
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).

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, along with discussions with agency staff and stakeholders, I have decided to select a combination of OSV use designations proposed in one or more the action alternatives. My decision, is to select Alternative 5-Modified for Forest Plan Amendments; Minimum Snow Depth Requirements; Season of Use Designations; Temporary Winter Stream Crossings; OSV-use trail designations (both non-groomed and those available for grooming); and the OSV-use designations within the Mi-Wok, North Highway 4, and Spicer OSV-use areas. The Decision also includes OSV-use designations in the Alpine, Alpine East, Eagle, Highway 108, and Highway 108 East OSV-use areas which differ from Alternative 5-Modified.

The Decision will reduce the area designated for OSV-use in the Pacific Valley Near Natural management area (Alternative 3), reduce the acres designated for OSV-use within the Eagle/Night Near Natural management area located along the northern boundary of the Emigrant Wilderness (Alternative 3), increase the area designated for OSV-use surrounding private inholdings located in the vicinity of Haypress / Relief Reservoir (as included in Alternative 4), and remove the OSV-use designated areas located to the east of the Pacific Crest Trail at Sonora Pass.

This modified decision falls within my authority (36 CFR 220.4(c)) which states I may select one of the alternatives after modifying the alternative with additional mitigating measures or select a combination of

actions from those proposed in any of the alternatives analyzed. My decision is also within the range of alternatives considered in detail since the FEIS fully describes the effects of these OSV-use designations under the action alternatives.

Map Package

A page size image of the OSV-use designations included in this decision is found in Appendix A. A plotter size (36" x 48") map showing more fine detail of the OSV-use designations included in this decision as well as the decision map files are available via the project website located at <http://www.fs.usda.gov/project/?project=46311>.

Decision Components and Approved Actions

Forest Plan Amendments

- This decision amends existing standards and guidelines (S&Gs) of the Stanislaus National Forest 1991 Forest Plan under the 2012 Planning Rule (36 CFR 219.13) to include an exemption which allows motorized OSV use areas and trails to be designated consistent with travel management regulations. (Table 1).
 - The amendments appropriately place the planning, analysis, and decision-making for OSV use at the project level. The forest plan amendments do not directly authorize activities or designate OSV use, nor do they make commitments for taking site-specific actions. Rather, the forest plan amendments provide the pathway to allow site-specific management of OSV use consistent with travel management regulations and requirements.
 - The amendments do not modify the recreation opportunity spectrum (ROS) definitions or mapped boundaries nor do the forest plan amendments modify the definition of or mapped boundaries of designated Management Areas.
- This decision amends current S&Gs of the Stanislaus National Forest 1991 Forest Plan under the 2012 Planning Rule (36 CFR 219.13) to allow minimum snow depth requirements to be designated or modified consistent with travel management regulations (Table 1).
 - The amendments appropriately place the planning, analysis, and development of minimum snow depth requirements for OSV use at the project-level. The forest plan amendments do not directly define a minimum snow depth requirement. Rather, the forest plan amendments provide the pathway to allow site-specific planning pertaining to OSV use to define different, more or less restrictive, minimum snow depth requirements at the project-level.

OSV-use Designations

- This decision designates eight discrete, specifically delineated areas for cross-country OSV use collectively totaling 119,104 acres of National Forest System Lands.
 - Alpine OSV-use Area – 7,420 acres
 - Alpine East OSV-use Area – 1,257 acres
 - Bear Valley OSV-use Area – 1,873 acres
 - Eagle OSV-use Area – 4,062 acres
 - Hwy 108 at Sonora Pass OSV-use Area – 401 acres
 - Hwy 108 OSV-use Area – 21,379 acres
 - Hwy 108 East OSV-use Area – 26,857 acres
 - Mi-Wok OSV-use Area – 11,145 acres
 - North Hwy 4 OSV-use Area – 34,976 acres
 - Spicer OSV-use Area – 9,732 acres

- This decision designates 24.7 miles of NFS OSV-use trails available for winter snow grooming (should funding be available).
 - 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
 - SP01 g – 0.42 miles

- This decision designates 58.4 miles of NFS OSV-use trails to remain non-groomed. These trails either provide loop opportunities from existing groomed trails, access to OSV-use areas or vistas, or additional OSV-use opportunities outside of OSV-use areas.
 - 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

Other Actions

- This decision authorizes the installation of five temporary winter stream crossings annually at: Eagle Creek, Long Valley Creek, Bloods Creek, Silver Creek, and Duck Creek.

