in which to minimize the likelihood of resource damage occurring as a result of OSV use. Each resource specialist was able to provide a narrative or citation to support why a minimum snow depth requirement was necessary, or beneficial for their resource (FEIS, Vol. I, Table 4). In general, each resource specialist determined that designating a minimum snow depth requirement would alert OSV enthusiasts of the possibility that engaging in OSV use not only has the potential to impact forest resources through direct contact or disturbance but indirectly as well. Similarly, each resource specialist described that resources of concern are most vulnerable in the early and late winter season when snow depths are most variable. Designating a minimum snow depth requirement provides a quantifiable and tangible mechanism for managing when OSV use occurs during these vulnerable periods of time and adds an additional means in which to ensure adequate snow depth is present before OSV use occurs.

The forest recognizes the OSV users, groups, alliances, and networks concerns. However, it is my responsibility to designate a system of OSV trails and areas with the objective of minimizing damage to soils, water, vegetation, and cultural resources, harassment of wildlife, and significant disruption of wildlife habitat. The forest believes the inclusion of minimum snow depth requirements contribute to ensuring “the minimization criteria” are met. Based on input from the resource specialists on the interdisciplinary team, their review of available literature, professional judgment and consultation with other agency professionals, 12 inches of snow was deemed to be the minimum depth of snow necessary to ensure adverse resource impacts from cross-country OSV use do not occur. It is important to note that for the past 28 years, the Forest has had a 12 inch minimum snow depth requirement as called for in the Forest LRMP (USDA 1991). During that time very little resource damage has been noted or observed. I consider 12 inches (or 24 inches at Stanislaus Meadow and in the Highland Lakes area) of snow to be the minimum necessary and the level that is adequate for OSV use to occur, per Subpart C of the travel management rule. However, OSV use will only be allowed as long as resource damage does not occur. Monitoring and enforcement will be focused on resource damage rather than strict adherence to snow depth measurement. A full description of monitoring and enforcement appears in the FEIS on pages 28-30.

OSV Use Designation in Near Natural Areas and Forest Plan Consistency

The 1991 LMP contains Standards and Guidelines that state that Near Natural areas are to be "Managed to ROS (Recreation Opportunity Spectrum) class of Semi-Primitive Non-Motorized" and that these areas are "Closed to Motorized use". This 1991 LMP was developed in full compliance with NEPA regulations pertaining to public involvement. Therefore, the management direction included in the Forest Plan is to manage Near Natural areas as non-motorized. However, management direction provided in the Forest Plan does not, in itself, create a legal mandate or present a standalone, legally enforceable management tool, nor does it criminalize activities occurring in contradiction to Forest Plan direction. In other words, the direction to manage Near Natural and Proposed Wilderness areas as non-motorized does not, without further action from the forest, deem OSV use in these management areas non-permissible or illegal. In compliance with the National Forest Management Act of 1976 (NFMA) forest plans set our management prescriptions, as well as standards and guidelines to inform future decision making. As projects and activities are proposed and reviewed, the plan is used to inform the decision making process. (USDA, 1990). The consistency requirement of NFMA acts as a control on all planning and activities that arise in

the planning areas of the plan. This requires the forest to measure proposed activities against the forest-wide standards and guidelines and management prescriptions included in the Forest Plan (USDA, 1990). Decisions authorizing activities, such as OSV use, on the forest must be consistent with the forest plan (36 CFR 219.2), but the forest plan may be amended to allow an action or activity to occur (36 CFR 219) (see FEIS, Vol. I, Chapter 2, Forest Plan Amendments).

Feedback in support of, and against allowing OSV use to occur within Near Natural areas was received. Comments against OSV use within these areas consisted of expressed desires to keep Near Natural areas roadless and non-motorized by not designating OSV use and beliefs that designating OSV use within Near Natural areas would reward habitual trespassers and encourage further non-compliance with management direction and the forest plan in the future. Comments in support of OSV use within these areas described the desire to keep Near Natural areas open to OSV use and that Near Natural areas provide very unique, highly desirable, and remote OSV use opportunities than offered elsewhere on the forest.

