



Decision Notice / Finding of No Significant Impact

West Hoover Travel Plan

USDA Forest Service
Bridgeport Ranger District, Humboldt-Toiyabe National Forest
Mono County, California

United States
Department of
Agriculture

Forest
Service

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DECISION AND REASONS FOR THE DECISION

Background

The project area includes about 7,000 acres near Sonora Pass in Mono County, California. It is part of the 47,000 acre recommended western addition to the Hoover Wilderness Area (West Hoover Addition). It has been closed to snowmobiles since 1981. It is bounded on the west and south by the Pacific Crest trail and the Emigrant Wilderness Area, on the east by the rest of the West Hoover Addition and on the north by the Sonora Pass Highway, a steep narrow seasonal mountain pass usually closed from November to May. The area is nearly bisected by the Leavitt Lake Road Corridor, a motorized use area from the Sonora Pass Highway to Leavitt Lake.

Current winter use includes US Marine Corps mountain warfare training, a minor amount of backcountry skiing and snowshoeing, and some trespass snowmobiling. The Bridgeport Ranger District has been enhancing its patrols and enforcement since the winter of 2003/2004 in an effort to end the trespassing.

In 1984, Congress passed the California Wilderness Act, which included direction to the Forest Service to study the area and recommend whether or not it should be designated as Wilderness. In 1986, the Forest Service Toiyabe Land and Resource Management Plan recommended that it be designated as Wilderness and provided for management under a wilderness prescription. This prescription prohibits snowmobile use, however, signing of boundaries and enforcement has been limited by funding. Trespassing has increased in recent years due to

improvements in snowmobile technology. New faster and more powerful machines have made the area more readily accessible to snowmobiles. These changes have prompted the Forest Service to revisit its management of the area.

Decision

Based upon my review of the alternatives, I have decided to implement the Proposed Action as described in the EA.

The decision updates the Bridgeport Ranger District Travel Plan and amends the Toiyabe Land and Resource Management Plan to provide for over-snow motorized vehicle use in a 7,000-acre area around the Leavitt Lake Road Corridor (See Map). The closing date will be April 15 of each year unless the Bridgeport District Ranger determines on an annual basis that an earlier or later closing date is appropriate and would provide proper protection from potential resource damage. The closures will be determined on an annual basis as on-the-ground conditions warrant. Implementation of this project is scheduled for the winter of 2005-2006.

Plan Amendment

This decision would amend the Toiyabe Land and Resource Management Plan. The Plan currently provides for management of the area under the wilderness management prescription. This decision amends the Plan to provide for snowmobile use in the area around the Leavitt Lake Road Corridor. The amendment would apply to only this 7,000-acre area.

The Toiyabe Land and Resource Management Plan would be amended as follows:

- Add to footnote 1 on page IV-96: "Except as identified in Recreation MIH code A15."



- Add Recreation MIH code A15:
“Manage a 7,000 acre area of the West Hoover Recommended Addition to the Hoover Wilderness Area to allow for snowmobile use. Ensure that this use does not compromise the long term wilderness character of the area. This 7,000 acre area is around the Leavitt Lake Road Corridor (Map).”

Resource Protection Measures

Measures to protect nearby closed areas and other uses would include:

- Enlisting volunteers from both motorized and nonmotorized recreation communities to help with monitoring, enforcement, and public education efforts.
- Cooperating with the Inyo and Stanislaus National Forests, Yosemite National Park, and Mono County to monitor snowmobile use and protect closed areas. This will include continued cooperation on overflights to monitor and protect closed areas.
- Enhancing Forest Service public education efforts through personal contacts, patrols, web site information, and press releases.
- Enhancing signage of boundaries and entrance points, including maps of boundaries, opening and closing dates, potential avalanche danger, U.S. Marine Corps training activities, and descriptions of regulations.
- Continuing Forest Service patrols of the area, including citations for those violating boundaries.

- Requesting that the State of California require more visible snowmobile ID tags.
- Conducting a field review to determine final placement of boundaries below the Pacific Crest Trail (See Map). Request Pacific Crest Trail Association and other public participation in this field review. The Pacific Crest Trail boundaries depicted in this document are conceptual. Actual boundaries could vary when they are laid out on the ground.
- Using enforcement related monitoring to determine incursions into closed areas, including the 40,000 acres of the West Hoover Addition that would remain closed to snowmobile use, Yosemite National Park, the Hoover and Emigrant Wilderness Areas, and the Pacific Crest Trail. Any adjustments in snowmobile use needed to address these incursions would be consistent with this decision.
- Using Marine Corps information on the effects of changes in snowmobile use on their training activities. Any adjustments in snowmobile use needed to address these conflicts would be consistent with this decision.