Minimum Snow Depth Requirements

- This decision designates 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, is only authorized where 12 or more inches of snow is present and no contact is made with native soil or vegetation, unless otherwise specified as in 1.2 and 1.3.
 - 1.2. Cross-country, over-snow travel within Stanislaus Meadow, by vehicles specifically designed for that purpose, is only authorized 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, is only authorized where 24 or more inches of snow is present, and no contact is made with native soil or vegetation.

Season of Use Designations

- This decision designates the following two season of use provisions:

Season of Use A: The 401 acres of Highway 108 cross-country OSV-use area located at Sonora Pass is closed to cross-country over-snow travel by vehicles designed specifically for that purpose, every year 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).

Season of Use B: The 1,873 acres located within the Bear Valley Ski Resort permit boundary will be designated as open to OSV use, by vehicles designed specifically for that purpose, as soon as the ski resort closes annually. OSV use may occur in this area after that date as long as the minimum snow depth requirement (i.e., minimum snow depth requirement 1.1) is met.

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>

PRACTICE	EXISTING STANDARD AND GUIDELINE	AMENDMENT
<p>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)</p>	<p>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</p>	<p>Minimum Snow Depth: <u>Manage over-snow vehicle (OSV) travel through designation of areas and trails consistent with travel management regulations.</u></p>

Management Requirements

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 (FEIS, Vol I, Chapter 2, Applying the Minimization Criteria and Other Specific Designation Criteria). Each resource-specific management requirement identified as applicable to ‘all’ alternatives and those specifically applicable to Alternative 5-Modified are included in my Decision (FEIS, Vol. I, Table 7 through Table 10). In addition, this Decision includes the monitoring and enforcement procedures described in the FEIS (FEIS, Vol. I, Chapter 2, Monitoring; and Enforcement).

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. 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 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, revealed a strong connection with the Stanislaus National Forest through public engagement opportunities offered over the course of this planning effort. 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 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.

OSV Use Designations

In reaching my decision, I struggled with two important considerations. The first involves providing high quality winter recreation opportunities for both motorized and non-motorized activities. I believe the Stanislaus National Forest provides world class conditions and terrain to satisfy both, but mindfully

locating where OSV use may occur in a safe and environmentally conscious manner proved challenging. On the one hand, it is important to me to continue to provide access to public lands and manage those lands for multiple uses. On the other hand, I know that as the use of public lands and the demands for access continue to grow it is my responsibility to ensure that the land and the resources found across the land, including sensitive species, are preserved and maintained for future generations to enjoy.

Which leads me to my second important consideration; determining where OSV use may occur while ensuring forest resources are preserved. Of particular importance to me was the preservation of sensitive species and their habitats. To do so, efforts to minimize impacts to sensitive species were prioritized. Providing public access while minimizing impacts to species, too, had its challenges. While it is impossible to eliminate every possible impact while maintaining access to public lands, it is my responsibility to determine where and how public lands are utilized while ensuring impacts are minimized.

Forest Plan Amendments

I have decided to adopt the suite of forest plan amendments described in Table 1 in order to fully implement the travel management rule (TMR) which directs forests to provide for a system of National Forest System trails and areas on National Forest System lands that are designated for over-snow vehicle use. The forest plan amendments included in this decision were critical to the planning process. In adopting the forest plan amendments I have ensured that the OSV use designations included in this decision, as well as future OSV-use planning efforts, are located where there is adequate snow for that use to occur (36 CFR 212.81(a)), and that the effects of OSV use on natural and cultural resources, public safety, provision of recreation opportunities, access needs, and conflicts among uses of NFS lands (36 CFR 212.55(a)) and the “minimization criteria” are considered. (as discussed in Chapter 1, Travel Management Regulations and Chapter 2 Apply the Minimization Criteria and Other Specific Designation Criteria sections; 36 CFR 212.55(b)(1)-(4)).

The forest plan amendments appropriately place the planning, analysis, and decision-making for OSV use at the project-level. The proposed forest plan amendments do not directly authorize activities or designate OSV use, nor do they make commitments for taking site-specific actions. Rather, the proposed forest plan amendments provide the pathway to allow site-specific considerations of both the environment and public access needs and propose OSV use designations located after applying the governing requirements of the TMR. The proposed amendments also enable the forest to consider a complete range of alternatives.

