May 26, 2020

Mr. Brian Garrett
Forest Service, USDA
Lake Tahoe Basin Management Unit
35 College Drive
South Lake Tahoe, CA 96150
Via Email: brian.garrett@usda.gov

Re: **Lake Tahoe West Restoration Project scoping comments**

Dear Mr. Garrett:

The signatories to this letter are alarmed about the proposal in the Lake Tahoe West Restoration Project to construct permanent roads and log trees in Inventoried Roadless Areas (IRAs) and Backcountry Management Areas (BMAs) in the Lake Tahoe Basin Management Unit (LTBMU). We have serious concerns about the permanent loss of roadless lands and violation of the BMA land allocations in the 2016 LTBMU Revised Management Plan.

Proposed Project

The project proposes "treatment" (logging) on 19,500 acres of land, most of which is National Forest. Approximately 16,500 acres would be thinned using ground-based mechanical equipment, which would require the construction of permanent roads in unroaded areas. The treatment acreages include approximately 5,400 acres of National Forest land designated as BMAs, of which approximately 3,200 acres are IRAs. A major deficiency in the scoping notice is the failure to identify where permanent roads will be constructed.

Recommendation: Update project maps to show where permanent roads will be constructed in BMAs and IRAs.

Backcountry Management Areas

About 50,000 acres of the Lake Tahoe Basin were designated as BMAs in the 2016 LTBMU Plan. IRAs comprise most of the BMAs. The BMAs are intended to "perpetuate the long term roadless character of these lands."[1]

BMAs are lands where natural ecological processes are primarily free from human influences. BMAs may occasionally be influenced by management activities to support forest health, improve habitat, and reduce fuels but these disturbances are minor and do not include construction of permanent roads. BMAs contribute to ecosystem and species diversity and sustainability, support species dependent on large undisturbed areas of land, and provide wildlife corridors. They are managed to preserve and restore healthy watersheds with clean water and air, and to support watershed processes providing high quality aquatic habitats. BMAs are managed primarily to provide non-motorized dispersed recreation opportunities, including hiking, mountain biking, cross-country skiing, snowshoeing, camping, and wildlife viewing.[2]

Much of the project's mechanical treatment and associated road construction is located in Stanford Rock BMA adjacent to the Granite Chief Wilderness. The BMA encompasses the North Fork Blackwood Creek and upper Ward Creek drainages. The area has rare stands of old growth forest and supports sensitive and at risk species, including California spotted owl, pine marten, and northern goshawk. The Stanford Rock BMA is popular for backcountry skiing, mountain biking, hiking and other non-motorized recreation activities and is allocated in the LTBMU Plan to semi-primitive non-motorized recreation. The area was significantly expanded between the 2012 draft plan and the 2016 final plan in response to public concerns about the loss of roadless character and degradation of semi-primitive non-motorized recreation opportunities, including backcountry skiing.

In the LTBMU Record of Decision, Regional Forester Randy Moore stated:

[1] LTBMU Record of Decision, Pg. R-12, July 2016.
[2] LTBMU Final Land Management Plan, pg. 76, August 2015.

> My decision creates the Stanford Rock Backcountry Management Area located between Ward and Blackwood Creeks. The Stanford Rock Backcountry Management Area is 3,619 acres, and includes within its boundary an additional 933 acres of Santini-Burton lands; together this totals 4,552 acres. Stanford Rock Backcountry Management Area has been delineated to exclude the WUI threat and defense zones, so that hazardous fuels reduction may continue adjacent to area communities.
>
> My rationale for designating this area as Backcountry includes several factors. The area is mostly relatively steep and inaccessible, and is unroaded except for one road that is not currently in use, and is not expected to be needed in the near future. The Pacific Crest Trail and Tahoe Rim Trail pass through the area, providing high-quality dispersed recreation opportunities.
>
> Stanford Rock, in combination with the adjacent Granite Chief North and Granite Chief South IRAs and the Santini-Burton parcels, brings the contiguous roadless acreage on NFS lands in this part of the LTBMU to 5,741 acres. The Stanford Rock Area contains portions of four California spotted owl and northern goshawk Protected Activity Centers (PACs), and will expand the area available for wildlife migration corridors on the western side of the Lake Tahoe Basin.[3]

