



Decision Notice & Finding of No Significant Impact

Lake Tahoe Adventures Commercial Outfitter Guide Snowmobile Project

United States
Department of
Agriculture

Forest Service
Intermountain Region
(R4)

January 2012

Carson Ranger District
Humboldt-Toiyabe National Forest
Alpine County, California



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1. Decision Summary

This Decision Notice (DN) and Finding of No Significant Impact (FONSI) documents my decision to re-authorize the Outfitter-Guide Special Use Permit to Tahoe Adventures, Inc. dba Lake Tahoe Adventures for commercial snowmobile tours. The Forest Service (FS) has prepared an Environmental Assessment (EA) in compliance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations. The EA discloses the direct, indirect, and cumulative environmental impacts that would result from implementation of “No Action” (Alternative 1) and the “Proposed Action” (Alternative 2). This range of alternatives meets the Purpose and Need and responds to issues raised by the public 36 CFR 220.

I have selected the Proposed Action (Alternative 2) to meet the need for commercial snowmobile use, while avoiding adverse impacts to resources.

2. Introduction

Location

The project area is on the Carson Ranger District of the Humboldt-Toiyabe National Forest in the area of Highway 89 and Blue Lakes Road, in the Blue Lake area and Hope, Charity, and Faith Valleys in Alpine County, California (Township 10N Range 19E Sections 6, 7, 16, 17, 18, 19, 20, 29, 30, 31, 32, Township 9N, Range 19E, Section 6, 7, 8, 17, 20, 21, 28, and 29). The permit area encompasses approximately 8,500 acres of National Forest System land, ranging in elevation from 7,000 to 8,400 ft. See Figure 2, Proposed Action.

Background and Existing Conditions

The project area receives heavy snowfall and is a winter recreation area for activities including snowmobiling, snowshoeing, and cross-country skiing. Blue Lakes Road is closed and opened to non-snow vehicles via a series of gates as snow accumulates and recedes in the winter and spring. In the winter, the first ¼ mile of Blue Lakes Road is operated as a Sno-park by California State Parks November 1 through May 31 annually, as permitted by the Forest Service. Hope Valley Sno-park provides parking, restrooms, and trailhead access to the National Forest.

Lake Tahoe Adventures (LTA) has provided annual, commercially-guided snowmobile tours in the project area from November through May under special use permits issued by the Carson Ranger District since 1986. LTA shuttles their clientele from South Lake Tahoe by passenger van to the staging area.

LTA operations on the Forest are based at the 7,150 ft. elevation on Blue Lakes Road, adjacent to Hope Valley Sno-park. The location encompasses approximately one acre, and is used for temporary staging of approximately 85 Arctic Cat 4-stroke snowmobiles, a snow cat groomer, fuel trailers, trail-bridge, warming hut, and office for employee staff. As snow recedes in the spring, LTA moves up in elevation on Blue Lakes Road through a series of gates to meet the snow line. With the movement, LTA occupies up to five temporary staging locations on the paved shoulders of the road and reduces their operating fleet to approximately 20 snowmobiles and refuels using a portable fuel trailer. See Figure 2, Proposed Action Map of sliding staging locations.

To facilitate their commercial snowmobile tours, LTA grooms approximately 30 miles of road with a snow cat, including 13 miles of Blue Lakes Road, 17 miles of gravel or dirt Forest roads and approximately 0.63 miles off trail. These groomed surfaces are available for snowmobile and non-motorized winter use by both LTA and the public.

Management Direction and Guidance

The project area is within the Alpine Management Area of the Toiyabe Land and Resource Management Plan (LRMP). The Alpine Management Area is to be managed for a variety of uses, including increasing developed site capacity and enhancing dispersed recreational opportunities, while maintaining watershed, range, wildlife, aesthetic and vegetative quality. Hope Valley is identified as an area in which natural conditions and values should be retained. The LRMP specifically addresses winter recreation, directing the District to provide:

- “Roaded natural experiences along county and state roads, and semi-primitive motorized and semi-primitive non-motorized experiences in other areas.” (LRMP, Pg 87).

- Facilities at the intersection of Blue Lakes Road and State Route 88 to support winter recreation opportunities and provide health and sanitation (LRMP, Pg 89)
- Winter activities including cross country skiing, snowmobiling and general snow play and allowing for designated routes and snowmobiles and coordinating with the State of California Sno-park program (LRMP, pp. 86, 88)

3. Purpose and Need

The purpose of this proposal is to provide an outfitted and guided snowmobiling recreational opportunity on the Carson Ranger District in the vicinity of Blue Lakes Road.

Lake Tahoe Adventures has provided commercially guided snowmobile tours under special use permits on the Carson Ranger District since 1986. Their tours provide a winter experience for those who may not have the specialized skills, knowledge, or equipment to do so by themselves. LTA permit expired and have requested the permit be re-issued. The permit is a priority use permit, and Forest Service outfitter guide policy and direction is to reissue the permit for up to a ten year term. (FSH 2709.14 CH. 50 53.1n)

4. Decision and Rationale

Decision

I have selected the Proposed Action, as described in the EA, to issue a special use outfitter-guide term permit to Lake Tahoe Adventures (LTA) for commercially guided snowmobile tours and associated grooming on designated travel routes for a 10 year term in the Blue Lakes, Hope, Charity and Faith valleys (See figure 2-1, Proposed Action Map). Operations will be authorized annually, from November 1 through May 31.

Specific design features to be incorporated into the Term Special Use Permit include the following:

- Require a client to guide ratio of 8:1. An additional guide is added to the group if the group exceeds 8 clients with a maximum group size of 16 (including guides). Up to five groups may leave the staging area per hour, staggered to provide spacing.
- Limit hours of operation to daylight hours only, with the exception of moonlight tours.
- Limit night tours (moonlight tours) to two days before, the day of and two days after a full moon. Moonlight tours are allowed to operate only on Blue Lakes Road. Tours end by midnight.
- Authorize base operations from an approximately one acre staging area adjacent to Hope Valley Sno-park. The temporary staging area contains a temporary employee warming hut, office, and two-528 gallon temporary fuel trailers and approximately 85 snowmobile fleet and groomer or comparable facilities and fleet as approved. A minimum of 12” inches of snow would be required to begin grooming operations and commercial snowmobile tours from the staging area to Blue Lakes Road. Designate the travel corridor for access from the staging area to Blue Lakes Road. Grooming equipment and snowmobile tracks will not come in contact with pavement or soil.

- Require a minimum of 12 inches of snow on dirt or gravel routes to begin grooming operations and guided commercial snowmobile operations. Grooming equipment and snowmobile tracks will not come in contact with pavement or soil.
- Require a minimum of 24 inches of snow in off-trail areas to begin grooming operations and guided commercial snowmobile operations. Grooming equipment and snowmobile tracks will not come in contact with vegetation or soil.
- Authorize guided snowmobile tours on approximately 30 miles of designated groomed system routes, including approximately 13 miles of Blue Lakes Road, approximately 17 miles of gravel or dirt Forest roads and approximately 0.63 miles of off trail to be groomed with a snow cat.
- Authorize guided snowmobile tours in un-groomed off trail areas on approximately 3,500 acres, as depicted on figure 2 proposed action map. Use within this area is not restricted to designated routes. Approximately 10% of tours occur off trail.
- Authorize four temporary sliding staging locations for approximately 20 snowmobiles on Blue Lakes Road. Staging locations will be moved to meet snow line as snow recedes in the spring. Refueling at these temporary areas is done with a portable 528 gallon re-fueling trailer.
- Replace the existing temporary snowmobile bridge near the staging area with a permanent bridge or semi permanent bridge that conforms to Forest Service engineering standards. Construct the bridge to support snowmobiles and a snow groomer. This area is not accessible by vehicles in the summer months and therefore may only be used as a footbridge during summer.
- Require that all litter/trash from snacks and lunches be packed out daily and discarded in animal resistant trash bins to reduce attraction to litter from American martens and other wildlife.
- Snowmobile fleet replacements will be 4 stroke or similar technology that will meet or exceed current year EPA standards for air quality.
- Snowmobile fleet replacement will be 4 stroke or similar technology that is as quiet as the current fleet being operated. Modified machines are not permitted. Machines must also be registered with the current year California green sticker.
- Following any disturbance from bridge construction, willows and riparian vegetation will be planted to improve stream bank stabilization.
- A snowmobile trail bridge will be installed at the creek crossing to meet snow load standards and reduce potential stream bank damage. Temporary erosion control best management practices will be implemented during construction of the bridge crossing to prevent soil

movement into the stream channel. Disturbed areas will be re-vegetated after construction is complete.

