

TOWN COUNCIL STAFF REPORT

Title: Subpart C, OSV Use Designation Process, Collaborative Alternative Team Comments, and Direction to enter into an MOU with the Inyo National Forest as a cooperating Agency through the completion of the process.

Meeting Date: February 15, 2023

Prepared by: Daniel C. Holler, Town Manager

RECOMMENDATION:

Subpart C, OSV Use Designation process Pre-Scoping Comments are informational and Staff is requesting Council Direction to enter into a Cooperating Agency MOU with the Inyo National Forest through the completion of this process.

BACKGROUND:

The Forest Service is completing the Inyo National Forest Over-Snow Vehicle (OSV) Use Designation Process, in accordance with the 2005 (Amended in 2015) Travel Management Rule (36 CFR 212, Subparts B and C; Travel Management Rule). The process includes completion of the National Environmental Protection Act (NEPA) process and the preparation of the environmental impact statement (EIS). To start the process the Inyo National Forest initiated an Over-Snow Vehicle Travel Management Collaborative Alternative Team (CAT). This effort was facilitated by Austin T. McInerny with Sacramento State College.

The CAT is an independent community-based body of stakeholders. The primary goal of the CAT is to develop a stakeholder-based recommendation that balances over-snow vehicle (OSV) travel, various forms of winter recreation, and minimization of impacts to forest natural and cultural resources, sensitive habitats, and all visitors to the public lands. The CAT seeks to minimize conflict between different forms of recreation and between recreation of all types and the environment. CAT recommendations will be based on the best information available to the group. Recommendations will be submitted to the Forest Supervisor for review and consideration in the project development and review effort. The Forest Supervisor is committed to considering recommendations of all stakeholders and recognizes the unique contributions the CAT could make to the development of alternatives. The information gained in this process will assist the Forest Service in preparing for the formal scoping process, which allows for public comments on the items to be addressed through the NEPA process. Attached is the final write up from this process which was submitted to the Forest Service for consideration. The Town participated in this process and provided comments that are included in the attached write up. The Town's comments include references to previous Town Plans and other related work products.

To complete the OSV use designation process, the Forest Service plans to prepare an Environmental Impact Statement (EIS) that complies with the National Environmental Policy Act (NEPA) and other applicable statutes and regulations such as the Endangered Species Act, National Historic Preservation Act, etc.

The Town of Mammoth Lakes may continue to participate in this process as a cooperating agency with respect to the OSV use designation process, pursuant to 40 CFR 1501.8. The Forest Services is supportive of the Town participating as a cooperating agency. A formal Memorandum of Understanding (MOU) will need to be approved by the Town and the Forest Service. Forest Service and Town staff initiated the development of an MOU and will ask Council to consider it on March 1, 2023. The Town has the option to continue to be engaged in the process without being designated as a cooperating agency.

A team of Inyo National Forest interdisciplinary resource specialists, known as the Interdisciplinary Team (IDT), will be assigned to prepare the EIS and OSV Use Designation Plan. The final outcome of this decision will be an over-snow vehicle use map (OSVUM), showing where, and under what conditions, areas and trails will be designated for OSV use. OSVs are defined as, “a motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow.” (36 CFR 212.1).

The Forest Supervisor of the Inyo National Forest is the responsible official for development and approval of the OSV Use Designation Project. Under the provisions of the Council for Environmental Quality's Regulations for Implementing NEPA (40 CFR Parts 1500-1508):

The Forest Service may designate a State, County, or local government agency as a “cooperating agency” to assist the Forest Service in preparing an EIS for a project on National Forest System lands (40 CFR 1501.8 and 1508.1). Cooperating agencies have jurisdiction by law or special expertise on environmental issues related to the project. A cooperating agency may provide special expertise or assistance to the lead agency in analyzing the effects of the lead agency’s proposed action.

The Town would serve as a cooperating agency with special expertise relevant to the preparation of the EIS for the OSV Use Designation Process, with the rights and duties of a cooperating agency as set forth in this MOU and the CEO regulations at 40 CFR 1501.8. This ensures various planning documents of the Town are used through the process and for early and continued dialogue between the Town and the Forest Service.

Staff is recommending Council support to proceed with the finalization of the MOU designating the Town as a cooperating agency.