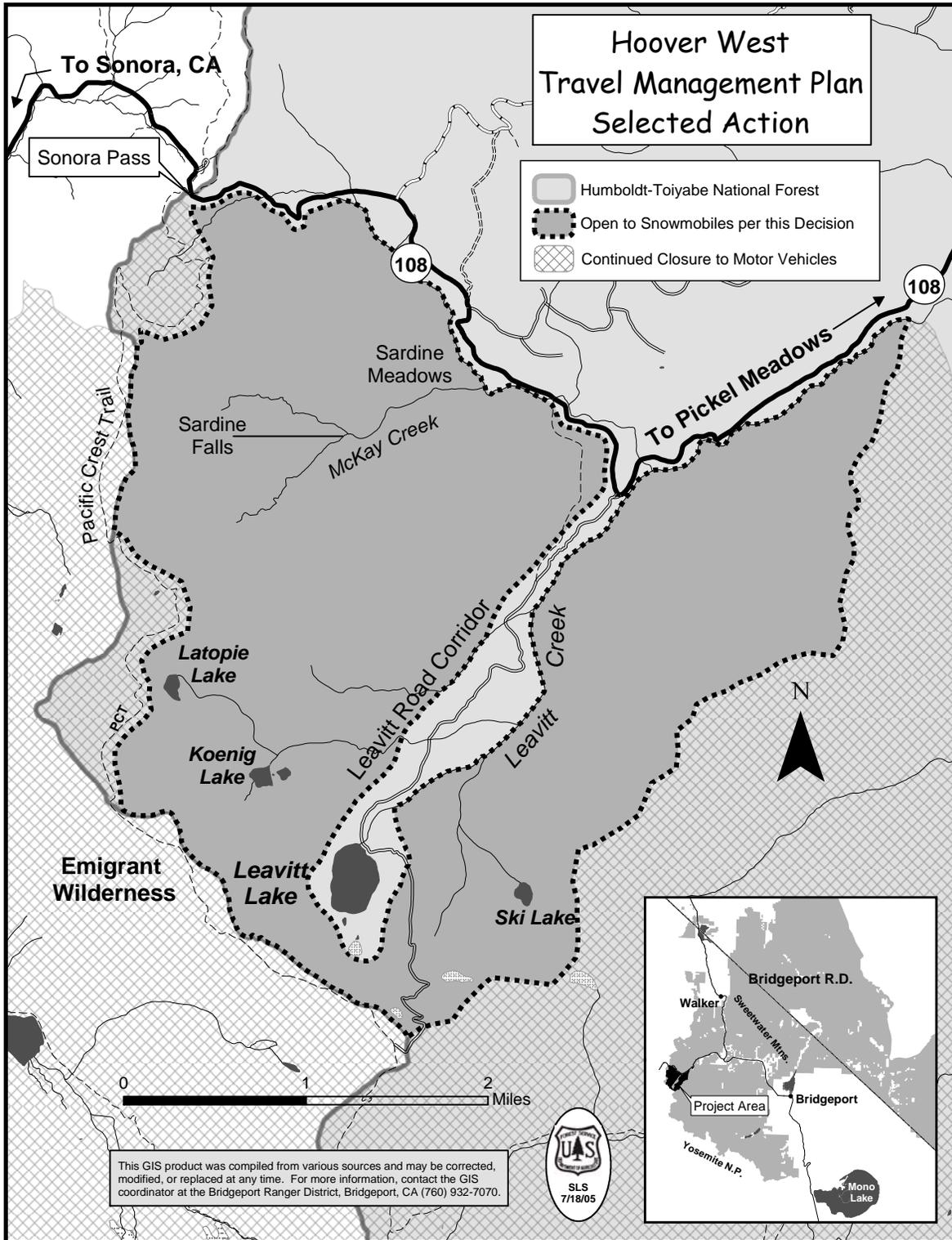
Measures to protect ecosystem integrity would include:

- Using Yosemite toad population monitoring and other resource information from the California Department of Fish and Game Biodiversity Management Plan, the Sierra Nevada Forest Plan Amendment Yosemite Toad Conservation Strategy (In development), other Sierra Nevada Forest Plan monitoring efforts, and



on the ground observations of Forest Service personnel to monitor ecosystem integrity, including watersheds, flora, fauna, viewsheds, and soundscapes. Any adjustments in snowmobile use needed to address ecosystem integrity would be consistent with this decision.