The Stanford Rock BMA was a compromise in response to a proposal by the California Wilderness Coalition (CalWild) and others to add the area to the Granite Chief Wilderness. CalWild's comments noted that non-inventoried roadless lands (a.k.a. Citizen Inventoried Roadless Areas or CIRAs), connected the two smaller IRAs adjacent to the Granite Chief Wilderness, with Stanford Rock in the middle. Calwild included the proposed Granite Chief Wilderness addition map in its comments on the draft plan.[4] The proposal excluded the main stem of Blackwood Creek due to its popularity as an OSV/OHV route but it included much of the area later designated as the Stanford Rock BMA.

Not one acre of new wilderness was recommended in the LTBMU Final Plan. In response to CalWild and other public comments about the lack of wilderness recommendations and the concern about administrative protection of the roadless character of Backcountry Management Areas, the Forest Service replied:

> This area (Stanford Rock BMA) was proposed because it only has one road, at this time the need for more roads is not anticipated for future management, it contains PACs, its boundaries were drawn to exclude the WUI, and it is directly adjacent to wilderness and roadless areas.

[3] LTBMU ROD, pg. R-12,
[4] CalWild comments on the draft LTBMU Plan, Aug. 30, 2012.

> Backcountry Management Areas fill a recreation niche between designated Wilderness and General Conservation management areas. Most Backcountry Management Areas are also Inventoried Roadless areas, which must be managed such that future Wilderness designation is not precluded.
>
> There is no development allowed in IRAs, which includes roads. CIRAs are not a management area and have no requirements to maintain wilderness eligibility. IRAs are managed to retain their roadless character which would also ensure that the wilderness character is maintained.[5]

The failure to recommend any wilderness and continued concerns about the efficacy of administrative protection of roadless areas and backcountry areas, prompted CalWild and other conservation organizations to file objections against the plan. CalWild noted in its objection that its Granite Chief Wilderness addition and other wilderness proposals for the LTBMU excluded popular mountain bike and OHV routes, even though the Forest Service inaccurately argued that including these routes was the primary reason why the final plan failed to recommend any area for wilderness protection.

In response to the recommended wilderness portion of the objection, the Forest Service objection officer responded:

> Review of the planning record shows the objector's contentions that placing Roadless Areas in the Backcountry Management Area (MA) would result in environmental degradation and "irrevocable" loss of future consideration for Wilderness, is not substantiated. The IRAs evaluated as potential wilderness are included in the Backcountry MA, which is managed "to perpetuate the long term roadless character of these lands." Documentation in the record showed that Backcountry MA are managed as natural landscapes with certain activities allowed, including the use of mechanized transport (mountain bikes), maintenance of native-surface roads (though no permanent road construction), and occasional management activities to improve forest health, improve habitat and reduce fuels. These activities are designed so the natural landscape is maintained and objectives of the Backcountry MA are met.[6]