OSV Use in Near Natural Management Areas

Near Natural management areas are defined as non-motorized in the Stanislaus National Forest Land and Resource Management Plan (LRMP) (USDA 1991). One of the most contentious aspects of this decision was whether to designate OSV use within Near Natural management areas. There were two main concerns expressed by those against designating OSV use within Near Natural areas: (1) Causing impacts to sensitive wildlife habitat and their persistence; and (2) Eliminating or impacting the potential for these areas to be designated as wilderness by Congress in the future. Those who petitioned for designating OSV use within Near Natural areas stated these areas provide unique, highly desirable, and remote OSV use opportunities not occurring elsewhere on the forest.

Forest Plan Amendments and Species-Specific Impacts and Protections

Pivotal to my decision was addressing the potential for OSV use within Near Natural areas (and the Forest Plan Amendments) to impact sensitive wildlife or substantially lessen protections of any species. The programmatic analysis of effects addressing forest plan amendment requirements located in Chapter 3 of the FEIS (FEIS, Chapter 3, Significant Issues, Forest Plan Amendments) coupled with the aquatic and terrestrial wildlife analyses located in Chapter 3 of the FEIS were used to determine whether, or to what degree, OSV use within Near Natural areas would impact a specific species, or substantially lessen protections for any particular species. The forest plan amendment effects determinations are reported

comparatively to Alternative 3 which did not include OSV use designations within Near Natural areas. The effects analysis for the species potentially affected by OSV use within Near Natural areas and the Forest Plan amendments are reported in Table 19 of the FEIS and further addressed in the Terrestrial Wildlife analysis section.

As the results document, the mere presence of OSV use within Near Natural management areas did not assuredly cause a substantially adverse impact or lessening of protections for any one species. For each species considered, there were aspects of their physiology, OSV use, components of actions authorized by this decision, and travel management regulations that ensured impacts to the species and their habitats were minimized.

Although I have not been persuaded that any evidence exists to definitively conclude that OSV use would or currently does significantly impact sensitive wildlife, I admit I have not obtained evidence to definitively dispute such claims either. I believe that my team has clearly identified the potential risks OSV use may pose to sensitive wildlife and they have designed management requirements or provisions included in this decision to sufficiently minimize those risks. Despite our efforts to minimize impacts and document our considerations and findings, concerns pertaining to designating certain proportions of Near Natural management areas for OSV use have persisted, particularly in the eastern portion of the Pacific Valley Near Natural area and within the Eagle / Night Near Natural area located along the northern rim of the Emigrant Wilderness. While new information may become available in the future which may sway my decision and more definitively support OSV use designations, at this time I have decided to air on the side of caution and reduce the acres designated for OSV use in the Pacific Valley and Eagle / Night Near Natural areas in order to mollify the persistent and growing wildlife concerns. I believe by doing so I will have designed a decision that will still provide consistent, high quality OSV use opportunities and best meet the purpose and need to first and foremost provide a manageable, designated system of OSV trails and areas within the Stanislaus National Forest while ensuring species specific impacts are reduced and protections ensured.

Future Wilderness Designation

As stated above, there are strong opinions suggesting that allowing OSV use in Near Natural or other Inventoried Roadless Areas (IRAs) will preclude the areas from being considered for wilderness recommendation during upcoming forest plan revision efforts and ultimately the possibility of being designated as wilderness by Congress in the future. There exists both support for and strong opposition to the designation of additional wilderness. Those who oppose, argue that over 50% of the Stanislaus National Forest is already designated as wilderness or proposed wilderness, and they believe that this provide sufficient conservation of wildlife habitat and non-motorized recreation opportunities. Those same opponents, also note that the Forest did not recommend the Near Natural management 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.

There is no way to bridge this gap in differing perspective, nor is there any way to resolve the question of whether 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. The Forest Service can, however, control what lands are “recommended”.