- Using water quality data collected by the Lahontan Water Quality Control Board and others in the West Walker River watershed to determine water quality impacts over time. Any adjustments in snowmobile use needed to address water quality would be consistent with this decision.
- Installing rest rooms or garbage receptacles at the Pickel Meadows Gate trailhead if conditions warrant
- The Forest Service, in cooperation with the Desert Research Institute, will collect and analyze snow samples in 2005 and 2006 to determine before and after decision contaminant levels in the area. Any adjustments in snowmobile use needed to address snowmobile related contaminants would be consistent with this decision.
- The Forest Service is required to comply with the Clean Air Act. Should the Great Basin Unified Air Quality Control District determine unacceptable levels of air quality, any adjustments in snowmobile use needed to address air quality would be consistent with this decision.





Decision Rationale

In selecting the action alternative I seriously considered a number of issues and factors.

First, I considered whether I had the authority to make this change to the Forest Plan and our management of the West Hoover Addition. As noted above, in 1984 Congress enacted the California Wilderness Act that directed the Forest Service to manage this area as wilderness for the four years following enactment of the statute. Once that four-year period expired, management of the area became discretionary to the Forest Service consistent with Forest Plan direction.

The Forest Service planning regulations clearly outline the process, authority, and purpose for amending a Forest Plan. As outlined in our planning regulations our Forest Plans are intended to be responsive to changing biophysical conditions, to the increased understanding of scientific principles, and to the evolving interests and values of society. As I will discuss in greater detail below I have seriously weighed these factors in deciding to amend the Forest Plan.

Second, I considered how well the selected alternative met the purpose and need for the proposed action. I fully understand that many will find this consideration to be specious and will likely dismiss this rationale as circular. The purpose of this proposal is based on the stated need to expand snowmobile opportunities and only the action alternative does this. However, the consistency of the selected alternative with the purpose and need is an important procedural issue which must be satisfied.

More important is whether the purpose and need is consistent with our legislative mandates for managing the National Forest System. As I discuss further below, I have attempted to balance conflicting recreational

demands consistent with our multiple-use mandates.

Third, in arriving at this decision, I have closely examined the analysis of effects in the Environmental Assessment. I considered impacts of the proposed action and weighed them against the direction I am given to protect National Forest System resources and values from impairment and to ensure their enjoyment by future generations. This direction gives Forest Service managers the discretion to allow some impacts to forest resources and values when appropriate and necessary to fulfill the purposes of the National Forest System. The principles guiding our management as contained in legislation such as the National Forest Management Act and the Multiple-Use, Sustained-Yield Act provide for the enjoyment of forest resources and values by the people of the United States. Forest Service policies acknowledge that providing opportunities for public enjoyment is a fundamental part of the Forest Service mission.

The Environmental Assessment demonstrates that snowmobile use as proposed is not free of environmental impacts, but that those impacts do not rise to the level of significance that is defined by the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations as requiring an Environmental Impact Statement (EIS).

The proposed Forest Service travel management regulations generally support this conclusion by providing an exemption for snowmobile use because:

“... a snowmobile traveling over snow results in different and less severe impacts to natural resource values than wheeled motor vehicles traveling over the ground. Consequently, in contrast to wheeled motor vehicles, it may be appropriate for snowmobiles to travel off route. Nevertheless, since there are impacts associated with snowmobile use, and since snowmobiles are



included in the definition of off-road vehicle in E.O. 11644 and E.O. 11989, the agency is preserving the authority currently in part 295 to allow, restrict, or prohibit snowmobile use on a discretionary basis in §212.80 of the proposed rule, as discussed in the description of that section.”¹

This position is supported by the site-specific analysis provided in the Environmental Assessment. Specific environmental effects and conclusions provided in the Environmental Assessment include:

- **Wildlife:** Due to the April 15 closure, the minimal nature of over-snow vehicle impacts, and the measures to adjust snowmobile use as needed, use would not have major impacts on wildlife habitat.
- **Watershed and Air Quality:** Scientific analysis from Yellowstone National Park indicates minimal impacts should occur in the Sonora Pass area, particularly given the small number and dispersed nature of snowmobiles here compared to Yellowstone. In addition measures would be in place to adjust snowmobile use if needed.
- **Special Uses:** Potential impacts to Marine Corps training would be addressed through education, sentry posting, and adjustments in snowmobile use if conditions warrant.