In response to this feedback, I directed my team to more fully analyze the potential impacts of designating or not designating OSV use within Near Natural areas and the potential impacts of amending the forest plan. Based on their updated analyses, I included OSV use designations within some Near Natural areas, of which will require forest plan amendments (as discussed in the Decision section and itemized in Table 1 above, and further discussed in the National Forest Management Act section below in this ROD). I recognize that by amending the Forest Plan to allow OSV use to be designated in Near Natural areas will only be supported by a portion of our public. However, I believe I have made an informed decision and considered all of the potential impacts of including these designations in my Decision.

Summary

While Alternative 5-Modified is not intended to be a comprehensive, holistic winter recreation planning effort, opportunities for the continued enjoyment of the Stanislaus National Forest areas and trails for all winter recreationists, both motorized and non-motorized, were carefully considered. Through all of our efforts and careful consideration of all public comments and interest, I recognize this decision includes elements that will not satisfy everyone.

In arriving at this decision, I gave considerable thought to the variety of opinions and information provided by the many participants in the process. I greatly appreciate the time and energy people contributed to this process and decision. This participation was essential in meeting our goal of providing outstanding recreational opportunities for all, while protecting natural and cultural resources. This decision includes many ideas and contributions from participants in the process. While I recognize that this decision will not eliminate all conflicts between different types of winter recreation uses, I am confident that designating areas and trails for public OSV use and displaying this information on a published Over-Snow Vehicle Use Map (OSVUM) will benefit all winter recreationists by providing clear information about where OSVs may or may not be operated. Non-motorized recreationists can choose to use the OSV designated areas and trails if they are not concerned about interacting with OSVs, or they can choose areas where OSV use is not designated if they prefer a quieter recreation experience. In addition, the Forest Service will be able to provide better OSV use enforcement, including enforcing illegal OSV use outside the established designated OSV areas and trails. The OSVUM will contain specific information to educate all winter recreation users regarding rules and regulations governing winter recreation on the Forest.

PUBLIC INVOLVEMENT

I relied on public involvement to ensure that a reasonable range of alternatives, representing a broad array of perspectives, would be analyzed in this Project's final environmental impact statement. Scoping was a valuable step in the analysis and decision-making process, allowing me to share the proposed action with the public and other Federal, State, and local agencies. Scoping and the DEIS comment period provided

me with new information, helping me define the overall scope of the analysis, identify issues used to develop and refine alternatives, and develop and refine the environmental analysis.

A pre-scoping meeting was held in November 2014, which was attended by interested and affected stakeholders. Those in attendance included individuals, agencies, winter recreation interest groups, and the plaintiffs and intervenors in the Snowlands lawsuit. The meeting's objectives were to share information about the project and the NEPA process, gather input on public engagement, and confirm and collect public input on a preliminary purpose and need for action. Additional pre-scoping meetings were held in March 2015, in communities surrounding the Stanislaus National Forest, including Sonora, Pinecrest, Hathaway Pines, and Bear Valley. More detailed descriptions of the meetings and outcomes are included in the Scoping Outcome Summary available in the project record.

The project first appeared in the Stanislaus National Forest Schedule of Proposed Actions (SOPA) in April 2015. The project first appeared in the published quarterly SOPA in July 2015. The Forest Service distributes the SOPA to about 160 parties and it is available on the Internet [<http://www.fs.fed.us/sopa/forest-level.php?110516>].

A scoping letter describing the proposed action and seeking public comments was sent via regular mail or email to approximately 421 interested groups, individuals, and agencies on June 26, 2015. The letter requested specific written comments on the proposed action during the initial 45-day designated opportunity for public participation. The Forest Service published a Notice of Intent that asked for public comment on the proposal between June 26, 2015, and August 10, 2015 (80 Federal Register 123, June 26, 2015; p. 36760-36763). A press release was also sent to local news media outlets on June 26, 2015.