To determine whether OSV use may impact the likelihood of land being recommended as wilderness we first studied the methods used to inform the recommendation process and determine which lands are included (or excluded) from wilderness recommendation. Currently in Region 5, Forests follow a Wilderness Recommendation Process developed by the Region 5 Ecosystem Planning Department. A key component of this process relies on compiling data which identify features of the landscape. Identifying

inventoried roadless areas (IRAs) is one of the twelve datasets that are used to inform the recommendation process. Because Near Natural areas are roadless, and a large proportion of Near Natural areas are designated as IRAs, they will automatically be included for further consideration in the wilderness recommendation process and identified as suitable for inclusion in the National Wilderness Preservation System. Since roadless areas and the characteristics associated with roadless areas are a key component to the recommendation process, we conducted an analysis to determine the potential for OSV use to impact the roadless characteristics or IRAs. The results of this analysis are summarized qualitatively 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.

OSV Use at Sonora Pass and SNRF Limited Operating Period

OSV use is relatively low from Jan to April at Sonora Pass because access to the area occurs over ungroomed high elevation terrain that is both difficult and dangerous to travel. Most OSV use in the vicinity of Sonora Pass between January and April occurs as travel to / from the Bridgeport Winter Recreation Area (BWRA). The BWRA is a National Recreation Area specifically designated by Congress for OSV use on the Humboldt-Toiyabe NF. After April 15, the BWRA closes and the Highway opens to cars. With use of the BWRA eliminated due to its seasonal closure and the ability of users to access Sonora pass via car, OSV use at Sonora Pass increases.

Numerous comments were received both in support of and against designating OSV use at Sonora Pass as well as in support of and against the seasonal closure. Those in support of designating OSV use at Sonora Pass state that the Sonora Pass area is one of the only (or only) place to ride on the Stanislaus late in the season, and for some families, it is the only place and only time of year that they ride OSVs. I recognize that by including the seasonal closure late season OSV opportunities for people who enjoy this area will be eliminated. Others believe in order to sufficiently protect the Sierra Nevada red fox, no OSV use designations should be included at Sonora Pass and some state that the seasonal closure is not sufficient to provide protections for SNRF nor is it in alignment with current Forest Plan direction.

Current Forest Plan direction 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 (S & G) 32). There are variations in the way S & G 32 is interpreted. Commenters believe that S & G 32 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. My interpretation however, is that, the Forest (i.e. the Wildlife Biologist and myself, the Responsible Official) has the discretion to determine whether an LOP (or seasonal closure) is necessary based on the results of our analysis of the potential impacts of OSV use within 5 miles of a known detection. For example, if our analysis determines that OSV use occurring within 5 miles of a verified detection of SNRF would substantially affect SNRF or cause adverse impacts to SNRF breeding efforts, a limited operating period from Jan. 1 to June 30 would be “necessary”. Alternatively, if the analysis determines that OSV use occurring within 5 miles of a known detection would not substantially affect or adversely impact SNRF breeding, then a limited operating period from Jan. 1 through June 30 may not be necessary.

Studies have documented the presence of a small, low-density Sierra Nevada Red Fox breeding population in the vicinity of Sonora Pass (Quinn and Sacks, 2018). Recent monitoring efforts have documented that the SNRF population at Sonora Pass, although small, is stable and appears to be increasing. The overriding risk factors to the small population of SNRF are food conditioning and

potential predation by coyote. Mitigation of food conditioning occurs via education focused on human behavior independent of OSV use from a “keeping wildlife wild” campaigns. Mitigating or reducing the likelihood of predation by coyote can be achieved by: limiting the timing and occurrence of OSV created compacted trails in occupied or suitable habitat and (b) prohibiting OSV use, and thus, additional trail compaction facilitating coyote movement, when SNRF are most vulnerable.

After a careful assessment of the potential for OSV use to affect SNRF and their potential breeding within 5 miles of all known detections of SNRF, the team wildlife biologist concluded a limited operating period – prohibiting OSV use after April 15, annually, was the “necessary” mitigating standard that should be applied. This seasonal closure was set to eliminate OSV use occurring during most of the denning period (approximately 2.5 months) , and particularly the time when young pups are most likely being reared. The wildlife biologist based this recommendation on historical levels of OSV-use and patterns of use, snow conditions, and the natural history characteristics of SNRF: breeding activity, reproduction, rearing, and denning periods (Table 2).

Table 2: SNRF vulnerability to OSV use and coyote predation.