I have also carefully considered issues and measures to minimize resource damage. Issues addressed in the Environmental Assessment were:

- **Recreation:** The proposed action addresses recreation impacts by providing expanded opportunities for snowmobiling; providing for non-motorized recreation opportunities after April 15 each year, based on annual conditions; and by providing the opportunity for input from the Pacific Crest Trail Association and other interested parties as we define trail setbacks.
- **Wilderness/Roadless:** The proposed action protects wilderness and roadless characteristics in the project area to the extent that it would continue to be recommended to Congress for designation as Wilderness and would continue to be managed as a roadless area. Nearby closed areas such as the Yosemite National Park and the Emigrant Wilderness would be protected from snowmobile trespass through on-going enforcement activities that would occur under either alternative. The proposed action includes additional information and education efforts as well as a provision that would adjust snowmobile use as identified through future monitoring of trespass use.

These measures rely on on-the-ground patrols by Forest Service personnel, flights over adjacent closed areas, as well as input from other agencies regarding water and air quality and trends in Yosemite toad populations. They also rely heavily on the judgment and discretion of the Bridgeport District Ranger rather than precise quantified triggers.

For example, the decision provides for an annual closure date of April 15 and gives the District Ranger the authority to modify that date based on on-the-ground conditions. Some commenters proposed that minimum snow depths be used as a trigger point.

¹ USDA, Forest Service. Travel Management; Designated Routes and Areas for Motor Vehicle Use: Proposed rule; request for comment. Federal Register: July 15, 2004 Volume 69, Number 135, Pages 42381-42395.



However, there is no scientific basis for choosing six versus twelve versus eighteen inches as the required trigger.

Implementation problems would also be problematic. If a square foot of this area on a rocky outcrop has one less inch than the trigger point, would that justify closing the entire area? For these reasons, I have decided that the use of quantified triggers for this project would be arbitrary and unmanageable and that it is best to rely on the discretion and knowledge of the District Ranger to make decisions needed to protect resources.

Fourth, in making this decision I carefully considered the public's input as provided in a variety of venues and formats. In general the public input has convinced me that the issues of greatest importance in the conflict over this decision are ultimately issues of human values as reflected in differing perspectives on the appropriate uses of this land.

The potential environmental impacts of snowmobiles on this land are arguably quite transitory. For many who oppose this proposal the potential political impacts of opening this area to snowmobiles are of greatest concern. They point out that we will be reinforcing a non-wilderness constituency that will be further motivated to oppose wilderness designation of the West Hoover Addition. They also argue that this decision rewards bad behavior. In their view snowmobilers who have violated a sanctioned closure are now being rewarded by the Forest Service by our removing the sanctions. Where will it end, they argue, when snowmobiles cross the next ridge in search of new territory?

Snowmobile proponents, not surprisingly, argue a different set of circumstances. They point out that Congress, in a sense, gave itself four years to make a decision on wilderness designation of the West Hoover Addition. Since it did not designate this

area as wilderness in this time frame (or in the subsequent nearly two decades), proponents argue that Congress has made a decision on the importance of this area as wilderness and that the Forest Service should countenance a wider variety of uses of the area, particularly uses with minimum environmental impact.

There is obviously no way to bridge or resolve these differing perspectives. Final resolution of the "wilderness question" is beyond my authority. Congress has reserved for itself the power to designate Wilderness as part of its broader Constitutionally-derived authority to "make all needful rules and regulations respecting the territory...belonging to the United States... Ultimately Congress must resolve these conflicts in values and uses.

In the interim I believe my decision preserves a wide variety of options for the resolution of these issues in the political arena. I clearly recognize that this proposal is changing past land use planning direction. This direction is being deliberately updated based on changing patterns of recreation use in the area and the direction for the Forest Service to provide for a variety of recreation opportunities. I also recognize that this is not a 180-degree reversal of the preexisting land use plan. It upholds the ban on snowmobile use on 85 percent of the West Hoover Addition, opening only 15 percent or 7,000 acres.