The public was invited to comment on the proposed action, identify potential conflicts or benefits, and provide any relevant information that would be useful in the subsequent environmental analysis. The Forest Service received and considered responses from 104 interested groups, individuals, and agencies in the form of letters, emails, and website submissions. All comments were thoughtful narratives reacting to the proposed action with support, opposition, concerns, or requests for revision and new alternatives. The Forest Service appreciates the time and perspectives shared by each commenter, and the willingness of all to engage in the environmental analysis process.

Two additional workshops were held on January 25, 2016, and February 18, 2016, to explain the draft alternatives, engage the public in a facilitated dialogue to increase stakeholders' understanding of the project, and hear perspectives regarding the Stanislaus National Forest OSV Use Designation Project.

A letter notifying the public that the DEIS was available for review and comment for 45 days was sent via regular mail or email to more than 500 interested groups, individuals, tribes, and agencies. The Notice of Availability notifying the public that the DEIS was available for review and comment for 45 days was published in the Federal Register on August 24, 2018. (83 FR 165, page 42892). On August 28, 2018, we also published a notice of the opportunity to comment in the *Sonora Union Democrat* (newspaper of record) and sent a press release to local news media outlets. During the DEIS 45-day opportunity to comment period two public open house meetings were held to discuss the DEIS: September 6, 2018 and October 2, 2018 at the Stanislaus National Forest Headquarters. Both meetings were well attended by over 100 individuals each.

We received 576 comment letters postmarked or received prior to the end of the 45-day comment period.

We considered all comments and responded by modifying alternatives, supplementing, improving, or modifying the analysis, making factual corrections, or explaining why the comments would not warrant further response. These comments and our responses are available in Volume II, Appendix B of this FEIS.

ALTERNATIVES CONSIDERED

In addition to the selected alternative (Alternative 5-Modified), I considered four other alternatives, which are summarized below. Alternative 3 is the environmentally preferred alternative, based on the definition at 36 CFR 220.3. More detailed descriptions and comparison of these alternatives can be found in the FEIS Volume I on pages 35 – 56. The FEIS maps (Map 1 through Map 5) provide spatial displays of the alternatives.

Alternative 1 (Proposed Action)

Alternative 1 (Proposed Action) is the original proposed action, as described in the Notice of Intent (80 Federal Register 123, June 26, 2015; p. 36760-36763), with minor modifications. Alternative 1 (FEIS Map 1) would:

- Designate eight discrete, specifically delineated areas for cross-country OSV use. There would be a total of 140,895 acres of NFS lands within the Stanislaus National Forest designated for public, cross-country motorized OSV use. These designated areas would encompass approximately 16 percent of the NFS land on the Stanislaus National Forest and include acres designated in two Near Natural Areas and over a Special Interest Area road which would require forest plan amendments (amendments are described in detail in FEIS, Vol. I, Table 7).
- Designate 24.7 miles of NFS OSV use trails that would be available for winter snow grooming (should funding be available).
- Designate 76.1 miles of NFS OSV use trails outside of designated OSV use areas that would remain non-groomed. These trails would either provide loop opportunities off of existing groomed trails, access to OSV use areas or vistas, or additional OSV use opportunities outside of OSV use areas.
- Install 5 temporary winter stream crossings annually at: Eagle Creek, Long Valley Creek, Bloods Creek, Silver Creek, and Duck Creek.
- Designate the following minimum snow depth requirements:
 - 1.1 Over-snow travel in designated cross-country OSV use areas and along designated OSV use trails, by vehicles designed specifically for that purpose, would only be permitted where 12 or more inches of snow is present and no contact is made with native soil or vegetation (USDA 2017, pages 53 and 55), unless otherwise specified (see minimum snow depth requirement 1.2); and
 - 1.2 Cross-country, over-snow travel within Stanislaus Meadow, by vehicles specifically designed for that purpose, would be permitted only when 24 or more inches of snow is present and no contact is made with native soil or vegetation.