Time Period	Snow Condition	SNRF Natural History – Breeding Activity
March	Periodic fresh snow makes OSV trails temporary, limiting coyote intrusion	SNRF adults are mobile – Denning season for pregnant females begins.
Early April		
Mid-April	Snowfall Ends, OSV trails made now remain for rest of the season and accumulate in extent	Last few weeks of pregnancy, female less mobile and may be tied to den
Last week of April – First week of May		Parturition, lactating females, and pups hidden in den.
May - July	Snow recedes	Pups emerge, increasing detectability to coyotes through noise and scent. Pups wean; vulnerable to interspecific competition (i.e. too small to escape adult coyotes). Pups ties to den area and remain vulnerable to coyotes.

Despite the occasional late season snowfall, historically, regular winter snow accumulations end by mid-April. Prior to April 15, OSV trails get covered by repeated snow events. With no additional snowfall, natural and OSV caused snow compaction will increase naturally as melting occurs. SNRF are more adapted – than coyote - for travel across fresh, deep, snow with their lower body mass and “snowshoe” furred foot pads. Coyote, movement is limited in fresh, deep snow. Coyote are known to post-hole making movement difficult and energy demanding. Coyote are much more able to travel and hunt when snow is compacted. A network of coyote highways can accumulate quickly once regular snowfall events end. Once conditions become more conducive to coyote travel the risk of competition with or predation of SNRF increases because coyote are able to move more easily into occupied SNRF habitat and active denning locations. SNRF pups are particularly vulnerable to coyote predation because they are less mobile than adults and easy for coyotes to kill. SNRF pups are most likely born sometime in mid-April or later. Therefore, including the April 15 annual seasonal closure reduces the risk of coyote travel into SNRF habitat and the risk of coyote predation of young SNRF pups impacting SNRF reproductive success.

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 area for late season OSV use. Therefore based on this analysis, I decided 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.

Minimum Snow Depth Requirements

The public has provided considerable input across Region 5 regarding 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 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).

OSV users have explained that snow conditions and depths on the landscape are self-regulating. Machines are expensive, and OSV operators do not intentionally contact, or desire to contact 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, wrongdoing, 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 if 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 Chapter 2 of the FEIS (FEIS, Vol. I, Chapter 2, Monitoring; and FEIS, Vol. I, Chapter 2, Enforcement).

OSV Use Trails

Several 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 included in the decision 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 to better utilize topography and other natural features to enhance compliance and enforcement.

Land Ownership and Legal Access

A handful of private landowners 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.

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 (FEIS, Vol. I, Chapter 2, Applying the Minimization Criteria and Other Specific Designation Criteria). Documentation of how the criteria were addressed for each designated OSV area and trail is also presented in the FEIS (FEIS, Vol. II, Appendix C and Appendix D).

Non-Winter Recreation Opportunities

Although this decision does not specifically designate non-motorized winter recreation areas on the Forest, OSV use was not designated in specific areas to maintain desired, accessible, quiet areas for non-motorized winter recreation opportunities and solitude.

In particular I did not designate OSV use within: (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 Pinecrest Lake Road and the Dodge Ridge Ski Resort Parking area. In addition, I have reduced the acres designated for OSV use within the Alpine OSV use area. The acres eliminated from OSV use designation are located within the Pacific Valley Near Natural management area. Another reduction in acres designated for OSV use is found along the northern boundary of the Emigrant Wilderness within the Highway 108 OSV use area. The acres eliminated from OSV use designation in this area are located within the Eagle/Night Near natural Management area. Reducing the acres of OSV use designated within these two areas provides additional non-motorized recreation opportunities free from motorized use and may provide added protection and refuge for sensitive wildlife.

Pacific Crest Trail

The Pacific Crest Trail (PCT) is a designated national scenic trail. I recognize that the 1968 National Trails System Act provides for limited authority for allowing OSV use for crossings, emergencies, and for adjacent landowners. Two existing legal motorized crossing points of the PCT exist within the Stanislaus National Forest where Highway 108 crosses the PCT at Sonora Pass and Highway 4 crosses the PCT at Ebbetts Pass. The majority of the PCT traveling through the Stanislaus National Forest is located within designated wilderness: less than 3 miles of the PCT is located outside of designated wilderness.

In my decision, I do not designate any new PCT crossing points or areas, nor does my decision interrupt the existing crossing points at Highway 108 and Highway 4 along the crest of the Sierra Nevada. These crossings are currently allowed by public road right-of-way, and both highways are outside of my jurisdiction. These PCT crossing points provide a contiguous corridor for OSV users seeking OSV riding opportunities located on the eastside of the Sierra Nevada an opportunity to do so. OSV travel across the PCT is limited to these two designated crossing points only.

