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Submitted via email to: [elnoesser@fs.fed.us](mailto:elnoesser@fs.fed.us)

**Re: Pre-Scoping Comments on Inyo National Forest Over-Snow Vehicle Use Designation**

Dear Erin and OSV planning team,

Thank you for the opportunity to provide pre-scoping comments on the Inyo's Over-Snow Vehicle planning process and your consideration of our comments. Friends of the Inyo advocates for balanced winter recreation for all in the Eastern Sierra. We view winter recreation as a primary driver of our local economy and a major draw for residents and visitors to the area. Many of our 700 plus members use the Inyo National Forest backcountry in winter months for non-motorized recreation and value the diverse recreational opportunities the Forest provides. Friends of the Inyo is known for its collaborative work with motorized recreational users on the Forest and we look forward to working with the INF and multiple winter recreation user groups throughout this process. Over snow vehicle planning should incorporate not only snowmobile planning but all other forms of winter recreational use on the Forest including but not limited to, Nordic skiing, snowshoeing, backcountry skiing, fat biking, and special use permit activity.

Further restrictions on motorized use in the winter backcountry are needed, and required under the OSV rule, and we hope to provide comments throughout the process on where those restrictions are most appropriate, areas that should be open to motorized use, areas where further monitoring is needed, as well as trail system and staging area recommendations. This said, the scoping period should incorporate public comment and make decisions about specific areas following the Proposed Action (PA). The PA can detail the new rule and subpart C requirements and lay the groundwork for public understanding of the process. It is vital the public understand that under the new rule, over-snow vehicle use on the Forest will likely change and how this will occur.

**Minimization Criteria**

Under law, the Forest must apply the minimization requirements detailed in the new rule and ensure they actually minimize impacts on the ground. This goes beyond just identifying

or considering impacts, and it includes impacts to natural resources as well as human-powered recreation. To ensure impacts are minimized, the Forest should use the best available science (BAIS) through standardized and repeatable data collection, a comprehensive literature review of past studies and an adequate and engaging public input process. We particularly recommend reviewing the Winter Wildlands Alliance's *Snowmobile Best Management Practices for Forest Service Travel Planning: A Comprehensive Literature Review and Recommendations for Management* (Dec. 2014).<sup>1</sup> Finally, in order to effectively minimize impacts the Forest should create a timeline and protocol for how it will do so.

### **Minimum Snow Depth**

The Forest Service's Best Management Practices for water quality management call for forests to institute minimum snow depths, stating that forests should "Specify the minimum snow depth for each type or class of over-snow vehicle to protect underlying resources as part of any restrictions or prohibitions on over-snow use."<sup>2</sup> Defining a minimum snow depth will also help the winter travel plan be adaptive in the face of climate change. The snow season is changing and having flexibility built into the plan is key for ensuring that the impact of winter motorized use is minimized regardless of when that use occurs.

In many cases, and site specifically, the minimum depth should be no less than 18 inches. The Forest Plan Revision's Proposed Action proposes a standard of 18 inches minimum snow depth<sup>3</sup>. To be consistent with the new Forest Plan, the OSV designation should also impose an 18-inch depth. Forest habitats such as sagebrush and dry forb meadow are particularly susceptible to vegetation and soil damage, having lasting effects into the growing season. In addition to adopting minimum snow depths supported by BAIS, the Forest Service should create protocols for 1) enforcing minimum snow depth restrictions, 2) monitoring and public communication of the required "continuous and supportable snow cover," 3) and implementing closures when snow cover does not meet the snow depth requirement. Although it is easier to implement a minimum snow depth across the entire planning area, it may be necessary on our forest to zone the minimum snow depths relative to habitats and potential impacts.

We also believe it is important to set seasonal "bookends" before and after which OSV use is not allowed. This is another action recommended by Best Management Practices determined by the Forest Service: "Specify season of use to be at times when the snowpack is expected to be of suitable depth conditions."<sup>4</sup> Having set dates for the winter season allows the forest to more effectively enforce the travel plan.

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<sup>1</sup> Available online at <http://winterwildlands.org/wp-content/uploads/2015/06/BMP-Final.pdf>

<sup>2</sup> USFS 2012. *National Best Management Practices for Water Quality Management on National Forest System Lands. Volume 1: National Core BMP Technical Guide*. Rec. 7 –Over-Snow Vehicle Use. Available at [http://www.fs.fed.us/biology/resources/pubs/watershed/FS\\_National\\_Core\\_BMPs\\_April2012.pdf](http://www.fs.fed.us/biology/resources/pubs/watershed/FS_National_Core_BMPs_April2012.pdf)

<sup>3</sup> Sierra, Sequoia, and Inyo National Forests, *Detailed Proposed Action*, p. 56 (Aug. 2014), available at [http://a123.g.akamai.net/7/123/11558/abc123/forestservice.download.akamai.com/11558/www/nepa/3403\\_FSPLT3\\_2325964.pdf](http://a123.g.akamai.net/7/123/11558/abc123/forestservice.download.akamai.com/11558/www/nepa/3403_FSPLT3_2325964.pdf)

<sup>4</sup> *Id.*

## **Changes in Snowpack**

As the overall snowpack diminishes with projected warming of the climate in the Eastern Sierra, users will be concentrated into smaller areas where snowpack is adequate. This may lead to potential conflicts. We recommend the Forest incorporate rising snow levels that will affect trailheads and staging areas, in the Proposed Action. Current locations are normally large enough to accommodate several trucks with trailers (snowmobiles), as well as regular vehicles (skiers). As dirt roads melt out, or don't get snow to begin with, staging areas will change and parking spaces will be at a premium. This could result in illegal parking and driving over vegetation. Some dirt roads may need to be closed in winter to vehicles depending on the winter snowpack. The ground and soils will also become more water saturated and vulnerable to erosion, with more melting cycles and rain on snow events throughout the winters.