Alternative 2 (No-Action: Continue Current Management)

Alternative 2 is the no action alternative and represents the current management of public OSV use within the Stanislaus National Forest (FEIS Map 2). The no-action alternative considers where current OSV use occurs on the landscape as the baseline existing condition for social and environmental analysis purposes. As such, current OSV use under current management within the Stanislaus National Forest entails:

- Public, cross-country OSV use occurs within approximately 351,108 acres of NFS lands. This total includes use within management areas in which the forest plan directs are to be managed as semi-primitive, non-motorized (Near Natural) and primitive, non-motorized (Proposed Wilderness) (USDA 2017, pp. 65-68 and 115-118).

- There are no designated OSV use areas and the forest is open to OSV use where adequate snow exists as defined in the *Stanislaus National Forest Forest Plan Direction* (i.e. at least 12 inches of snow and no contact is made with native vegetation or soil; USDA 2017, p. 53 and 55). Acres located above 5,000 feet were considered a surrogate for lands that commonly receive at least 12 inches of snow annually.
- OSV use is prohibited in designated wilderness areas.
- OSV use on the PCT is prohibited by the National Scenic Trails Act, P.L. 90-543, Section 7(c).

Alternative 3

This alternative addresses issues related to the quality and quantity of non-motorized winter recreational opportunity by emphasizing providing opportunities for non-motorized winter recreation across the forest. This section summarizes how the Forest Service would manage public OSV use on the Stanislaus National Forest under alternative 3 (FEIS Map 3):

- Designate seven discrete, specifically delineated areas for cross-country OSV use. These areas would encompass 116,868 acres or approximately 13 percent of the NFS land within the Stanislaus National Forest. Acres included in these designations would be located over a Special Interest Area road and make modifications to minimum snow depth requirements, both of which would require forest plan amendments (amendments are described in detail in FEIS, Vol. I, Table 7).
- Designate 24.7 miles of NFS OSV use trails that would be available for winter snow grooming (should funding be available).
- Designate 83.7 miles of NFS OSV use trails outside of designated OSV use areas that would remain non-groomed. These trails would either provide loop opportunities off of existing groomed trails, access to OSV use areas or vistas, or additional OSV use opportunities outside of OSV use areas.
- Install three temporary winter stream crossings annually at: Eagle Creek, Long Valley Creek, and Bloods Creek.
- Designate the following minimum snow depth requirements:
 - 1.1 Over-snow travel in designated cross-country OSV use areas and along designated OSV use trails, by vehicles designed specifically for that purpose, would only be permitted where 12 or more inches of snow is present and no contact is made with native soil or vegetation (USDA 2017, pages 53 and 55), unless otherwise specified (see minimum snow depth requirement 1.2 and 1.3);
 - 1.2 Cross-country, over-snow travel within Stanislaus Meadow, by vehicles specifically designed for that purpose, would be permitted only when 24 or more inches of snow is present and no contact is made with native soil or vegetation.
 - 1.3 Cross-country over-snow travel within the Highland Lakes Area, by vehicles designated specifically for that purpose, would only be permitted where 24 or more inches of snow is present and no contact is made with native soil or vegetation.

Alternative 4

This alternative addressed the availability of motorized recreation opportunities significant issue by emphasizing motorized use. This section summarizes how the Forest Service would manage public OSV use on the Stanislaus National Forest under alternative 4 (FEIS Map 4):