In my decision, as it relates to the PCT, I designate a 401-acre OSV use area west of a 0.3-mile segment of the PCT and south of Highway 108, at Sonora Pass. I heard many concerns about designating areas for OSV use adjacent to the PCT. There were two main polarized perspectives: designating OSV use adjacent to the PCT impacts the nature and purpose of the trail versus OSV use near the trail should not be constrained because the PCT receives minimal to no use during the wintertime.

I considered both perspectives in making my decision. The 401-acre area I designated for OSV-use is contiguous with Highway 108 which enables users to seamlessly access the designated PCT crossing point at Highway 108 to travel to or from the eastern Sierra via OSV. In designating OSV use in this area, I utilized discernable features so that OSV users in this area are able to easily identify where OSV use is designated to occur. In this particular area, the Sierra crest or ridgeline, provides the most discernable permanent feature for this purpose. Therefore, I did not designate any Stanislaus National Forest lands east of the Sierra crest — or PCT — for OSV use.

I was able to make this decision after careful consideration and made the following conclusions: By designating the 401-acres at Sonora Pass for OSV use in conjunction with the annual April 15 seasonal closure without any additional PCT crossing points or areas, I have (1) not physically interrupted the primitive nature of the PCT's pathway for hiking, cross-country skiing or snowshoeing; (2) aligned the designation with the Recreation Opportunity Spectrum classes overlapping the PCT trail segment in the area – semi-primitive motorized and roaded natural — which recognize the natural setting in the area may have alternations, including the mere presence of motorized vehicles; (3) minimized the frequency and likelihood of OSV use occurring at the same time and place as a person traveling along the PCT by foot, horseback, snowshoe, or ski; (4) promoted compliance and supported easier enforcement of the OSV use trail designations; and (5) reduced noise impacts and enhanced the safety of motorized users of the trail.

Summary

While this decision 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. Despite our efforts, 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 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 the FEIS.

Findings Required By Other Laws And Regulations

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

National Forest Management Act

The Forest Service completed the Stanislaus National Forest Land and Resource Management Plan (Forest Plan) in 1991 and was subsequently amended by the Sierra Nevada Forest Plan Amendment Record of Decision in 2004. The 1991 Forest Plan and its amendments were prepared pursuant to the 1982 version of the National Forest Management Act (NFMA) planning regulations (36 CFR 219 (1983)). The current regulations adopted in 2012 supersede those regulations, as well as other versions of the NFMA planning regulations (36 CFR 219.17(c)). The current NFMA planning regulations do not apply to this project. Therefore, the sole NFMA duty applicable to this project is for the project to be consistent with the governing Forest Plan.

Specifically, for off-highway vehicle management, the NFMA requires that this use be planned and implemented to protect land and other resources, promote public safety, and minimize conflicts with other uses of the NFS lands. NFMA also requires that a broad spectrum of forest and rangeland-related outdoor recreation opportunities be provided that respond to current and anticipated user demands.

This decision includes amendments to the Forest Plan 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 modify the existing LRMP's standards and guidelines identified in Table 1 (ROD, Table 1) to include an exemption to allow OSV use to be designated "where over-snow vehicle (OSV) use areas and trails have been designated consistent with travel management regulations" as well as allow minimum snow depth requirements to be designated at the project-level "...through designation of areas and trails consistent with travel management regulations".

The 2012 Planning Rule (36 CFR 219) states that a plan may be amended at any time. Plan amendments may be broad or narrow, depending on the need for change, and should be used to keep plans current and help units adapt to new information or changing conditions. The responsible official has the discretion to determine whether and how to amend the plan and to determine the scope and scale of any amendment. A plan amendment is required to add, modify, or remove one or more plan components, or to change how or

where one or more plan components apply to all or part of the plan area (including management areas or geographic areas) (36 CFR 219.13(a)).

The 2012 Planning Rule details amendment requirements (36 CFR 219.13(b)(1) through (6)). The FEIS addresses these amendment requirements in the Chapter 2, Alternative Development, Forest Plan Amendments section as well as in the Chapter 3, Significant Issues, Forest Plan Amendments section.