- Snowmobile tours may continue to cross the Pacific Crest National Scenic Trail (PCT), crossing on the Blue Lakes Road. Portions of off trail areas near Tamarack Lake were removed from the permit area. It is prohibited from using a motorized vehicle on the PCT. (36 CFR 261.20)
- Roads will be posted in both directions with signs during grooming operations to alert the public. This will notify trail users that the snow cat is on the trail conducting grooming activities.
- Required to follow posted over snow speed limits on Blue Lakes Road (Alpine County ordinance (683-08)).
- Trash pickup including rubber from snowmobile tracks and other litter will be picked up in the fall and spring each season. The permittee may also assist the Forest Service with abandoned snowmobile retrieval.

Best Management Practices

- The permittee is required to use weed free hay straw at the staging area to prevent noxious weeds from establishing in the area (Forest Order 04-00-097). Straw bales will be used as extra barrier protection around the portable fuel trailer.
- The permittee is required to use best management practices for refueling. Best management practices will be developed including maintenance checklists, employee training and reporting procedures.

Monitoring

- An Annual Operating Plan will be submitted each year and becomes part of the permit.
- Annual inspections including checking snow-depth prior to operations commencing will be conducted by the permit administrator to evaluate compliance with the terms and conditions of the permit.

Rationale

In making my decision, I considered both the No Action and Proposed Action Alternatives:

The No Action Alternative would not approve the re-issuance of a term special use permit authorizing commercial snowmobile outfitting and guiding in the area of Blue Lakes, Hope, Charity, and Faith Valleys, and would not authorize the 30 miles of snowmobile trail grooming historically provided by the permittee.

The Proposed Action would authorize traditional operations conducted by the permittee, including the grooming of 30 miles of snowmobile trail, with additional design features to address environmental concerns.

I reviewed the environmental analyses documented in the EA and project record, and public input, and based my decision upon the following factors:

Purpose and Need. I considered how well each of the alternatives responded to the Purpose and Need for the project: to provide an outfitted and guided snowmobiling recreational opportunity on the Carson Ranger District in the vicinity of Blue Lakes Road. The project's purpose aligns with the goals, objectives, standards and guidelines designed to meet desired future conditions for the Toiyabe National Forest, as outlined in the management direction in the *Toiyabe National Forest Land and Resource Management Plan*.

Effects and Relevant Issues. I considered how implementation of both alternatives would affect the human environment, focusing on effects associated with the four relevant issues identified in public comments: 1) snowmobile exhaust upon water quality/snow chemistry; 2) snowmobile exhaust upon air quality; 3) off-trail snowmobile impacts to soil and vegetation in meadows; 3) snowmobile disturbance of wildlife, and 4) noise disturbance. I also considered the extent to which alternative design would avoid or minimize effects.

I have concluded that the Proposed Action would best achieve the project purpose and need to provide a quality commercial snowmobile outfitting/guiding opportunity for the public, consistent with the LRMP. Additionally, I believe the Proposed Action incorporates all specific design features necessary to avoid, minimize, or rectify effects specific to the issues and other legal or policy requirements, including required compliance with EPA snowmobile exhaust standards; minimum snow depth requirements to eliminate contact between snowmobile tracks and soil/vegetation; best management practices to minimize stream bank disturbance, soil erosion, and noxious weed spread; avoidance of sensitive "fen plant communities"; 300' snowmobile closure around Tamarack Lake and ponds to minimize potential impacts to the Sierra Nevada yellow-legged frog; compliance with California snowmobile noise limits; focused "moonlight" tours; and safety postings for grooming.

The EA and project record analysis clearly shows the No Action (Alternative 1) is not responsive to the Purpose and Need. A decision to not approve the reissuance of a special use permit for snowmobile outfitting and guiding would not meet the public demand for such services, and a No Action decision is not necessary to address issues or impacts associated with commercial snowmobile operations.

My conclusions are based on a review of the record that indicates a thorough review of impacts from project activities using best available science. The resource analyses identify effects analysis methodologies, reference scientific sources that informed the analyses, and disclose limitations of the analyses.

5. Public Involvement

As part of the planning process, the Forest Service involved members of the public, local residents, recreation groups, and state and local government agencies. Opportunities for input and comment were provided as follows:

- A preliminary scoping notice was sent to 26 standard mail addresses and 40 email addresses on January 23, 2009.
- Two public open house meetings were held on February 10, 2009 at Turtle Rock Park in Markleeville, California and February 12, 2009 at the CVIC Hall in Minden, Nevada.
- The project was entered into the Schedule of Proposed Actions (SOPA) published quarterly beginning January, 2009.
- A Notice of Proposed Action/Opportunity to Comment was sent to interested parties on December 18, 2009. The legal notice was published in the newspaper of record, the Reno Gazette Journal, December 22, 2009, providing a 30 day public comment period ending on January 21, 2010.

Comment letters and emails were received from the public. Responses to comments that were received during scoping are included as Appendix D in the decision notice.

Four relevant issues were identified from the comments: 1) snowmobile exhaust upon water quality/snow chemistry; 2) snowmobile exhaust upon air quality; 3) off-trail snowmobile impacts to soil and vegetation in meadows; 3) snowmobile disturbance of wildlife, and 4) noise disturbance. Alternative effects specific to these issues are tracked throughout the EA.

In addition, the initial Proposed Action was incrementally modified to incorporate design features suggested by the public or responsive to the public's issues. These modifications addressed wildlife habitat, air quality, snowmobile noise and registration, vegetation and soil, watershed disturbance, grooming safety, and trash pickup.

6. Government-to-Government Tribal Consultation

I briefed Tribal members on the proposed action during a tribal consultation meeting, March 16, 2010 with the Washoe Tribe of California and Nevada and on March 17, 2010 with the Reno Sparks Indian Colony.

7. Alternatives

Two alternatives, No Action (Alternative 1) and the Proposed Action (Alternative 2), as described above, were evaluated in the EA in detail.

The IDT also considered five additional alternatives suggested through public comment. These alternatives were eliminated from further detailed analysis:

- Relocating base operations onto private land.
- Relocating base operations to Hope Valley Campground.
- Relocating base operation to the Blue Lakes Road gravel pit.

- Reduce authorized use numbers (service days)
- Eliminating night tours

The rationale for eliminating these alternatives from detailed consideration can be found in the EA (pp.8-10).