- Designate 13 discrete, specifically delineated areas for cross-country OSV use. These areas would encompass 191,099 acres or approximately 21 percent of the NFS land within the Stanislaus National Forest. Acres included in these designations would be located in two Near Natural Areas, two Proposed Wilderness Areas, and over a Special Interest Area road which would require forest plan amendments (amendments are described in detail in FEIS, Vol. I, Table 7).
- Designate 24.7 miles of NFS OSV use trails that would be available for winter snow grooming (should funding be available).
- Designate 74.6 miles of NFS OSV use trails outside of designated OSV use areas that would remain non-groomed. These trails would either provide loop opportunities off of existing groomed trails (07N83), provide a connection between two use areas (07N17), provide access between the town of Bear Valley and the Bear Trap Basin via Bloods Ridge (BV01), or additional OSV use opportunities outside of OSV use areas (Groveland Trail Network).
- Install three temporary winter stream crossings annually at: Eagle Creek, Long Valley Creek, and Bloods Creek.
- Designate the following minimum snow depth requirements:
 - 1.1 Over-snow travel in designated cross-country OSV use areas and along designated OSV use trails, by vehicles designed specifically for that purpose, would only be permitted where 12 or more inches of snow is present and no contact is made with native soil or vegetation (USDA 2017, pages 53 and 55).

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

My decision complies with the laws, regulations, and policies listed below.

National Forest Management Act

This decision includes amendments to the *Stanislaus National Forest Land and Resource Management Plan* (USDA 1991) that will appropriately place planning, analysis, and decision-making for OSV use at the project level and ensure this Project is consistent with the LRMP as amended (36 CFR 219.15(c)(4)). The amendments will replace existing LRMP's standards and guidelines providing management direction applicable to winter motorized use to allow OSV use to be managed according to OSV use areas and trails designated consistent with travel management regulations through this project or any future decisions. The LRMP's current standards and guidelines and the amendments included in this Decision that will replace them are listed in Table 1 of this ROD. These amendments to the LRMP are consistent with the 2012 Planning Rule's stated levels of planning at 36 CFR 219.2 in which forest plans do not authorize activities or projects, nor do they make commitments for taking site-specific actions. Rather, forest plans provide the sideboards for future site-specific actions (36 CFR 219.2(b)(1) and (2)).

In accordance with 36 CFR 219.13(b)(5), the responsible official must “[d]etermine which specific substantive requirement(s) within 36 CFR 219.8 through 219.11 are directly related to the plan direction being added, modified, or removed by the amendment and apply such requirement(s) within the scope and scale of the amendment”. The substantive requirements address sustainability (36 CFR 219.8), diversity of plant and animal communities (36 CFR 219.9), multiple use (36 CFR 219.10), and timber requirements based on the National Forest Management Act (36 CFR 219.11). The rule goes on to state that “[t]he responsible official is not required to apply any substantive requirements... that are not directly related to the amendment (219.13(b)(5))... and the responsible official’s determination must be based on the purpose for the amendment and the effects (beneficial or adverse) of the amendment, and informed by the best available scientific information, scoping, effects analysis, monitoring data or other rationale.” (36 CFR 219.13(b)(5)(i)). In addition, when determining whether a substantive requirement is directly related

to the plan amendment on the presence of adverse effect: “[t]he responsible official must determine that a specific substantive requirement is directly related to the amendment when scoping or NEPA effects analysis for the proposed amendment reveals substantial adverse effects associated with that requirement, or when the proposed amendment would substantially lessen protections for a specific resource or use” (36 CFR 219.13(b)(5)(ii)(A)). A substantial adverse effect is defined as one that would “cause a direct or indirect effect that would significantly alter the condition of a resource and cannot be resolved through routine or standard project design features or management requirements.” The geographic distribution, duration, and intensity of an identified effect is directly related to whether the effect is substantially adverse.

Therefore, in accordance with 36 CFR Part 219.13(b)(5), I consulted the NEPA effects analysis related to each substantive requirement to conclude whether a substantial adverse effect associated with any of the substantive requirements had been revealed or whether the proposed amendments would substantially lessen the protections for a specific resource or use. Based on this review, I have determined the plan amendments are directly related to 36 CFR 219.10 Multiple Use, (a)(1) recreation settings and opportunities; (a)(6) Land... use, and access patterns relevant to the plan area; and (a)(10) Opportunities to connect people with nature. A summary of my determinations pertaining to which substantive requirements are directly related to the plan direction being amended are described in the FEIS, Vol. I, Table 4.