With the amendments included in this decision in place, all aspects of this decision are consistent with the Forest Plan and all other requirements of NFMA.

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 formally requested consultation with USFWS on May 21, 2019 for the federally endangered Sierra Nevada yellow-legged frog (*Rana sierrae*), the federally threatened Yosemite Toad (*Anaxyrus canorus*) and the federally designated critical habitat for these species. Formal consultation was concluded with an issuance of a Biological Opinion, provided under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act), and in accordance with the implementing regulations pertaining to interagency cooperation (50 CFR §402) on March 17, 2020.

National Historic Preservation Act

The National Historic Preservation Act of 1966, as amended, directs all Federal agencies to consider 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.”

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 public along any national scenic trail shall be prohibited...”

This decision does not designate OSV use along the Pacific Crest National Scenic Trail.

The Act does not prohibit public motorized use adjacent to national scenic trails and it acknowledges the need to provide multiple uses of federal lands. Section 7(a)(2) states:

“Development and management of each segment of the National Trails System shall be designated to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land”

The Pacific Crest National Scenic Trail Comprehensive Plan (1982 Comp Plan; pg. 21) implements the 1968 National Trail System Act and 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.”

The 1982 Comp Plan also recognizes the importance of multiple uses of federal lands and that the trail may provide differing levels of wildness as it traverses areas where the management emphasis of adjacent lands vary:

“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).

As described in the Decision Rationale section of this decision, I have located the designated the OSV-use area at Sonora Pass while considering its proximity to the PCT. My decision utilizes discernable features to promote compliance with the decision, to discourage illegal riding along or crossing of the PCT to reduce direct noise and safety impacts to users of the trail, and to support easier enforcement of the decision for law enforcement. The Over-Snow Vehicle Use Map (OSVUM), which is the primary governing tool and document for enforcement of the decision, will prominently display the PCT as non-motorized / OSV use prohibited and mark both Hwy 4 and Hwy 108 as the only legal designated OSV crossings of the PCT.

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, with limited exception, this decision 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 describes how the Travel Management Rule’s designation criteria were applied (FEIS, Vol. I, Chapter 2, Applying the Minimization Criteria and Other Specific Designation Criteria). 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 and Appendix D.

Implementation

Implementation of this decision may begin immediately once signed by the responsible official.

Administrative Review Opportunities

This project was subject to two different objection processes because it includes both a project-level decision as well as a forest-wide forest plan amendment decision. The project-level decision was subject to the objection regulations at 36 CFR 218, Subparts A and B. The forest plan amendment portion of this decision was subject to the objection regulations at 36 CFR 219, Subpart B. A legal notice announcing the 45-day objection period on the draft decision as well as the 60-day objection period for the forest plan amendment portion of the decision appeared in the Union Democrat, the newspaper of record, on March 29, 2019¹.

A total of 36 objections were submitted during the concurrent objection periods which ended on May 13, 2019 and May 28, 2019, respectively. The Reviewing Officer completed the objection review documented in a letter (April 16, 2020) finding the Forest needed to clarify the need to amend the Forest Plan, which substantive requirements applied to the forest plan amendments, as well as the programmatic-level effects of the plan amendments. The Reviewing Officer also found that the Forest needed to clarify how Sierra Nevada red fox inhabiting the Sonora Pass area were accounted for, how the potential impacts of OSV use at Sonora Pass were minimized, and the rationale for not closing the area to OSV use on January 1 each year. And lastly, the Reviewing Officer found that the Forest needed to clarify the rationale for dismissing an alternative suggested by The Wilderness Society. These instructions were implemented by the Forest and reviewed by the Reviewing Officer². Upon completion of that review, the Reviewing Officer instructed the Forest Supervisor to proceed with issuance of a decision. The objection related documents are in the project record and available by request.

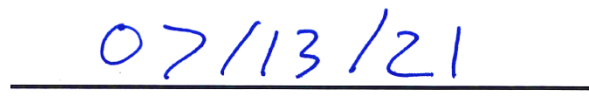
Contact

For additional information concerning this decision, contact: Katie Wilkinson, Forest Environmental Coordinator, Stanislaus National Forest, kathryn.wilkinson@usda.gov.

Signature



Jason Kuiken
Stanislaus National Forest
Forest Supervisor



Date

¹ A prior legal notice was published on March 22, 2019. A second notice was published due to a nationwide project weblink outage that prevented access to project documents between March 22 and March 25, 2019.