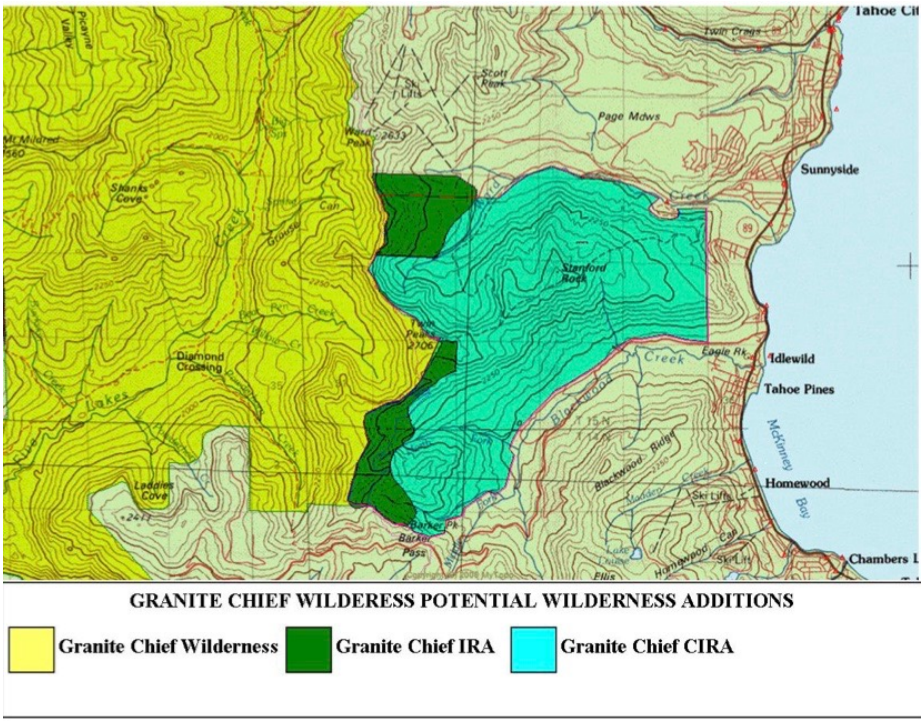
Even though CalWild's recommendation to add the Stanford Rock area to the Granite Chief Wilderness was ultimately rejected by the agency, the Regional Forester agreed that the roadless character and non-motorized backcountry recreation values of the area warranted protection as a BMA, resulting in the establishment of the Stanford Rock BMA in the final plan. The LTBMU FEIS confirmed this, noting that "Approximately 3,600 acres of one of the CIRAs is included in Alternative E (the FEIS preferred alternative) as the Stanford Rock Backcountry

[5] LTBMU FEIS Appendix N, pages N-14-15, N-148

[6] LTBMU Objection Responses, Sep. 22, 2014. Note: LTBMU Plan management direction concerning native surface roads in BMAs is subject to interpretation. CalWild believes that the plan allows *maintenance* of native surface roads in BMAs where they currently exist, but the construction of new native surface roads is prohibited."

Management Area; these lands would receive a level of protection similar to IRAs."[7] Now the Lake Tahoe West Restoration Project proposes to eviscerate the Stanford Rock BMA adjacent to the Granite Chief Wilderness and another BMA adjacent to the Desolation Wilderness.

CalWild's Map of the Proposed Granite Chief Addition (Stanford Rock BMA)



It is important to note that CalWild and all other conservation organizations that submitted extensive comments on the LTBMU plan and subsequently filed objections, did not resort to litigation after the plan was finalized. Conservationists believed the promise implicit in the objection response and the ROD that the roadless character and backcountry qualities of the Stanford Rock and other BMAs would be protected.

Recommendation: In order to maintain the roadless and backcountry qualities of the Stanford Rock and other BMAs, they should be excluded from the logging and permanent road building proposed in the project. At the minimum, exclusion of all BMAs from the project area should be considered in a project alternative.

Inventoried Roadless Areas

Of the 5,400 acres of BMAs subject to logging and the construction of permanent roads in the Lake Tahoe West Project, 3,200 acres are IRAs. The affected IRAs are adjacent to the Granite

[7] LTBMU Forest Plan FEIS pg. 2-20.

Chief and Desolation Wilderness areas. IRAs are protected from road building and logging by the 2001 Roadless Area Conservation Rule (RACR).[8]

According to section 294.12 of the Rule, a road may not be constructed or reconstructed in an IRA with limited exceptions such as when a road is needed to protect public health and safety in the cases of an imminent flood, fire, or other catastrophic event that would cause loss of life or property. Section 294.13 of the Rule also states that timber may not be cut, sold, or removed in IRAs with limited exceptions. In particular, the cutting or removal of generally small diameter timber is allowed to improve habitat for at-risk species or to reduce the risk of uncharacteristic wildfire effects, as long as it will maintain or improve one or more *roadless characteristics*, which include:

- high quality or undisturbed soil, water, and air;
- sources of public drinking water;
- diversity of plant and animal communities;
- habitat for threatened, endangered, or sensitive species dependent on large undisturbed areas of land;
- primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation;
- natural appearing landscapes with high scenic quality;
- traditional cultural properties and sacred sites;
- and other locally identified unique characteristics.