The plan amendments included in this Decision managing public OSV use will continue to require project-level OSV use designation decisions to be consistent with LRMP management direction. The forest plan amendments appropriately places OSV use designation at the project-level, with each designation requiring site-specific planning, environmental analysis, and decision-making. Project-level planning and analysis will allow the responsible official to more rapidly and efficiently make changes to OSV use designations as needed to respond to changing conditions and/or new monitoring information. The amendments allow the Forest Service to more rapidly adapt site-specific OSV use designations based on new information and/or changed circumstances as a forest plan amendment will not be required to make future changes in OSV use designations.

In regard to future land management planning for the Stanislaus National Forest, OSV use designations will not preclude areas from being recommended for wilderness designation during forest plan revision because OSV designations do not include permanent improvements or other physical modifications to an area. Designating where OSVs are allowed to operate on the Stanislaus National Forest does not preclude any area from being recommended for wilderness in the future.

With the amendments included in this Decision in place, all aspects of this decision are consistent with the *Stanislaus National Forest Land and Resource Management Plan* (USDA 1991).

Travel Management Rule (36 CFR 212), Subpart C

This decision complies with the Forest Service’s Travel Management Rule (36 CFR 212), Subpart C, including the Rule’s provisions for designating OSV use where snowfall is adequate for the use to occur (36 CFR 212.81(a)) and the criteria for designating OSV area and trails (36 CFR 212.55). The Responsible Official determined that elevations above 5,000 feet have adequate snowfall for OSV use to occur. As such, this decision generally does not designate OSV use areas below 5,000 feet because lower elevations on the Stanislaus National Forest typically do not have sufficient snowfall for OSV use.

The FEIS (Volume I, pp. 26 – 28) describes how the Travel Management Rule’s designation criteria were applied for the Stanislaus National Forest OSV Use Designation Project.

Documentation of how the criteria at 36 CFR 212.55(b) were addressed for each designated OSV area and trail is presented in the FEIS, Volume II, Appendix C “Minimization Criteria Management Requirements” and Appendix D “Minimization Criteria Screening Tables.”

National Trails System Act and Pacific Crest National Scenic Trail Comprehensive Plan

This decision complies with the National Trails System Act of 1968 (P.L. 90-543), as amended. Section 7(c) of the Act states: “National scenic trails may contain campsites, shelters, and related public use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail. Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts shall be made to avoid activities incompatible with the purposes for which such trails were established. The use of motor vehicles by the general public along any national scenic trail shall be prohibited. This decision does not designate OSV use of the Pacific Crest National Scenic Trail.

The Act does not prohibit public motorized use adjacent to national scenic trails, and this decision does designate OSV use in some areas adjacent to the Pacific Crest Trail. Section 7(a)(2) of the Act specifies that national scenic trails shall harmonize with and complement management for multiple uses on lands adjacent to such trails. The Act recognizes that segments of national scenic trails may traverse the natural and historical areas of the national park system, national wildlife refuge system, and national wilderness preservation system where use of motorized vehicles is presently prohibited or on other Federal lands where trails are designated as being closed to such use by the appropriate Secretary (Section 7(c)).

This decision is consistent with the *Pacific Crest National Scenic Trail Comprehensive Plan* (1982), which states: “Within Federal lands outside National Parks and Wilderness (57% of the trail), the trail must co-exist in harmony with all other resource uses and activities of the land as determined through the land management planning process. The trail will cross a mosaic of areas differing in primary management emphasis. This could be grazing, key wildlife habitat, special interest such as scenic or geologic, developed recreation, unroaded recreation, research natural, or intensive timber management. Viewing and understanding this array of resources and management is one of the primary recreation opportunities to be made available over these portions of trail” (pg. 21).

This decision’s designated OSV crossings of the PCT is consistent with the Comprehensive Plan’s direction: “Snowmobiling on the trail is prohibited but crossing at designated locations is consistent with the purpose of the trail when such [OSV] use is permitted on lands adjacent to the trail and does not cause damage to the trail, related resources, or facilities.”