I intend to work cooperatively with all user groups to make this decision work. I will also enforce the boundaries of the use areas to protect the legitimate uses of all areas and to avoid any appearance that land use decisions can be made by trespass.

Finally I recognize that like all decisions that weigh the values of conflicting positions, this decision will not satisfy all participants. If it were easy, Congress would have resolved the issue long ago. Pending that resolution, I will work with all



interested parties to implement this decision in a fair and accountable manner.

Other Alternatives Considered

In addition to the selected alternative, I considered the no action alternative. An analysis of these alternatives can be found in the EA.

No Action Alternative

Under the No Action alternative, current management plans would continue to guide management of the project area. The area would continue to be closed to snowmobile use.

PUBLIC INVOLVEMENT

The proposal was listed in the Schedule of Proposed Actions in January, April, and July, 2005. The proposal was provided to the public and other agencies during scoping in December 2004.

Following refinement of the proposed action and purpose and need, a Notice of Proposed Action was released for public review on March 17, 2005. Legal notice was published in the Mammoth Times on that day and press releases were sent to the Reno Gazette Journal, South Lake Tahoe Tribune, and Sonora Union Democrat. The Forest Service published the Notice on the Humboldt-Toiyabe National Forest website. Thousands of email and standard mail notices were sent to interested parties.

A summary of the public comments can be found in the public involvement section of the Environmental Assessment. The summary includes a description of modifications to the proposed action that were made in response to public comments.

Consultations with other agencies included Mono County, the U.S. Marine Corps, Yosemite National Park, Great Basin

Unified Air Quality Control District, and California Department of Transportation.

Using the comments from the public, and other agencies, the interdisciplinary team identified several issues regarding the effects of the proposed action. Main issues of concern included recreation, wilderness/roadless characteristics, wildlife, special uses, watershed, air quality, economics, and visual resources.



FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety, because appropriate information regarding avalanche danger will be made available to the public, potential safety problems between public users and US Marine Corps training will continue to be monitored and managed by the Marine Corps, and the potential for any human health risks from air or water quality impairment is minimal (see EA Watershed and Air Quality analyses).
3. There will be no significant effects on unique characteristics of the area, because the wilderness character of the land would not be impaired. Congress would continue to have the opportunity to designate the area as Wilderness. The Forest Service continues to recommend that the area be designated as Wilderness. While the Environmental Assessment acknowledges that snowmobile use can result in some minor level of damage to individual trees, overall impacts are minor and would not

impair Congress' ability to designate the area as wilderness. (See EA Wilderness/Roadless analysis).

Another unique characteristic of the area is its proximity to Yosemite National Park. As noted in the EA, snowmobiles have been trespassing into the park and could continue to do so under either the proposed or no action alternatives. Under either alternative, enforcement activities would be enhanced to minimize or eliminate these impacts.

A third unique characteristic is the presence of ecologically unique areas, in this case critical aquatic refuges that provide habitat for Yosemite toads. As documented in the wildlife section of the EA, impacts to these refuges are expected to be minimal, particularly given the closure to snowmobiling on April 15 each year, subject to annual conditions.

4. The effects on the quality of the human environment are not likely to be highly controversial. Scientific controversy over the effects of snowmobile use has been largely put to rest through the extensive scientific analysis conducted by the National Park Service at Yellowstone National Park. That scientific analysis was used extensively in the preparation of the Environmental Assessment for this project. The Environmental Assessment acknowledges that there is public controversy over the project between advocates for and against snowmobiles in this area. Opposition to the proposed action exists, but the nature of the action's effects on the environment has not been credibly disputed. Consequently, this opposition does



not rise to the level where it meets the CEQ definition of controversy for the purposes of complying with NEPA (see EA Public Involvement section).