8. Finding of No Significant Impact

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

1. **Impacts that may be both beneficial and adverse.** The EA finds no significant direct, indirect or cumulative effects with any of the selected actions. My finding of no significant environmental impacts is not biased by the beneficial effects of the selected action.
2. **The degree to which the Proposed Action affects public health or safety.** The selected actions will preserve public health and safety. Snowmobile emissions and noise associated with the selected actions will be within federal/state standards. Route grooming provided by the LTA will facilitate snowmobile travel for beginner and intermediate riders. The public will be alerted of grooming activities by postings. Experienced commercial guides will instruct their clients on the proper use and operation of snowmobiles, guide those clients in groups of no more than 8, traveling at slow speeds (consistent with Alpine County’s over-snow speed limit ordinance) and provide communication in remote areas.
3. **Unique characteristics of the geographic area.** There will be no significant effects to unique characteristics in the geographic area. The California State Historic Preservation Office has concurred with the Forest Service determination of “no adverse effects” to historic or cultural resources. The project area is not located in or near parks lands, prime farmlands, wild or scenic rivers, or an ecologically critical area.
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.**
While the project itself may be controversial, the effects on the quality of the human environment are not. The EA summarizes comments received during scoping and the public notice and comment period, and Forest Service responses to each. In addition, the EA effects analysis and the supporting project record specifically addressed the four relevant issues (described above) raised by the public, as well as other legal or policy requirements. That analysis indicates that the selected actions will avoid or minimize potential impacts.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**
Commercial snowmobile tours of similar scope have been operating in the project area since 1986 under similar circumstances. The effects analysis summarized in the EA for these issues and other required findings, and the more detailed analysis documented in the project record, identified no instance of highly uncertainty or unique or unknown risks.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

As a stand-alone, site specific decision, this action is not intended or likely to establish a precedent for future actions with significant effects, or represent a decision in principle about future considerations. This decision complies with Forest Service outfitter-guide policy addressing priority permits reissuance, service day eligibility, and recommended maximum term.(FSH 2709.11)

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

The effects analysis in the EA discloses the direct, indirect and cumulative effects of the Proposed Action and alternatives, as directed by FS NEPA procedures (36 CFR Part 220). The cumulative impacts of the selected action, when added to those of past, present, and reasonably foreseeable future actions will not be significant (see EA, Ch.3). The action is not related to other actions with individually insignificant but cumulatively significant impacts. There are no connected actions associated with this project.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources.**

This project 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. Project activities mostly occur on paved surfaces with a minimum of 12” of snow before commercial snowmobile use may occur. In off-trail areas of the project area, a minimum of 24” of snow is required before commercial tours may commence. The USFS has determined that there are no adverse effects that will occur to any historic property and the California State Preservation Office concurred with that determination (February 1, 2011, CA SHPO). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources.

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

There will be no effect to threatened or endangered listed species or species proposed for listing under the Endangered Species Act of 1973. Habitat that may be suitable for future restoration activities for the threatened Lahontan Cutthroat Trout may occur in the project area in the West Fork of the Carson River; however, the WF Carson currently does not contain LCT nor is it identified as a potential reintroduction site in the 1995 Plan. Two candidate species have potential to occur in the project area: the Sierra Nevada yellow-legged frog and Yosemite toad. A small population of Yosemite toads was documented in the Blue Lakes area in the late 1950s, but is thought to be hybridized with western toads. The Sierra Nevada yellow-legged frog (SNYLF) is known to occur near the Tamarack Lake area. SNYLGs typically hibernate until the end of May and early June, and would not be exposed during the snowmobile operating season. The selected actions include a 300 foot snowmobile closure around Tamarack Lake and surrounding ponds specifically designed to avoid the potential for impact in that occupied habitat. (Biological Evaluation).

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27).

As outlined in the Section IX of this Decision Notice, the selected action complies with federal, state, and local laws or requirements for the protection of the environment.

9. Findings Required by Other Laws and Regulations

My decision is consistent with and meets requirements of the National Environmental Policy Act, as amended (42 USC 4321-4347; 40 CFR 1500, et seq.) and all laws, regulations, and USFS policies. The most relevant of these include the following:

National Forest Management Act, as amended (16 USC §§ 1600-1614)

This Decision is consistent with the National Forest Management Act, as implemented by the Toiyabe National Forest Land Management Plan (Forest Plan), including the 2004 Sierra Nevada Forest Plan Amendment. The selected actions are responsive to specific management direction identified in the Forest Plan for the Alpine Management Area, as well as Forest-wide direction and guidance to minimize impacts to natural resources.

Endangered Species Act (16 USC 1531-1543)

The ESA requires that Federal agencies insure that actions are not likely to jeopardize the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of habitat of their critical habitat. No endangered species occupy the project area or have critical habitat within the project area. One threatened species, the Lahontan cutthroat trout, will not be affected by the project (EA, Pg.38 Biological Assessment, Pg.31). Two candidate species, the Sierra Nevada yellow-legged frog and Yosemite toad have the potential to occur within the project area, but based on the environmental assessment, it is determined that there will be **no direct, indirect, or cumulative impacts** to Sierra Nevada yellow-legged frogs or the Yosemite Toad from project activities and no further analysis for this species will be conducted. The selected actions include features specifically designed to avoid or minimize the potential for effects to these species: a 300' snowmobile closure around Tamarack Lake (SNYLF habitat) and minimum snow level requirements for snowmobile tour operations.

Clean Water Act and Clean Air Acts

The Clean Water Act and Clean Air Acts require compliance with water quality pollutant discharge standards, and standards intended to reduce airborne contaminants, smog, and air pollution in general. This Decision complies with both Acts. Although this decision will authorize commercial snowmobile outfitting and guiding and grooming, which will produce snowmobile exhaust pollutants, those pollutants will be limited, and well within the thresholds of established legal standards. The selected actions specifically require that the commercial snowmobile fleet meet or exceed current year EPA exhaust standards.

National Historic Preservation Act (16 USC 470) and its parallel authority, Protection of Historic Properties (36 CFR 800)

NHPA and its implementing regulations(36 CFR Part 800) requires Federal agencies to consider the effects of undertakings of properties included in or eligible for the National Register of Historic Places, and to the maximum extent possible, minimize harms to those properties. In compliance with NHPA, the selected actions have been determined to have “no adverse effect” upon eligible or potentially eligible properties.

Migratory Bird Treaty Act of 1918, as amended (16 USC 703-712) and Executive Order 13186

The Migratory Bird Treaty Act and subsequent executive order and memorandum of understanding between the USDI Fish and Wildlife Service and USDA Forest Service provide for the protection of migratory birds. The EA and Wildlife Specialist Report indicate that individual migratory birds may be temporarily displaced or otherwise affected, however the selected actions will not cause a downward trend in the population of any migratory bird species or loss of viability. The project complies with the Fish and Wildlife Service Director’s Order #131 related to the applicability of the Migratory Bird Treaty Act to federal agencies and requirements for permits for “take”. In addition, this project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and Fish and Wildlife Service designed to complement Executive Order 13186.

10. Administrative Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to Forest Service regulations at 36 CFR Part 215 and Part 251.

36 CFR Part 215 Appeals

Only individuals or organizations who submitted comments or otherwise expressed interest in the project during the comment period specified at 36 CFR 215.6 may appeal this decision under this authority. Lake Tahoe Adventures may appeal under either the 215 authority or the 251 authority, but not both. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer, Intermountain Region USFS, 325 25th Street, Ogden, Utah 84401, or by fax to 801-625-5277, or by email to appeals-intermtn-regional-office@fs.fed.us. The office business hours for those submitting hand-delivered appeals are 8 a.m. to 4:30 p.m, Monday through Friday, excluding federal holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc). A copy of the appeal must be filed simultaneously with the Forest Supervisor at 1200 Franklin Way, Sparks Nevada, 89431. 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 postmarked or received by the Appeal Deciding Officer within 45 days of the publication date of this notice in the Reno Gazette-Journal, the newspaper of record. This date is the exclusive means for calculating the time to file an appeal. The appeal must meet the content requirements of 36 CFR 215.14. It is the appellant’s responsibility to provide sufficient project or activity-specific evidence and rationale focusing on the decision, to show why my decision should be reversed.

