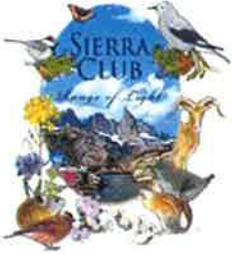


February 16, 2016
Regular Meeting
Item #9e, Addendum
CAO/County Counsel

Adventure Trails
Pilot Program -
Mono County
Inclusion



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February 16, 2016

Board of Supervisors
Mono County, California

Dear Mono Board of Supervisors,

The Range of Light Group (Toiyabe Chapter, Sierra Club) with over 170 members in Mono County notes the agenda item (9 e) for the Board of Supervisors' meeting on February 16, 2016, concerning possible support by the Board of Supervisors for a proposed bill in the legislature that would extend the provisions of AB 628 to apply to Mono (and Sierra) Counties. If this legislation were passed and included Mono County, it would enable relevant authorities in Mono County to develop a pilot Adventure Trails (AT) System similar to that which has been instituted in Inyo County. **We urge the supervisors to support recommended action (2) "Approve letter directing Berryhill to remove Mono County from the drafted legislation".**

We realize that the proposed legislation would have to be passed by the legislature. Should this happen, then a pilot Adventure Trails System could be developed by the county subject to approval at that stage by the Board of Supervisors. Such a system would designate public roads of up to 10 miles in length which non-street legal OHVs could use to access legal OHV trailheads and/or to provide connectivity between existing trailheads. We also realize that there would be the opportunity for public and agency comment during the process of approval of the AT system.

The Sierra Club was unaware of this proposed legislation until we received late Friday afternoon the addendum to the Board of Supervisors meeting. Given the holiday weekend, this allowed little time for us (and others) to discuss and formulate our response. The legislation and the AT pilot system was very controversial in Inyo County and is likely to be equally controversial in Mono County. Therefore, we urge the Board to provide more time and forums for public input as to whether Mono County should be included in the authorizing legislation. The Board could, for example, as a third alternative urge Senator Berryhill to delay proceeding on the legislation until the Board of Supervisors has had time to solicit and facilitate adequate public input from county residents on the proposed legislation.

The Sierra Club is opposed to such a system, especially without much stricter constraints in any authorizing legislation. The Sierra Club also opposed the original AB 628 legislation (and its unsuccessful predecessor bills) and testified against the system that Inyo County ultimately approved. Our concerns are the same regarding such a system in Mono County as they <http://www.inyoltc.org/ab628impl.html> were regarding the Inyo County System.

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- The Inyo Adventure Trail System was authorized as a pilot system. At the end of 2015 a report was to be submitted evaluating the results of the pilot system. Proponents hoped to have the system functioning sometime in 2012 but public opposition, agency comments, environmental review processes, and legal challenges caused the system only to become operational in 2015, and then only on 4 out of 7 authorized routes (out of 36 routes in the original proposal). The proposed legislation to expand the system would contravene the purpose of the original legislation, effectively allowing development of a full system without waiting for the evaluation of the Inyo County pilot AT system. Such evaluation could have various outcomes including termination of the system, or significant modifications in requirements and restrictions for such a system. Thus at a minimum, AB628 should not be expanded to other counties at this time. Due to the limited and late implementation of a pilot system, Inyo County does not yet have sufficient data to make a meaningful evaluation and has asked for an extension of time for submission of their report and evaluation. Any expansion to additional counties including Mono should occur, if ever, only after the initial trial period for the system in Inyo County has been concluded and evaluated.
- The 36 routes of the originally proposed system in Inyo County covered much of the county and is more of a full county wide system than a limited pilot program. In addition, Inyo County created combined routes – two new segments connecting to one another in some cases or a new segment under the 10-mile limit of AB628 connecting to an under 3-mile segment which county authorities could already authorize. Again this betrays the intent of the original legislation which was to limit trails to 10 miles & under and to limited access routes to OHV trailheads rather than a system for OHV use on public roads.
- Others expect to have to transport their horses, snowmobiles, etc. to the point of use and not normally operate them upon public paved roads. There is no reason why an exception should be made for OHVs. Almost all OHV users have means of transport of their OHVs (e.g., trailers). Roads are for public transport by street legal vehicles and not part of the active recreational system.
- Noise pollution: OHV vehicles are perceived by most non-OHVs to be very noisy, even if noise abatement equipment is properly installed and maintained which it often is not. This noise pollution is a problem both in built up areas and in more rural areas – both for effect on other land users and possible effect upon wildlife. It is even more of a problem in summer time when daylight (and thus legal usage of the AT system) begins while many people are still asleep.
- Effect on other recreationists: Increased use of an area by OHV vehicles usually leads to a decline in use by non-OHV recreationists who seek a more passive, quiet experience. Due to noise, the impact of OHV use extends a considerable distance beyond the actual OHV authorized trail. OHV users while very vocal are a small minority compared to other users: fishers, horseback riders, birders, hikers, people who come just to see and enjoy our magnificent outdoors. Viewing of the outdoors is the highest identified use by visitors according to Inyo National Forest surveys. The possible economic benefit from increased OHV presence should be balanced and evaluated against the negative economic benefit due to OHV usage negatively affecting other recreational activities in a county that depends economically on tourism and recreation.
- Effect on neighborhoods: In the case of primarily residential neighborhoods, noise and pollution from OHVs on local roads would have a severe negative impact (noise, pollution, safety) on local inhabitants. Most neighborhoods in the county do not have sidewalks and OHV's regularly on some streets would pose increased safety dangers to children in the neighborhood. In the case

of primarily transient or second home owner neighborhoods, OHV usage would make such properties less desirable to rent to non-OHV users – a negative economic impact on county finances. Neighborhoods that contained designated AT trails would likely suffer negative impact on home values, again affecting county finances.