Not only does logging in IRAs have to maintain or improve roadless characteristics, the Forest Service made it clear in the RACR that the justification for road building is quite limited. In response to comments on the draft RACR concerning exemptions or exceptions from the RACR's road building prohibition, the Forest Service provided this clarification: "The public health and safety exception at paragraph (b)(1) in the final rule applies only when needed to protect public health and safety in case of an imminent threat of a catastrophic event that might result in the loss of life or property. It does not constitute permission to engage in routine forest health activities, such as temporary road construction for thinning to reduce mortality due to insect and disease infestation."[9]

The Lake Tahoe West Project scoping notice states that "Treatment in the Roadless Area will follow guidelines described in the 2001 Roadless Area Conservation Rule." No information is provided in the scoping notice to support the assumption that roadbuilding or logging is permitted under any of the Roadless Rule's exceptions, including the requirement that the proposed logging in IRAs will improve one or more roadless characteristics.

According to the Lake Tahoe West Resilience Assessment, "Higher elevations and wilderness are more resilient to most disturbances, whereas canyons and lower elevations are especially vulnerable to impacts associated with fire, drought, and climate change. Restoration activities

[8] 36 CFR Part 294, Special Areas; Roadless Area Conservation, Fed. Reg. Vol. 66, No. 9, Jan. 12, 2001.
[9] Ibid, pg. 3255.

focused in these areas may maximize landscape resilience." It should be noted that the Granite Chief and Pyramid IRAs and the Stanford Rock and Desolation-adjacent BMAs encompass higher elevations overlooking much of the project area. Given that IRAs represent less than 17% of the project area, it seems unreasonable to spend the time and resources to justify this unwarranted and likely illegal activity in IRAs.

Recommendation: Remove all IRAs from the project. At the minimum, exclusion of all IRAs from the project area should be considered in a project alternative.

Environmental Impact Statement Required

Logging and permanent road construction in IRAs, and the proposed plan amendment to allow logging and roadbuilding in BMAs, will require a full environmental impact statement (EIS). Forest Service NEPA Procedures quite clearly require a full EIS for a project that "substantially alters the undeveloped character of an inventoried roadless areas or a potential wilderness area." Examples of activities prompting a full EIS include proposed road and harvest units that impact a substantial part of the IRA.[10]

A full EIS is also required to identify adverse impacts on roadless area values and services, including producing clean water and air, providing habitat for sensitive and at risk wildlife species requiring large undisturbed areas, protected sacred areas and cultural uses, and offering opportunities for primitive and semi-primitive recreation.

Proposing to amend the LTBMU plan to allow logging and construction of permanent roads in BMAs constitutes a substantial plan amendment requiring the in-depth analysis that only an EIS can provide, particularly when the proposed project could have significant adverse impacts on IRAs.

Required: Analysis of the impacts of the proposed project on IRAs and other resources by a full EIS.

Less Intrusive Treatment of BMAs and IRAs

The project scoping notice fails to mention or consider treatment in BMAs and IRAs that is less intrusive than logging and permanent roadbuilding. We recommend that the EIS for this project consider less intrusive treatments that maintain the roadless character and backcountry quality of BMAs and IRAs. The LTBMU need look no farther than the Caples Creek Restoration Project on the adjacent Eldorado National Forest for a project that reduces fuels and restores the forest ecosystem without logging and roadbuilding. The Caples Creek Restoration Project involves prescribed burning in the Caples Creek IRA, which has been recommended by the agency for Wilderness protection. The project meets wilderness management and protection standards.

[10] Section 220.5(a)(2) and (a)(2)(i), 36 CFR 220, National Environmental Policy Act Procedures, USDA Forest Service, Fed. Reg. Vol. 73, No. 143, July 24, 2008.

Recommendation: Replace project-proposed logging and road building with non-intrusive prescribed burning in the BMAs and IRAs in the Lake Tahoe West Project.