At a minimum, an appeal must include the following:

1. Appellant's name and mailing address, with a telephone number, if available;
2. Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
3. When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
4. The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
5. The regulation under which the appeal is filed, when there is an option to appeal under either Part 215 or Part 251, Subpart C;
6. Any specific changes in the decision that the appellant seeks and rationale for those changes;
7. Any portions of the decision with which the appellant disagrees, and explanation for the disagreement
8. Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
9. How the appellant believes the decision specifically violates law, regulation, or policy.

36 CFR Part 251 Appeals

Only Lake Tahoe Adventures (LTA) may appeal this Decision under this authority. LTA may appeal under either the 215 authority or the 251 authority, but not both. Appeals must post marked or received by the Appeal Deciding Officer (Forest Supervisor) within 45 days of the date of the written notice of this decision sent by the Deciding Officer (District Ranger). The appeal must be filed with the Forest Supervisor by (regular mail, fax, email, hand-delivery, or express delivery) Humboldt-Toiyabe National Forest, 1200 Franklin Way Sparks, Nevada 89431 or by fax to 775-355-5399. A copy of the appeal must be filed simultaneously with me, the Deciding Officer (District Ranger), Carson Ranger District, 1536 S. Carson Street, Carson City, NV 89701.

The appeal must meet the content requirements of 36 CFR 251.90, including a statement of the facts of the dispute and the issues raised by the appeal; specific references to any law, regulation, or policy that the Appellant believes to be violated and the reason for such an allegation; a statements as to whether and how the appellant has tried to resolve the issues(s) being appealed with the Deciding Officer, the date of any discussion, and the outcome of that meeting or contact; and a statement of the relief sought.

The Appellant may also include a request for oral presentation and/or a request for stay of implementation of the decision pending decision on the appeal.

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.

Contacts

Copies of the Environmental Assessment are available at the Carson Ranger District Office, 1536 South Carson Street, Carson City, Nevada 89701, or on the website: <http://www.fs.usda.gov/htnf>.

For additional information concerning this decision or the USFS appeal process, contact:

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February 2, 2012

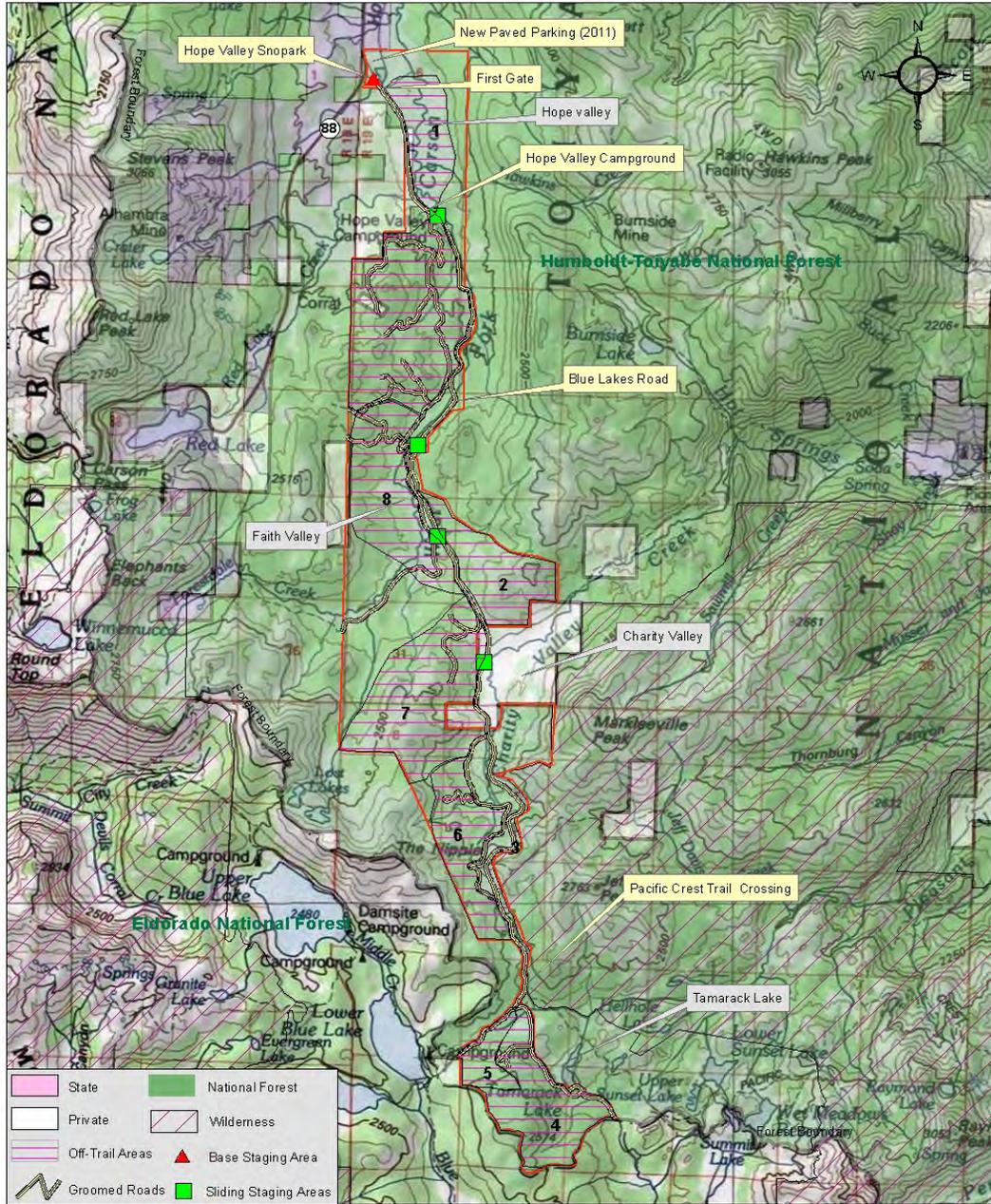
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Appendix A

Project Map

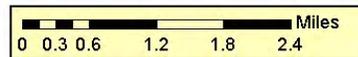
Lake Tahoe Adventures Snowmobile Project Figure 2: Proposed Action

Alpine County, California



1:56,500

Carson Pass, California 7.5' USGS Topographic Quadrangle



Appendix B

Best Management Practices for Refueling Equipment and Vehicles

BMPs – Vehicle and Equipment Fueling

- Designate the fueling area and be sure it is designed to capture fuel leaks or spills, reduce contact with rain and run-on, and minimize runoff. Inspect the fueling area often for leaks or spills.
- Protect storm drains if needed. Protective measures include temporary placement of absorbent material, covering storm drains, or shutting valves off.
- Equip designated fueling areas with dry cleanup materials and spill kits. This equipment should be available at both vehicle-fueling areas and on trucks used to fuel construction vehicles and stationary equipment located at remote locations.
- Clean up gasoline overflows and spills using dry methods. Do not allow spills to run off or evaporate. Spread absorbent material; sweep it up with a broom, and dispose of as a hazardous waste. Use a damp cloth on pumps and a damp mop on the pavement for routine cleaning. Minimize the volume of potentially contaminated water: **do not spray with a hose!**
- Fueling activities must be attended by trained employees in spill response procedures. Contractors responsible for refilling fuel tanks must follow all BMPs and safety procedures.
- Post fueling instructions. These should prohibit topping off or overfilling gas tanks.
- In the event of any spill or release refer to emergency procedures (phone chain, environmental contractor on retainer, immediate response
- Provide 24-hour spill response capability.
- Regularly remove and properly dispose of water that collects in secondary containments and the fueling area collection gutter.
- Keep tanks on trailer for fueling – never refuel on ground. Place hay bales around fueling area to contain spill if necessary.

Other topics to include:

Covered Storage: Chemicals stored outside should be covered so that rainfall does not become contaminated by contact with the chemical containers. The BMP should include this as a standard practice at the facility and the map should identify the covered storage areas.