- Air pollution: GBUAPCP (Great Basin Unified Air Pollution Control District) was one agency that commented during development of the Inyo trail system. Both Mammoth Lakes (smoke particulates) and the Mono Basin (dust particulates) are at times in non-compliance with air pollution standards. OHV's, both on road and on trail, create more dust/dirt particulate pollution than other vehicles (nature of use and type of types). They also create more greenhouse gas emissions from exhausts, even from properly maintained exhaust systems than do other vehicles (except snowmobiles), thus increasing the chemical pollutants that contribute to climate change.
- Safety: Many OHV manufacturers note that their vehicles are not designed or recommended for use on public and/or paved roads. OHV's on public roads would create dangerous safety conditions for other users (and where wrecks resulted, for the OHV user also). The US Consumer Product Safety Website (federal) recommends never operating ATVs on public and paved roads. Normal road users caught behind OHV's would potentially create unsafe driving environments. The absence of normal safety related equipment required on street legal vehicles increases the danger for other drivers (and the liability for the county or city).
- Route Proliferation: There is a likelihood of increasing illegal OHV usage in areas not designated for OHV use due to increased access from the new routes of the system. While OHV usage in non-allowed (for OHV) areas may occur only among a small number of OHV users, we know from the Inyo Forests that there are many miles of illegal OHV created trail and use areas, including in designated Wilderness areas. We also know that limited personnel make it very difficult to police and prevent illegal off trail usage of OHV's. This is an equal concern for non-forest areas including BLM. BLM would be especially concerned should there be any designated routes that went alongside or provided easier access to WSA's (Wilderness Study Areas), due to the "non-impairment" standard of the Federal Land Policy and Management Act of 1976 as it pertains to WSA's.
- Environmental Concerns
 - Environmental review would have to consider a wide range of alternatives including the no Adventure Trail System and the best environmental alternative. Some alternatives could include geographical limitations or be limited to certain times of the year. The Inyo system already forbids use of the system at night – a provision that is difficult to enforce.
 - Environmental review would need to include analysis of cumulative affects upon the physical, flora, and fauna environments and not be limited to effect of a single authorized route upon the immediately adjoining area. This includes but is not limited to effects on endangered and threatened species, species of conservation concern, and similar lists of potentially threatened species. Attention would need to be given to avoiding road designations that affect animal migration routes (e.g., mule deer). Due to nature of OHV tires, the mechanical design of an OHV, and the nature of the driving experience, we know that OHV usage is much more destructive of the environment than are other forms of usage. Increased overall OHV usage also leads to increased erosion and even water pollution due to stream crossings by OHV's and run-off from roads in the route.
 - For example, approved routes of the Inyo AT system that connect to OHV trailheads on Inyo National Forest land are not yet operational because the Forest Service says that such routes will require environmental review under the NEPA

process. Such review should include not only the direct environmental effect along the proposed routes but also the cumulative impact upon the Inyo Forest caused by the likely increased OHV activity in the forest. The Inyo Forest also maintained that the county does not have authority to designate road segments located in the Inyo Forest as part of the newly authorized routes because the Forest Service has exclusive jurisdiction of roads in the forest excepting situations where there is an existing formal agreement between the forest and another agency (e.g., county maintenance of road segment passing through the forest). New BLM planning directives at the national level, recently released in draft form, when implemented at the regional level will likely require similar scrutiny of cumulative environmental and recreational effects of routes connecting to BLM trailheads.

- Possible impact upon tribal cultural resources near designated AT routes: A systematic survey would be required to identify possible affected tribal cultural resources. Such a concern was expressed, for example, in the Inyo County process by the Big Pine Paiute tribe and by BLM and would be applicable in Mono County also.
- Mitigation measures: The Inyo County system review recognized possible negative effects in a number of areas (noise, environmental damage, etc.) – even with an inadequate environmental review. However, the Inyo plan envisions few mitigation measures. Mainly the Inyo plan regards education, such as by posting of signs, to be sufficient mitigation. The Forest Service knows that signs do not effectively mitigate off-road usage and environmental damage.
- Enforcement: there are insufficient personnel (police/sheriff/highway patrol) to enforce existing regulations. Any system should provide (including funding) the additional personnel needed to enforce legal usage both on public roads and on public lands (BLM, Forest) due to additional use of public lands by OHVs due to increased access from the Adventure Trail System. Further, it is difficult for other drivers as well as enforcement personnel to identify OHV vehicles and difficult for enforcement personnel to enforce regulations such those concerning having a license and being of a required minimum age.

Thank you for the opportunity to submit these comments,



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