² The Responsible Official may not sign a ROD until the Reviewing Officer responds in writing to all pending objections and all instructions identified by the Reviewing Officer are addressed (36 CFR 218.12(a) and (b)).

Appendix A

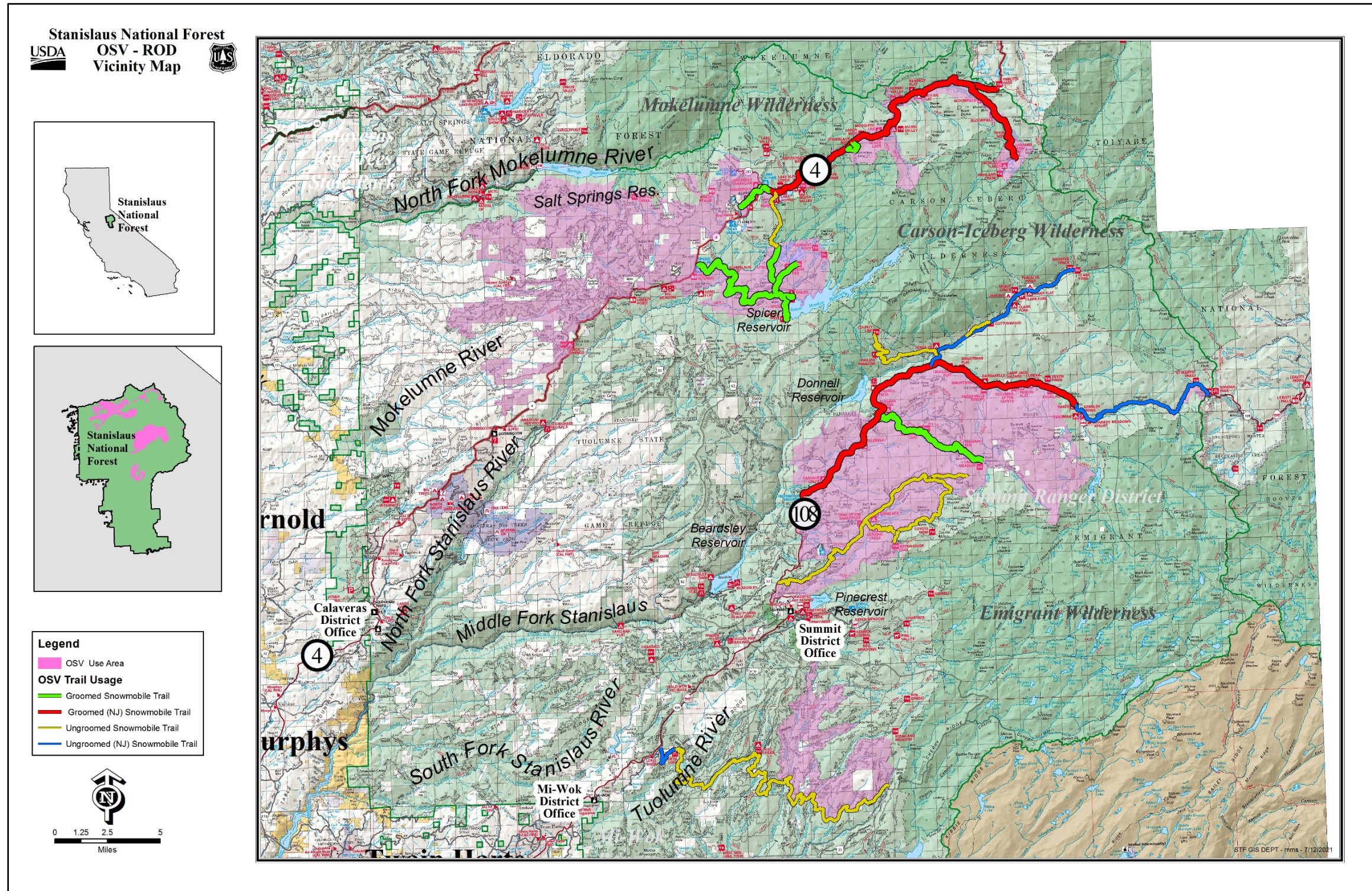


Figure 1: OSV-use designation ROD vicinity map. NJ = non-jurisdiction.