Equipment Maintenance: Provide an inspection and maintenance schedule for each piece of equipment that is identified.

Employee Training: The first line of defense will often be the employee that is onsite working. With proper training, employees can make a big difference in properly managing storm water and protecting it from contamination.

Appendix C

Project Design Criteria

Design criteria for botany, wildlife and watershed were developed to conserve and to reduce the potential for impacts from commercial snowmobile operations. Any previously undetected species located during the project layout will have the same design criteria applied to them.

Design Criteria	Species and Potential Impacts Addressed
<p>1. Snowmobile Operations</p> <ul style="list-style-type: none"> • Pre-operation to start season. A USFS permit administrator will meet with the permittee prior to commercial snowmobile tours begin. Minimum snow depth of 12 inches on paved or dirt surfaces and 24 inches of snow required in off-trail areas. The access route from the staging location to the pavement requires 12 inches of snow. The permit administrator will monitor conditions and cease operations if minimum depths are not present. • Weed Prevention. USFS and Humboldt-Toiyabe NF Best Management Practices (Humboldt-Toiyabe Supplemental FSM 2080) will be employed for weeds. Straw or hay bales required to be certified weed free. • Administration. USFS permit administrator will have unannounced and announced compliance inspections. This includes inspecting fueling practices, guide to client ratios, monitoring snow depths. • Tamarack Lake. USFS permit administrator will inspect operation for compliance with the 300ft buffer around Tamarack Lake and surrounding ponds. • Bridge Replacement. Any disturbance within the streambank will be revegetated. • Trash. Permittee will pack out and dispose of trash in animal resistant garbage dumpsters. Permittee will pick up trash pre and post season along Blue Lakes road. 	<p>Ensure successful implementation of design criteria for botany and soils.</p> <p>Reduce the introduction and spread of weeds and reduce the alteration and degradation of suitable habitat.</p> <p>Compliance with the terms and conditions of the permit.</p> <p>Reduce any disturbance to the Sierra Mountain Yellow legged frog.</p> <p>Reduce sedimentation and stabilize streambank.</p> <p>Minimize change to forage behavior of American Marten.</p>

APPENDIX D

Response to Public Comments

Introduction

This section addresses scoping comments and comments received during the 30 day Notice of Proposed Action/Opportunity to Comment period specified at 36 CFR 215.6.

All comments submitted have been reviewed and considered. Some concerns were carried forward for detailed analysis in the EA as “Issues”, while others contributed to the incremental refinement of the Proposed Action. Still others were determined to be beyond the scope of the proposal; unrelated to the decision being made; already decided by law, regulation or policy; conjectural or not supported by scientific evidence; or simply a general comment or position statement. Consideration and disposition of comments is documented in this Response to Comments Appendix.

In many instances, multiple comments shared were similar or shared the same concerns. Those comments/concerns have been consolidated, summarized, and organized into subject categories, as listed in Table 1 below.

TABLE 1 SUBJECT CATEGORIES	
1	NEPA Document (EA/EIS)
9	Scoping/Notice of Proposed Action Comment Processes
10	Commercial Profit
11	Permit Term
16; 17; 26	Resident Social Concerns (Gate/Road Access, Trash, Speed, Noise)
20; 20.4	Base Area & Sliding Staging Areas Operational Concerns
20.1	Service Day Allocation/Distribution
20.3	Grooming
21	Support or opposition for operation
22	Permit Administration & Compliance
23; 24	Soil & Vegetation Damage
25	Wildlife
27	Air Quality
28	Special Tours (Moonlight & Off-Trail)
29	Fueling Operations

Table 2 lists all persons who provided comments. The table is arranged alphabetically by commenter's last name. The second column identifies the commenter's affiliation. The third column identifies the date the comment was received and fourth column identifies the subject categories in which comments were provided.

Table 2 List of Commenter's			
Commenter Name	Affiliation	Date Received	Comment Category
Kati Bell	Homeowner	02/23/2009	10, 11, 17, 20.3, 24, 25, 29
Walter Bell	Homeowner	02/23/2009, 01/18/2010	9, 10, 11, 12, 16, 17, 20.1, 20.2, 20.3, 20.4, 25, 28,
Melanie-Sue Bowers	Alpine Sportsmans Club Blue Lakes Chapter	02/18/2009, 01/12/2010	21
John and Judy Breylinger	Lake Tahoe Snowmobile Association	02/05/2009	21
John and Patty Brissenden	Sorensen's Resort	02/23/2009	11, 12, 17, 20.1, 20.4, 25, 29
Carrie Kiser	No affiliation	02/23/2009	21
Marjie Daum	No affiliation	02/07/2009	1, 10, 12, 20, 22,23, 24, 28, 29, 30, 17, 20.4, 24, 25, 26, 27, 28, 29, 30
Steven Fonte	University California Davis	02/17/2009, 01/18/2010	23, 24, 25, 27
Thaleia Georgiades	Homeowner	02/08/2009	1, 11, 16, 17, 20, 23, 24, 25, 26, 27, 28, 29
Kathryn Gould	Homeowner	12/30/2009	21, 25
Daphne Greene	California Off-Highway Motor Vehicle Recreation Division	02/13/2009	21
Jim Haen	Woodfords Volunteer Fire Department	02/07/2009	21
Allen King	No affiliation	02/07/2009	21
Reggie Lang	No affiliation	02/22/2009	9, 11, 12, 16, 17, 20.1, 20.3, 22, 23, 24, 28, 29
Marcus Libkind	Snowlands	02/23/2009	11, 15, 16, 21
Annette and Leo Mankins	No affiliation	02/16/2009	21
Carol Muir	No affiliation	02/07/2009	11, 15, 16, 17, 21,
Dave and LeAnn Saarem	No affiliation	02/23/2009	12, 16, 17, 30
Connie Sheltren	Homeowner	02/07/2009	1, 16, 11, 17, 20.1, 20.3, 20.4, 22, 29
John Sheltren	Homeowner	02/23/2009, 01/18/2010	11, 22

Fred Wiley	California-Nevada Snowmobile Association	02/05/2009	21
Paul Wilson	Society for the Conservation of Bighorn Sheep	02/08/2009	21

The following section provides comments and responses presented by subject topic. Scoping comments included many similarly-worded statements and have been grouped together with a single response to eliminate duplication. Comments are addressed in order of the categories in Table 1.

Comment Category 1: NEPA document (EA/EIS)

Environmental documentation was not completed for previous LTA permits. Documentation for this project needs to be at a level commensurate with the potential environmental risk of the proposed high levels of use and long permit term. Consider the analysis prepared for the 2007 Alpine Winter Recreation Project...it provided extensive detailed documentation (almost 40 pages) that included an excellent section on the wildlife in this area and highlight both the diversity and sensitivity of many species to human activity. A full environmental impact statement should be prepared.

Response to Category 1: Forest Service regulations direct Responsible Officials to prepare an EA for proposals not categorically excluded from documentation in an EIS or EA, and for which the need for an EIS has not been determined (36 CFR 220.7). The LTA proposal does not fall within classes of actions normally requiring EIS documentation (36 CFR 220.5). The regulations require that the EA briefly provide sufficient evidence and analysis, including the environmental impacts of the proposed action and alternative(s) to determine whether to prepare either an EIS or a "Finding of No Significant Impact" (40 CFR 1508.9). If the Responsible Official determines that an EIS is not warranted, that determination will be documented in a Decision Notice/FONSI.

Comment Category 9: Scoping/Notice of Proposed Action Comment Processes

Not all Scoping Comments were addressed in the Notice of Proposed Action (NOPA) publication. In addition, the terms and conditions for the permit described in the NOPA are deficient in providing protection for the natural environment, and in insuring that the operation of this commercial business does not unreasonably impact non-commercial recreational users and homeowners residing adjacent to the permit area. The NOPA also provides insufficient detail for the public to fully evaluate the re-issuance of the permit.