The Comprehensive Plan (pg. 21) provides further guidance for winter recreation use on the PCT, including the following:

“Snowmobiling along the trail is prohibited by the national Trail System Act, P.L. 90-543, Sec 7(c). Winter sports plans for areas through which the trail passes should consider this prohibition in determining areas appropriate for snowmobile use. Winter sports brochures should indicate designated snowmobile crossing of the Pacific Crest Trail where it is signed and marked for winter use. If cross-country skiing and/or snowshoeing are planned for the trail, any motorized use of adjacent land should be zoned to mitigate the noise of conflict.”

As described in the “Decision Rationale” section of this ROD, although this Decision does designate OSV use adjacent to a 0.48 miles section of the PCT located south of Sonora Pass in the HWY 108 OSV use area, I have determined that Alternative 5-Modified is consistent with both the National Trails System Act and the Pacific Crest National Scenic Trail Comprehensive Plan.

Clean Water Act

The Clean Water Act of 1948 (as amended in 1972 and 1987) establishes Federal policy for the control of point and non-point pollution, and assigns the states the primary responsibility for control of water pollution. The Porter-Cologne Water-Quality Act, as amended in 2006, provides for the protection of water quality by the State Water Resources Control Board and the Regional Water Quality Control

Boards, which are authorized by the U.S. Environmental Protection Agency to enforce the Federal Clean Water Act in California. The State Water Resources Control Board and Regional Water Quality Control Boards entered into agreements with the Forest Service to control nonpoint source discharges by implementing Best Management Practices (BMPs). Forest Service BMPs are in conformance with the provisions and requirements of the Federal Clean Water Act and within the guidelines of the Basin Plans developed for the nine Regional Water Quality Control Boards in California. This decision adopts Best Management Practices to Protect Water Quality in compliance with the Clean Water Act.

Endangered Species Act

Pursuant to the Endangered Species Act (ESA) of 1973 (16 USC 1531 et seq.), Federal agencies shall insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species. Section 7 of the ESA, as amended, requires the responsible Federal agency to consult with the U.S. Fish and Wildlife Service (USFWS) concerning endangered and threatened species.

The Forest Service has formally requested consultation and conference with USFWS for the following federally listed, proposed species and designated critical habitat for this Project: Sierra Nevada yellow-legged frog (*Rana sierrae*), Designated Critical Habitat for the Sierra Nevada yellow-legged frog (*Rana sierrae*), Yosemite Toad (*Anaxyrus canorus*), and Designated Critical Habitat for the Yosemite toad (*Anaxyrus canorus*). The Forest has also conferencing with the USFWS for the Sierra Nevada red-fox (*Vulpes vulpes necator*), a Federal candidate for listing and a Forest Service Sensitive species. Consultation and conferencing with the USFWS will be completed prior to the final decision and will comply with Section 7 of the Endangered Species Act.

National Historic Preservation Act

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

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

ADMINISTRATIVE REVIEW (OBJECTION) OPPORTUNITIES

This draft decision is subject to two different objection processes because it includes both a project-level decision as well as a forest plan amendment decision. The project-level decision (which includes all elements of this draft decision except the proposed forest plan amendment) is subject to the objection regulations at 36 CFR 218, Subparts A and B. The forest plan amendment portion of this decision (see pg. 3-4 of this ROD and FEIS, Volume I, Chapter 2, pp. 15 – 19) is subject to the objection regulations at 36 CFR 219, Subpart B. While the two objection processes are similar, there are some important differences as described below.

Who May File an Objection

36 CFR 218 (Project): Individuals or entities who have submitted timely, specific written comments about the proposed project during any designated opportunity for public comment are eligible to file an objection on the Project (36 CFR 218.5(a)).