5. Federal agencies have considerable experience with the management of snowmobile use. Such use is found on National Forest System lands throughout the nation. Detailed scientific evidence from Yellowstone National Park and site-specific on-the-ground information from Sonora Pass were used to help analyze the potential impacts of the proposed action. While uncertainty exists over the amount of snowmobiling that could occur in the future, the effects of snowmobiles on the environment are well known and are not uncertain and do not involve unique or unknown risks (see EA Environmental Consequences sections). Uncertainty over the amount of future snowmobiling is addressed through resource protection measures that provide for adjustments in snowmobile management based on monitoring the effects of snowmobiling (EA Resource Protection Measures).
6. The action is not likely to establish a precedent for future actions with significant effects, because the Forest Service manages snowmobile use in other areas that have been recommended for designation as wilderness, including areas on the Boise, Sawtooth, Payette, Caribou-Targhee, and Wasatch-Cache National Forests.²

The planning regulations provide Forest Service managers the discretion to amend the Forest Plan

² USDA Forest Service, 2003. Final Environmental Impact Statement: Wasatch-Cache National Forest Revised Land And Resource Management Plan. Pg. 3-303.

as needed to address new or changing circumstances. The Forest Service routinely amends Forest Plans throughout the nation. Such amendments are not precedent setting.

Adoption of the proposed action does not represent a decision in principle about any future actions. The proposed action is specific to the 7,000 acres around the Leavitt Lake road corridor. The Forest Service has recommended this area to Congress for designation as Wilderness and nothing in this decision changes that recommendation.

Some commenters felt that this proposal set a precedent for adverse impacts to the Pacific Crest Trail. However, in response to public concerns the proposed action was modified to exclude snowmobile use along the Trail. The proposed action also includes a provision to seek input to define the trail setback through an on-the-ground workshop with the Pacific Crest Trail Association and any other interested parties.

7. The cumulative impacts are not significant. While some commenters expressed concern about cumulative winter and summer impacts to Yosemite toad habitat, the area will fall under the management of the Yosemite toad Conservation Strategy as directed by the Sierra Nevada Forest Plan Amendment. On-going monitoring of Yosemite toad habitat will continue and be used to adjust the proposed action as needed (see EA Wildlife section).
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects



listed in or eligible for listing in the National Register of Historic Places, because snowmobile use does not affect these resources³. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because there is limited potential to affect toad habitat as noted above. This habitat is the only known scientific resource in the area. As noted above, snowmobile use would not affect cultural or historical resources in this area.

9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because none exists in the area⁴.
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA Resource Protection Measures). The action would amend the Toiyabe Land and Resource Management Plan and therefore be consistent with the Plan as amended.

Findings Required by Other Laws and Regulations

The National Historic Preservation Act requires consultation with American Indian Tribes and the State Historic Preservation Officer. This was completed as required. Other than a general need for inventories in the area, no specific issues of concern to the

³ USDI Park Service, 2000. Final Environmental Impact Statement: Winter Use Plans Yellowstone and Grand Teton National Parks and John D Rockerfeller, Jr., Memorial Parkway. Pg. 291.

⁴ USDA Forest Service, 2005. Biological Evaluation/Assessment: West Hoover Travel Management Plan.

tribe were identified with this project.⁵ The State Historic Preservation Officer did not communicate any concerns.

The decision to implement the proposed action includes an amendment to the Toiyabe Land and Resource Management Plan. Pursuant to the 1982 planning regulations, I have determined that the amendment is not significant. This is based on my conclusion that the adjustments in management prescriptions have resulted from further on-site analysis and those adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management planning. The long-term goal to designate and protect wilderness values as identified on Page IV-5 of the Toiyabe Land and Resource Management Plan would not be affected by the amendment because the long-term recommendation to Congress for wilderness designation would not be changed. This project clearly does not result in changes that would have an important effect on the entire forest plan or affect land and resources throughout a large portion of the planning area. It comprises less than one-half of one percent of the forest plan area.

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Administrative Review or Appeal

⁵ USDA Forest Service, 2005. Letter from Robin Redman, Bridgeport District Ranger to David Loomis, West Hoover Project Manager.



Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215.

The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at Appeal Deciding Officer, USDA Forest Service, Intermountain Region, 324 25th Street, Ogden, Utah 84401 fax 801-625-5227.

The office business hours for those submitting hand-delivered appeals are 8 to 4:30 Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to appeals-intermtn@fs.fed.us. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication

date of this notice in the Mammoth Times, the newspaper of record. Attachments received after the 45-day appeal period will not be considered. The publication date in the Mammoth Times, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted substantive comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Contact

For additional information concerning this decision, the environmental assessment, or the Forest Service appeal process, contact David Loomis, Project Manager, Humboldt-Toiyabe National Forest, 1536 S. Carson St. Carson City, NV 89701 Ph 775-882-2766.

EDWARD C. MONNIG
Acting Forest Supervisor
Humboldt-Toiyabe National Forest

Date