Response to Category 9: The Notice of Proposed Action/Opportunity to Comment (NOPA) publication is not intended to provide a comprehensive environmental analysis. Forest Service regulations require that the NOPA provide a brief description of the proposed action and location, with sufficient information to allow the interested public an opportunity to provide meaningful input prior to the decision, and establish appeal eligibility (36 CFR 215.1, 215.5). The NOPA complied with these requirements, addressing the Purpose and Need; Proposed Action; Alternatives Considered But Not Evaluated in Detail; Decision Framework; Summary of

Potential Proposed Action Impacts; Public Involvement; and the Comment Process. All comments submitted have been reviewed and considered. See Introduction above.

Comment Category 10: Commercial Profit

We question why a private individual should be enabled to profit handsomely from using public lands, while at the same time seriously lowering the quality of life for residents.

Response to Category 10: Commercial outfitting and guiding is one of many special uses the Forest Service has the authority to issue in response to public demand/need for services (FSM 2721.53 and FSH2709.14 Ch 50). The EA addresses this use under Purpose and Need (p.2) and Management Direction and Guidance (p.2). If the Responsible Official approves outfitting and guiding by LTA, LTA will be assessed fees in compliance with Forest Service fee policy (FSH 2709.11 CH.30 37.21c), based upon a percentage of the annual adjusted gross revenue. Because the fee policy is already decided by law, regulation, or policy, it will not be further addressed in the EA. Predicted impacts of the Proposed Action specific to resident quality of life are described in responses to Comment Categories 16, 17, 26 and the EA (pp. 14).

Comment Category 11: Permit Term

The doubling of the term from the previously issued five years to ten years is unreasonable, given the dynamics of recreational use patterns; residential subdivision build-out and expectations for Alpine County winter road service; environmental awareness; Alpine Winter Recreation Plan staged implementations; and the likelihood of LTA management/operational changes.

Response to Category 11: The outfitting and guiding special use permit currently held by Lake Tahoe Adventures is a priority use permit. Current Forest Service outfitting-guiding policy provides for re-issuance of priority permits, up to a maximum permit term of 10 years (FSH 2709.14 CH 50 based on the holder's past use and performance). Unless determined to be otherwise inappropriate, permits are typically authorized for the maximum term. A maximum-term permit reduces the Forest Service administrative burden of processing frequent renewals, facilitates consistent public service, and provides stability for the permittee. Circumstances warranting less than maximum term authorization could include concerns identified through the environmental analysis.

Recreation Use Patterns: The EA describes snowmobile recreation trends, and considers those trends in evaluating the effects of the proposal upon winter recreation (EA, pp 12).

Residential Expansion/Alpine County Snow Removal: Land use on private lands and County jurisdiction roads (such as the Blue Lakes Road) is governed by Alpine County through its general plan, zoning ordinances, and Planning Commission. Alpine County currently closes the Blue Lakes Road during the snow season, and has not indicated any future intention to remove snow on Blue Lakes Road or other roads accessing private property in the project area. Because the concern regarding Alpine County snow removal is conjectural, it will not be further addressed in the EA.

Environmental Awareness: Environmental effects associated with commercial snowmobiling are evaluated in the EA. Specific responses have also been provided for several Categories below

including the Alpine Winter Recreation project. Education and safety grants have been successfully implemented and off highway motor vehicle snow rangers continue to monitor the recreation area, making public contacts and providing maps of use areas.

Alpine Winter Recreation Plan: Implementation of the Alpine Winter Recreation Plan is addressed in Response to Category 1, as it relates to the Blue Lake Road gravel pit development.

LTA Management/Operational Changes: Forest Service policy allows for approval of new, qualified operators with equivalent facilities and activities with minimal additional environmental analysis (36 CFR 220.6[e]15) and administrative processing. Changes of substance require additional analysis and processing. Should circumstances change substantially, or should LTA or a new owner or controller, wish to modify their facilities or activities outside the scope of this current proposed decision, the Forest Service would evaluate the effects of a new proposal, consistent with Forest Service NEPA Procedures (36 CFR 200). Because this concern is conjectural and beyond the scope of this proposal, it will not be evaluated in the EA.

Comment Categories 16 & 17: Resident Social Concerns (Gate/Road Access, Noise, & Speed)

Gate/Road Access: Often the County prematurely closes gates in the winter, and delays gate openings in the spring. Residents have the county key, but sometimes a different lock is used. In the latter case, it has been frightening to be locked in, unable to get out, when we stay at our cabin early or late in the season. We request that maximum access be allowed to residents, and that only the county key lock is used on the gates. Once the snow levels recede in the spring, LTA plows Blue Lakes Road to accommodate its vans and buses, but keeps the yellow gate at the sno-park locked (prohibiting public access to the higher elevations of Blue Lakes Road) and thus becomes the exclusive user of these public lands.

Noise: Snowmobiles disturb local residents by creating extreme noise, extending well into the night hours in winter. Daylight hours should be sufficient.

While the LTA currently chooses to operate 4-stroke snowmobiles, the Notice of Proposed Action does not require quieter 4-stroke technology.

Trash: Snowmobile riders leave their trash on site for resident clean-up.

Speed: Snowmobilers often reach 50 MPH on the groomed trail, endangering themselves and others who hike or XC ski miles into cabins. A study should be done to determine if fewer deaths and accidents would happen if the trail was not groomed, as people would have to ride at a safer speed.

Response to Categories 16 & 17:

Gate/Road Access: Alpine County operates and maintains the Blue Lakes Road by a right of way grant, including actions to lock and unlock gates in the winter and spring. Because the Forest Service does not have jurisdictional authority, and because resolution of this concern is beyond the scope of this proposal, it will not be addressed in the EA. However, the District will forward the concern regarding lock/key consistency on to the County.

In addition to the primary LTA staging area, the Proposed Action includes LTA access to four temporary sliding staging areas on Blue Lakes Road. The staging areas allow LTA to follow the snowline as it recedes to the south on Blue Line Road in the spring. LTA would be allowed to plow to those sliding staging areas to allow non-snow vehicle delivery of clientele and staff to

snowmobiles parked at the sliding staging areas. Parking/turn-around space within the plowed area at each staging area would meet LTA's minimal needs, but would not be sufficient to accommodate residential or non-commercial non-snow vehicles. The Sno-park and recently constructed gravel pit addition to the Sno-park are specifically intended to provide additional public parking. In the spring season, after access from Hope Valley Sno-park has melted out, the public gains access to the upper elevations of the National Forest via Forestdale Creek Road for snowmobiling, thus LTA does not become the exclusive user of the area. Because additional non-commercial parking and turn-around space are beyond the scope of the proposal, this concern will not be addressed in the EA.

Noise: As a result of this comment, the Proposed Action has been incrementally modified to limit hours of operation and highlight noise restrictions:

- “Hours of operation occur during daylight hours only, with the exception of moonlight tours..,”*
- “Moonlight tours are to end by midnight”. See Response to Category 28 regarding the extent of moonlight tours.*
- “Snowmobiles are required to meet California vehicle code noise thresholds of 96 dBA.*
- Snowmobile fleet replacements will be 4 stroke or similar technology to keep snowmobile noise at a minimum.*

In addition, noise concerns are addressed in the EA as an “Issue”: potential disturbance from snowmobile noise (EA, p.15). Effects related to the issue are summarized in the EA, pp. 15.