Non-Motorized Backcountry Recreation

The Stanford Rock BMA is a popular recreation area for four-season non-motorized dispersed recreation. The BMA includes segments of the Pacific Crest Trail and the Tahoe Rim Trail, as well as other system trails. The BMA offers backcountry hiking and mountain biking, and is particularly popular for backcountry skiing. Here is just a sample of online sources documenting the popularity of this area for non-motorized backcountry recreation:

- https://manystepsmakemountains.com/2017/01/16/twin-peaks-to-stanford-rock-exploring-ward-canyon/
- https://www.visitplacer.com/discover/blackwood-canyon/
- https://tahoequarterly.com/best-of-tahoe-2019/ripe-for-the-harvest
- https://unofficialnetworks.com/2011/08/24/patch-skiing-wildflowers-west-shore-blackwood-canyon-lake-tahoe-ca/
- https://www.youtube.com/watch?v=s7S7W-AIOno
- http://westshorelaketahoe.com/biking
- http://directory.laketahoe.com/content/blackwood-canyon
- https://tahoe.com/articles/lake-tahoe-mountain-biking-beginner-advanced
- https://www.trailforks.com/region/ward-canyon-16435/?activitytype=1&z=12.6&lat=39.13250&lon=-120.20726

The BMA adjacent to the eastern boundary of the Desolation Wilderness is also a popular backcountry recreation area, particularly for backcountry skiing and hiking.

Backcountry skiing in the Twin Peaks area (Stanford Rock Backcountry Management Area). This area could be roaded and logged in the Lake Tahoe West Project. Photo: Ben Hogan, Manystepsmakemountains.com

Backcountry skiing above Emerald Bay and below Jakes Peak, likely in the Backcountry Management Area and the Pyramid IRA adjacent to the Desolation Wilderness. Photo: Mark Menlove.

Recommendation: The EIS for this project should analyze impacts of logging and permanent road building on the non-motorized backcountry recreation provided by the Stanford Rock BMA and other BMAs, as well as in the Granite Chief and Pyramid IRAs, and avoid such impacts by adjusting the project boundary to eliminate the BMAs and IRAs.

Watershed & Water Quality Impacts

Except for the Truckee River corridor, the entire project area encompass watersheds functioning at risk.[11] These watersheds already produce substantial sediment that contributes to the loss of clarity of Lake Tahoe, which is one of only two Outstanding National Resource Waters (ONRW) designated in California. Degradation of water quality in ONRWs is prohibited by the Clean Water Act.

The Lake Tahoe Watershed Assessment found that sediment and nutrient loading into Lake Tahoe from Ward and Blackwood Creeks reflect a history of soil disturbance and vegetation removal. General Creek in the project area is considered a "control" watershed because it has remained relatively undisturbed due to its location within a state park and because the watershed has the lowest road density of the nine watersheds in the Lake Tahoe Interagency Monitoring Program (LTIMP). Due to existing development, Blackwood and Ward Creeks have

[11] LTBMU FEIS, Figure 3 89, pg. 3-491, Watershed Condition Assessment map.

sediment discharge levels that are an order of magnitude greater than the less developed Meeks and General Creeks watersheds.[12] Blackwood creek is the highest per-acre contributor of fine sediments and nutrients to Lake Tahoe and Ward Creek is the third highest contributor of runoff to the Lake.[13] And yet, the project proposes extensive mechanical treatment and permanent road building in the upper watersheds of Ward, Blackwood, Meeks, and General Creeks.

Recommendation: Update watershed assessments for all major drainages in the project area to determine the water quality and watershed degradation impacts of the proposed project. Determine the efficacy of Best Management Practices in avoiding degradation of the Lake Tahoe ONRW. Eliminate all logging and road building in IRAs/BMAs.

Summary

In summary, we urge that the proposed logging and road construction in BMAs/IRAs be eliminated from the project. A full EIS is required if the project includes logging and road building in BMAs/IRAs and any analysis document for this project must consider an alternative the eliminates logging and road building in BMAs/IRAs. We also urge that possible adverse impacts on non-motorized backcountry recreation in the BMAs/IRAs be identified and avoided. Assessments of watersheds within the project area should be updated, and possible water quality impacts should be identified and avoided. Any actions that degrades water quality in the Lake Tahoe ONRW must be avoided as well.

Thank you for soliciting public scoping projects on the Lake Tahoe West Restoration Project. Please provide a copy of the draft EIS for this project when it becomes available for public review and comment.

Sincerely,

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[12] Lake Tahoe Watershed Assessment Vol. I, USDA Forest Service, March 2000.
[13] https://eip.laketahoeinfo.org/EIPActionPriority/Detail/6

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