36 CFR 219 (Forest Plan Amendment): Individuals or entities who have submitted substantive formal comments related to the plan amendment during the opportunities for public comment are eligible to file

an objection on the forest plan amendment portion of the Project (36 CFR 218.5).

Required Content for an Objection

36 CFR 218 (Project): Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed Project unless based on new information arising after the designated comment opportunities. Objections on the Project must include the following information (36 CFR 218.8(d)): (1) objector's name and address, with a telephone number, if available; (2) objector's signature or other verification of authorship; (3) identification of a single lead objector when applicable; (4) project name, Responsible Official name and title (Jason Kuiken, Forest Supervisor, Stanislaus National Forest), and name of affected National Forest(s) and/or Ranger District(s); (5) description of those aspects of the project being objected to, including specific issues related to the proposed project; (6) specific reasons for, and suggested remedies to resolve, the objection; and (7) description of the connection between the objection and the objector's prior comments, unless the objection concerns an issue that arose after the designated opportunities for comment. Documents incorporated by reference must adhere to 36 CFR 218.8(b).

36 CFR 219 (Forest Plan Amendment): Objections on the forest plan amendment portion of the Project must include the following information (36 CFR 219.54(c)): (1) the objector's name and address, along with a telephone number or email address if available; (2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection); (3) identification of the lead objector, when multiple names are listed on an objection; (4) the name of the plan amendment being objected to and Responsible Official name and title (Jason Kuiken, Forest Supervisor, Stanislaus National Forest); (5) a statement of the issues and/or the parts of the plan amendment to which the objection applies; (6) a concise statement explaining the objection and suggesting how the proposed plan decision may be improved; and (7) a statement that demonstrates the link between prior substantive formal comments attributed to the objector and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment. Documents incorporated by reference must adhere to 36 CFR 219.54(b).

Where to File an Objection

The Regional Forester is the reviewing officer for objections for this Project filed under the 36 CFR 218 and/or 36 CFR 219 regulations. Objections must be submitted to: Regional Forester, USDA Forest Service; Attn: Stanislaus National Forest Over-snow Vehicle Use Designation Project; 1323 Club Drive, Vallejo, CA 94592. Objections may be submitted via mail, FAX (707-562-9229), or delivered during business hours (M-F 8:00 a.m. to 4:00 p.m.). Electronic objections, in common (.doc, .pdf, .rtf, .txt) formats, may be submitted to: objections-pacificsouthwest-regional-office@fs.fed.us with Subject: Stanislaus National Forest Over-snow Vehicle Use Designation Project

When to File an Objection

36 CFR 218 (Project): Objections on the project-level decision must be submitted within **45 days** following the publication of the legal notice in Sonora's *The Union Democrat*. The date of the published legal notice is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframes provided by any other source. It is the objector's responsibility to ensure evidence of timely filing of a written objection with the reviewing officer (36 CFR 218.9)

36 CFR 219 (Forest Plan Amendment): Objections on the forest plan amendment must be submitted within **60 days** following the publication of the legal notice in *The Union Democrat*. The date of the published legal notice is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframes provided by any other source. It is the objector's responsibility to ensure evidence of timely receipt (36 CFR 219.56(c)).

Implementation Date

If no objection is filed on the project, a Record of Decision may be issued on, but not before, the fifth business day following the close of the objection filing period (36 CFR 218.21 and 36 CFR 219.58(c)). If an objection to this decision is filed in accordance with 36 CFR 218 and/or 36 CFR 219, then this Record of Decision may not be signed until all concerns and instructions from the reviewing official in the objection response have been addressed (36 CFR 218.12 (b) and 36 CFR 219.58(b)). After the decision is signed, implementation may begin immediately.

Contact

For additional information concerning this decision, contact: Katie Wilkinson, Forest Environmental Coordinator, Stanislaus National Forest, 19777 Greenley Road, Sonora, California, 95370; 209-288-6321 or kkwilkinson@fs.fed.us.

SIGNATURE

	
_____ JASON KUIKEN Stanislaus National Forest Forest Supervisor	_____ Date