Trash: As a result of this comment, the Proposed Action has been incrementally modified to require LTA trash pickup:

- “All litter/trash from snacks and lunches will be packed out daily and discarded in animal resistant trash bins to reduce attraction to litter from American martens and other wildlife.”*
- Trash, including rubber from snowmobile tracks, and other litter will be picked up in the fall and spring each season by LTA.*

Speed: As a result of this comment, the Proposed Action has been incrementally modified to highlight compliance with Alpine County over-snow speed limits: 15 mph from the Sno-park to 0.1 miles south on Blue Lakes Road; 35 mph from 0.1 to 1.1 miles on Blue Lakes Road through the residential zone, including the entrance to Blue Camas Road; and 45 mph from 1.1 miles to approximately mile marker 12 at Lower Blue Lakes. See Response to Comment Category 20.3 regarding grooming and excessive speed.

Comment Categories 20 & 20.4: Base Area and Staging Areas

Reconsider alternative base staging area locations on private property and Hope Valley campground; seek solutions to the problems associated with plowing the first section of Blue Lakes Road. Also reconsider the gravel parking area at the entrance to the snow park. It has the advantage of removing the LTA related car and bus traffic and the employee parking from the snow park.

The six sliding staging areas included in the Proposed Action do not accurately reflect current operations. It has been the past practice of LTA to stage snowmobiles and fueling vehicles in the middle of Blue Lakes Road when snow levels drop, forcing other users into the meadow on either side of Blue Lakes Road. Confine the permit holder to the base staging area, eliminating the sliding and refueling operation up Blue Lakes Road.

Response to Categories 20 & 20.4:

The use of private lands, Hope Valley campground, the gravel pit on Blue Lakes Road and eliminating sliding staging areas were considered as alternative base locations and for elimination from the operation. Forest Service rationale for eliminating these alternative staging locations from detailed analysis are addressed in the EA, pp 8-10.

The six sliding staging areas mapped in the Notice of Proposed Action were reduced to 4 sliding staging locations currently used by LTA. The effects of using these locations, as well as other features of the Proposed Action are incorporated into the EA analysis, pp.14.

The sliding staging areas historically authorized LTA operations to occupy Blue Lakes Road. When receding snow conditions necessitate, LTA plows to each site, temporarily staging approximately 20 snowmobiles and one 528 gallon portable fuel trailer. The portable fuel trailer is removed daily to private lands. The District has approved this usage because LTA occupancy of the road should not inconvenience other users. By design, other users must park their highway vehicles at the Sno-park, where there is sufficient space for parking, plowing and turn-around. Regardless of LTA occupancy of the staging area, the low-level or absence of snow between the Sno-park and sliding staging area would not facilitate snowmobile use of the road up to the staging area. Under these conditions, however, non-commercial snowmobilers are accommodated locally on the nearby Forestdale Creek Road. When snow recedes on the Blue Lake Road, the District lifts an over-snow motorized closure order on Forestdale Creek Road (to the west, off of Highway 88), allowing over-snow motorized access to the consistent snow packs found in the upper Forestdale area and Blue Lakes area.

Comment Category 20.1: Service Day Allocation/Distribution

The Proposed Action prescribes maximum usage of 12,522 client snowmobiles per year, but fails to allocate this use relative to roads/off-road use or daylight/night tours. Without knowledge of this distribution, effects associated with the use cannot be accurately described. Of particular concern are the impacts of off-road use upon meadows, streams, and wetlands, and night time tours upon nocturnal mammals that are active in Hope Valley in the winter.

To evaluate the effects of commercial snowmobilers, you must address the extent of non-commercial use.

Response to Category 20.1: *The Notice of Proposed Action proposed to authorize 12,522 client snow machines. Since that publication, the Proposed Action has been modified to authorize 13,408 commercially guided snowmobile tours (including guides) and associated grooming on designated travel routes. The modification complies with current Forest Service outfitting-guiding policy for priority special use permits, requiring that service days be calculated based upon the single highest actual use over the last five years (FSH 2709.14[50.53.1n]. Actual use for the permittee during the last five years has ranged from 8,974 to 13,408 (EA, pp. 5)*

Effects of the maximum allocation are evaluated in the EA (pp. 14). The analysis is framed by the design features of the Proposed Action, many of which are responsive to concerns associated with sensitive plant habitats.

Noncommercial snowmobile: “Non-commercial snowmobile use in the Hope Valley/Blue Lakes area is between 2,700 and 5,700 snowmobiles.” (EA, pp. 12)

Minimum snow depth: “Guided snowmobile tours occurring off-road require a minimum of 24” of snow...there must be no contact between the snowmobile track and soil or vegetation” (EA, pp. 6)

Sensitive Habitat Avoidance: “Snowmobile tours are prohibited within 300’ of Tamarack Lake and surrounding ponds”. (EA, pp 5, 27)

Moonlight Tours: The Notice of Proposed Action stated that the Proposed Action would allow “approximately 50 moonlight guided tours per season”, approximately 5% of all commercially guided tours. In response to comments seeking additional specificity, the Proposed Action in the EA has been incrementally modified to authorize moonlight tours two days before, the day of, and two days after a full moon on Blue Lakes Road only, with tours ending by midnight. At five days/month, over the course of the proposed 7 month season (November-May), moonlight tours could occur on approximately 35 evenings.

Off-Trail Areas: The Notice of Proposed Action stated that up to 10% of guided tours may occur off of designated routes, on snow-packed trails in dispersed areas of the National Forest. The Notice did not identify the acreage associated with this use. As a result of the public comment, the Proposed Action has been incrementally modified to provide additional specificity: “Authorize guided snowmobile tours in un-groomed, off-trail areas on approximately 3,500 acres. Use is not restricted to a designated route.” (EA, p.11-15 and Figure 2-Proposed Action Map.) The acreage available for this use is approximately 50% of the total 6,900 acres of National Forest System land included in the project area. Approximately 2,300 acres previously included in the Special Use Permit has been removed from the Proposed Action. Approximately 1,200 acres, north and west of Tamarack Lake, was eliminated to avoid conflicts associated with motorized crossings of the Pacific Crest Trail, steep terrain east of Blue Lakes Road and the area north of the gravel pit were removed from the permit area. Sliding staging areas were also reduced from 6 to 4 locations.

Non-commercial use in the project area is limited by available parking at the Sno-park and adjacent gravel pit expansion. The Forest Service has seen no evidence of capacity issues regarding the combined commercial and non-commercial snowmobile usage, or issues related to imbalances between the two. There have been no conflicts reported to the Forest Service or California State Parks regarding conflict between commercial and non-commercial use.

Comment Category 20.3: Grooming

The Notice of Proposed Action misrepresents current conditions, stating: "The operator only grooms Blue Lakes Road with a snow-cat when snow conditions warrant its use; otherwise, the road is track-packed with snow machines. All other trails, whether along roads or in dispersed areas, are tracked packed with snow machines". Actually, LTA regularly grooms with the snow-

cat the Tamarack Lake loop road, as well as the jeep road from the summit of Charity Valley down the canyon to the meadow of Charity Valley.

Grooming allows snowmobilers to reach 50 mph, endangering themselves and others using the groomed trails. A study should be done to determine if fewer deaths and accidents would happen if the trail was not groomed, as people would have to ride at a safer speed.

Snowmobilers often reach 50 MPH on the groomed trail.

Response to Category 20.3: The comment regarding snow-cat grooming of off-road trails highlighted an error in the Notice of Proposed Action. LTA has indeed been grooming segments of off-road trail by snow-cat in four locations. Off-road grooming offers commercial tours the ability to enjoy areas of the forest and to create a loop which offers different views, experiences and reduces use along Blue Lakes Road, the primary travel way to Blue Lakes. The Proposed Action has been incrementally modified to allow for off-road trail grooming at three of those sites: 1) Base Staging Area to Blue Lakes Road (~0.13 miles); 2) Forest Road 31068, between Canyon Road and Blue Lakes Road, near Charity Valley Bridge (~0.07 miles); 3) Blue Lakes Road to Canyon Road at Border Ruffian Meadow (~0.43 miles).