## **Forest Plan Revision**

We are concerned about concurrent OSV planning and Forest Plan Revision. We want to ensure areas that may be considered for recommended wilderness, eligible Wild and Scenic Rivers, or similar protective designations as part of plan revision are not precluded because of OSV designations. We believe the plan revision process is the avenue for determining the management of critical roadless conservation areas like Horse Meadows, Lundy Canyon, and Mono Craters. Mono Craters is just one example of fragile dry-forb meadow habitat that should be protected from OSV use. We also want to ensure species whose fate is currently being decided by the plan revision process are considered in OSV planning. Plan components underway for Bi-state Sage Grouse, Sierra Nevada Red Fox<sup>5</sup>, several rare plants, and other potential Species of Conservation Concern must be considered in the context of OSV planning. It is difficult to make this happen when the planning processes overlap.

## **Threatened and Endangered Species (TES)**

Because the DEIS for Plan Revision has not been released, we do not know how TES will be addressed under the new planning rule. However, three relevant amphibian species were recently listed as threatened or endangered (Sierra Nevada yellow-legged frog, Mountain yellow-legged frog, and Yosemite toad), with proposed critical habitat for the Sierra Nevada yellow-legged frog and Yosemite toad located on the Inyo. Due to the potential adverse effects of OSV travel on these species and their critical habitat, the Forest must formally consult with the U.S. Fish and Wildlife Service as part of its winter travel planning process and present this consultation to the public.

## **Mono Basin Scenic Area**

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<sup>5</sup> SN Red Fox has been moved from the SCC draft list to the TES section of the DEIS and draft Forest plan due to a 12-Month finding on a petition to list Sierra Nevada red fox as an endangered or threatened species. (Federal Register Volume 80(195): 60989-61028. Thursday, October 8, 2015.)

The congressionally designated Mono Basin Scenic Area is managed “to protect its geological, ecological, cultural, scenic, and other natural resources, while allowing recreational, scientific, and other activities consistent with this goal”(pg.16)<sup>6</sup>. Over Snow vehicle and winter recreation within the Scenic Area should be specifically addressed in the PA. The designation of OSV trails and open areas should minimize conflicts with existing and potential developed sites, private property, adjacent wilderness and roadless areas, administrative areas, cultural resources, riparian areas, key wildlife habitat, and sensitive watershed areas. This will mean some closures occurring in areas with critical fish and wildlife habitat. All areas that are not designated for OSVs should be closed to all wheeled vehicles over the snow. The existing OSV map for the Scenic Area should be used to guide OSV direction with the collaboration of stakeholder groups. Finally a monitoring plan for OSV use within the Scenic Area may be required, perhaps distinct from other areas of the Forest. We will include area specific comments within the Scenic Area as part of our scoping comments.

### **Over Snow Fat Biking**

Fat bicycling is an increasing popular form of winter recreation across the western Forests, including the Inyo. Its growing popularity exemplifies the importance of addressing non-motorized recreational use and opportunities in subpart C planning efforts. Friends of the Inyo has conducted a brief review of current management practices of other Forests and adjacent mountain communities. Safety and trail condition are the biggest concerns with fat bikes using Nordic or other groomed trails. Winter fat biking could exist on groomed Nordic trails, however most Forests have adopted restrictions on their use and trail etiquette. The city of Aspen has adopted a designated fat bike loop, where fat bikes are closed on all other existing Nordic trails. Tire size rules are commonplace, ranging from 3.5 to 3.7 inches or wider. Snow must set up after grooming before use, and tires should leave no more than a 1-inch rut.

It is extremely important to Friends of the Inyo and its constituency to have a network of non-wheeled trails for Nordic and snowshoeing use. Groomed routes such as Shady Rest and Obsidian Dome should remain closed to fat bike use, or alternatively, separate tracks should be laid and delineated for their use. Lakes Basin is an important Nordic and snowshoe area and will need careful planning to preserve the non-wheeled user experience. Instead of having to amend travel plans at a later date, the Inyo should clearly outline use and restrictions for fat bikes in the OSV decision. The decisions that are made should happen after proper public comment, monitoring and environmental review of the alternatives. In other words, the PA should request public comment and lay out a plan for addressing fat bikes in several Alternatives. We encourage you to read the decision memo

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<sup>6</sup> Mono Basin National Scenic Forest Scenic Area Comprehensive Management Plan, Inyo National Forest, United States Department of Agriculture, Pacific Southwest Region, 1989.

from the Gallatin National Forest for examples of fat bike management.<sup>7</sup> Careful planning for current and future winter uses will help minimized user conflict and impacts. We will include specific recommendations for fat bike and other wheeled vehicle use in our scoping comments.

## **Conclusion**

We encourage the Forest to move slowly through this planning process and not rush into making decisions about area and trail designations without proper data collection, monitoring and public user surveys. Instead of identifying open, closed and restricted areas in the PA, we hope to see the PA explain the decision making process which will lay the groundwork for final decisions about trails, open play areas, staging areas, and areas with restrictions.

The Inyo National Forest has an opportunity to create a winter travel management plan that values Nordic and backcountry skiing, snowshoeing and other forms of quiet recreation in the context of their contribution to the local economy and national and regional goals to protect the forest's natural resources. Thank you for your hard work on this process and we look forward to working with you and other stakeholders to create a robust and sustainable winter travel management plan.

Respectfully submitted,

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<sup>7</sup> Decision Memo- Amendment to the Gallatin National Forest Travel Plan Standards USDA Forest Service, Custer Gallatin National Forest, Montana. Forest Supervisor Mary C. Erickson, August 19, 2015.