The Forest Service acknowledges that grooming inherently facilitates excessive speed among those who disregard legal speed limits and defensive riding practices. Similar conclusions can be reached regarding non-snow vehicles driving on paved road. Alpine County typically posts their over-snow speed limits on the Blue Lake Road (EA, p. 12). See Response to Comment Category 22: Permit Administration & Compliance.

Because of extreme snow depths in the project area during typical years, grooming is a critical design feature of the Proposed Action. In the absence of grooming, commercial tours, inexperienced non-commercial snowmobilers, and some residents would not be able to consistently ride on the roads or access the surrounding National Forest.

Comment Category 22: Permit Administration & Compliance

Response to Category 22

Decisions regarding the issuance and administration of Special Use Permits resulted in the publication of existing Forest Service regulation and policy (36 CFR 251.50, FSM 2320, 2340, and 2701 through 270, FSH 2709.14). Those decisions are not subject to review under this project.

Existing regulation and policy mandate that the permittee is responsible for complying with the terms of the Special Use Permit (SUP); the Forest Service is responsible for administering the permit. Each SUP addresses: I.) Authority and General Terms of the Permit; II.) Operations; III.) Rights and Liabilities; IV.) Permit Fees and Accounting Records; V.) Resource Protection; VI.) Revocation, Suspension, and Termination. Noncompliance with the terms of a SUP may result in permit suspension or revocation, in whole or in part (Permit Term VI.).

Design features selected by the Responsible Official in the Decision Notice will be attached and made a part of the SUP. In addition to these selected design features, the SUP also addresses other resource protection, cleanup, and remediation requirements.

SUP Term I.F. also specifically requires compliance with “all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulation, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy” However, the Forest Service “assumes no responsibility for enforcing law, regulation, or other legal requirements that fall under the jurisdiction of other governmental entities”.

Should LTA violate any minimal snow depth requirements (or other design features) made a part of the SUP, they would be in violation of the SUP, and the Forest Service would pursue appropriate permit action consistent with SUP Term VI.2. Should LTA not comply with Alpine County over-snow speed limits, the Forest Service would notify Alpine County and take appropriate permit action consistent with SUP Term VI.

Comment Category 23: Soil and Vegetation

The Notice of Proposed Action states "Snowmobile tours and grooming will operate when there is adequate snow depth as to not cause resource damage to soil and vegetation". The term 'adequate snow depth' needs to be clearly defined.

LTA currently chooses to cross the creek near the base staging area at the established site, the Notice of Proposed Action does not require the use of that site.

Response to Category 23, 24, & 30

These comments resulted in the incremental modification of the Proposed Action to include specific design features to protect soil and vegetation:

- *“Require a minimum of 12” of snow on dirt routes to begin grooming and guided commercial snowmobile operations. Snowmobile tracks will not come in contact with pavement or dirt”.*
- *“Require a minimum of 24” of snow in off-trail areas to begin grooming and guided commercial snowmobile operations”. Snowmobile tracks will not come in contact with vegetation or dirt”.*
- *“A snowmobile trail bridge will be installed at the creek crossing adjacent to the staging area to meet snow load standards and reduce potential stream bank damage. Temporary erosion control best management practices will be implemented during construction of the bridge crossing to prevent soil movement into the stream channel. Disturbed areas will be re-vegetated after construction is complete”*

In addition, the comments are addressed in the EA as an “Issue”: Potential impacts of snowmobile use to soil and vegetation in meadows from off-trail use. Effects related to the issue are summarized in the EA, pp 21.

See Response to Comment Category 20.3: Grooming

Comments Category 25: Wildlife

Unlimited night time tours could impact nocturnal mammals that are active in Hope Valley in the winter. Daylight hours should be sufficient.

We have noticed over the years a marked decrease in the number of wild animal sightings in our part of Charity Valley: we saw zero bear in the last two years, fewer coyotes, the marten that used to live there is no longer, fewer snowshoe rabbits and we hear fewer owls at night. This is just anecdotal observation by amateurs.

Response to Category 25

Night Time Tours: These comments resulted in the incremental modification of the Proposed Action to include specific moonlight tour design features that restricts moonlight tours to approximately 35 (16%) of the approximate 210 evenings within the 7 month permit operating season (November-May). See above Response to Category 20.1. The effects of this use upon wildlife are described in the EA (pp.30)

Wildlife Sighting Declines: the Forest Service is not aware of any scientific confirmation of the decrease in anecdotal observations of some wildlife. Of the species mentioned, impacts from winter use would presumably be negligible to bear and coyotes because they are hibernating and coyotes would not be expected to occupy the area in the winter due to deep snow depths. Effects to American Marten are described in the EA on pp.30

Comment Category 27: Air Quality

Snowmobiles impact by emitting pollutant exhaust gasses. While the LTA currently chooses to operate 4-stroke snowmobiles, the Notice of Proposed Action does not require less polluting 4-stroke technology.

Response to Category 27: These comments resulted in the incremental modification of the Proposed Action to highlight EPA exhaust standards. The Proposed Action requires that “commercial snowmobile fleet replacements are 4 stroke or similar technology that meet or exceed current year EPA exhaust standards and are as quiet as the fleet currently used. In addition, air quality concerns are addressed in the EA as an “Issue”: “Potential impacts to air quality from snowmobile exhaust”. Effects related to the issue are summarized in the EA (pp.19-20).

Comments Category 28: Special Tours (Moonlight and Off-Trail)

The allowance of "occasional" night time tours without a specific number limit could significantly impact nocturnal mammals that are active in Hope Valley in the winter. Specific restrictions should be placed on the amount and location of off-trail usage.

Response to Comment 28: These comments resulted in the incremental modifications of the proposed action reducing the total number of nighttime tours to 2 days before, the day of and 2 days following a full moon, in addition to daily operating hours being restricted to daylight hours only. See response to comment 20.1.

Off trail areas within the permit boundary. Off trail areas are depicted on Figure 2, Proposed Action Map. Approximately 10% of total tours occur off trail. See response to 3, 24, & 30 for required off trail snow depths.

Comment Category 29: Fueling Operations

The Notice of Proposed Action does not address on-site fueling. The Proposed Action needs to provide explicit requirements regarding fuel storage tank specifications, fueling locations, and operations.

There is no evidence to suggest that the large diesel and gasoline storage tank at the Blue Lakes Sno-park staging area and the mobile truck used for refueling beyond the base staging area is licensed and conforms to California environmental standards.

LTA has staged snowmobiles and fueling vehicles in the middle of Blue Lakes Road when snow levels drop, forcing other users into the meadow on either side of Blue Lakes Road.

Response to Category 29: In response to these comments about the Notice of Proposed Action, the Proposed Action was incrementally modified to address fueling (EA, pp. 23), including:

Fuel Tank: Two 528 gallon temporary/portable gas fuel storage tanks on trailers (or comparable facilities) would be authorized at the base staging area. These (2) temporary storage fuel trailers replaced the previous single fuel storage tank. The Trans Cube storage trailer was purchased new in 2010 and meets all spill containment requirements including a 110% of secondary containment. Best management practices for refueling is part of the operating plan and include designating the refueling area, signing, barrier protection, spill kits, incidental spill cleanup, top off and overflow prevention, 24 hour environmental contractor required on retainer in the event of a major spill, training employees on refueling, cleanup and chain of emergency phone contacts.

Fuel delivery: The fuel delivery company is required to comply with refueling standards including having spill kits and following best management procedures for refueling the fuel storage tank. Refueling of the fuel trailer from the supplier will only be done at the base staging area even when using the sliding staging locations.

Sliding Staging: One of the 528 gallon refueling trailers would be moved up to provide fuel at the four temporary sliding staging areas and returned to private lands when not in use. Best management practices would also be in practiced when refueling at sliding staging locations.