December 3, 2014

USDA Forest Service

Richard Hopson

District Ranger, Amador Ranger District

26820 Silver Drive

Pioneer, CA 95666

Attn: Matt Brown mrbrown@fs.fed.us

Re: Deer Valley 4WD Meadow Restoration and Blue Lakes Road Maintenance Project

*Comments emailed to* *comments-pacificsouthwest-eldorado-amador@fs.fed.us*

The following comments are submitted by the California Off-Road Vehicle Association (CORVA) on behalf of our members, members clubs and affiliate members on the Deer Valley 4WD Meadow Restoration and Blue Lakes Road Maintenance Project (19E01/9N0).

Since 1967, the California Off-Road Vehicle Association (CORVA) has been dedicated to supporting and advocating for motorized vehicular access to public lands throughout the state. CORVA strives to keep off-road access available to all those wishing to enjoy the beauty and majesty of the American landscape including off-highway vehicle enthusiasts, rural residents, campers, fisherman and hunters.

The project under review holds particular significance for many of our members and has been recognized as a trail with high recreational value by the Eldorado National Forest (ENF). As noted in the Draft Supplemental Environmental Impact Statement issued by the ENF in February 2013; *“The Deer Valley Trail begins just south of Lower Blue Lake and heads in a southerly direction through a 300 foot corridor through the Mokelumne Wilderness. After about 7 miles of challenging travel, it ends on Highway 4 on the Stanislaus National Forest. This trail is very popular with 4WD’s, ATV’s and motorcycles. The scenery is spectacular. Horseback riding, biking and hiking are also popular. This trail crosses Blue Creek and Deer Creek, where there are a scattering of popular campsites. The road follows the historic Big Tree Carson Valley Wagon Road which was used as an emigrant road since 1857. It is also the route “Snowshoe Thompson” used for many years to deliver mail. This is a connector route between Highway 88 and Highway 4.”* [[1]](#footnote-1) The scenic beauty and historical importance to members of the recreation community cannot be overstated; therefore CORVA appreciates the expediency of efforts by the ENF to reopen access to these trails.

As noted in the Proposed Action, initially the Deer Valley Trail and Blue Lakes/Meadow Lake Road were considered to violate Standard & Guideline 100 (SG) which necessitated the closure of the trail to public travel per court order. However during further recent investigation the trail was found to be in compliance with Standard and Guideline 100 (with respect to hydrologic connectivity), and efforts were undertaken to begin evaluation for trail reopening under the National Environmental Policy Act.

The Proposed Action contains many elements that CORVA supports:

1. Adding Deer Valley Trail (19E01) to the Motor Vehicle Use Map.
2. Adding Blue Lakes/Meadow Lake Road (9N01) to the Motor Vehicle Use Map.
3. The proposed trail reroute on the west side of Deer Creek.
4. Hardening the stream crossing at Meadow 9N83-2.
5. Stream Bank Restoration at Deer Valley (9N83-2) and Clover Valley (9N83-1).
6. Road Maintenance on Blue Lakes/Meadow Lake Road (9N01).

However CORVA would like to offer an alternative to the Proposed Action in regards to the seasonal closure recommendation of January 1 to July 31 for both Deer Valley 4WD Trail and Blue Lakes/Meadow Lake Road. As stated in the Proposed Action, the purpose for the seasonal closure is to limit potential impacts to the Yosemite Toad, a newly listed threatened species as of June 30, 2014[[2]](#footnote-2), however CORVA believes that fixed dates of such length deny the Forest Service the flexibility needed to insure protection for the Yosemite Toad, and deny the public access to much loved areas. It is a scenario in which no entity is well-served.

The CORVA Alternative recommends a seasonal closure of January 1 – June 15, and suggests built-in flexibility so the Forest Service can extend the closure should on-the ground analysis of the trails in question reveal the presence of scientifically- based criteria deemed essential to the well-being and preservation of the Yosemite Toad.

To understand why the Yosemite Toad became a threatened species, a bit of study is needed to determine what may have caused the decline of the toad along with what actions may be taken to preserve the species. The decline of the Yosemite Toad is well documented as noted in the Dissertation published by the Forest Service, Pacific Southwest Research Station authored by Christina Teh-Ping Liang.[[3]](#footnote-3) As the author notes; *“The causes of the disappearance and decline are unknown, and this poses a particular challenge for management and conservation since there is little understanding on how to ensure the survival of remaining populations.”*  Habitat has been severely influenced by overgrown forests and the history of fire suppression by the Forest Service, the practice of which coincides with the exact dates the decline of the Yosemite Toad was first noted.

But Ms Teh-Ping Liang has evaluated and concluded there are definite patterns used by the Yosemite Toad in the critical areas of breeding and mating habits. In this Dissertation, discussion of the necessary breeding and mating patterns for the Yosemite Toad reveals the following important criteria:

1. Breeding takes place for a maximum of 1 -2 weeks per year in late spring periods, generally in May-June shortly after the snow melts.
2. Breeding occurs in wet meadows, margins of ponds and lakes, and slow-moving streams.
3. After breeding (1-2 weeks), adults move to higher forest areas.
4. Preferred temperature of ideal daytime breeding habitat varies between 50-57° F.
5. When temperatures rise above ideal, a steep decline is seen in toad sightings.
6. Toads are occasionally found in the open, but quickly move under cover when approached.
7. Although the female of the species travels greater distance, both male and female toads travel a considerable distance away from breeding habitat after the aforementioned 1-2 week period in May-June.
8. Yosemite Toads do not appear to follow man-made roads or trails.
9. The Southern portion of the ENF represents the northernmost area of known Yosemite Toad habitat.

An earlier study published in the 1993 in the Journal of Herpetology[[4]](#footnote-4), researchers Cynthia Kagarise Sherman and Martin L. Morton studied the Yosemite Toad and noted; *“The lack of relationship between the distance from the nearest road and the declines in our study populations suggests that localized human activities were not the main cause of the decreases.”* Therefore there is little to indicate a detrimental effect for road or trail proximity however drought, amphibian disease and avian predation are thought to greatly influence the decline in toad population. These researchers also indentified ideal water temperature for mating and breeding at 31°F.

The ENF represents the northernmost border of toad habitat, with primary habitat located further south in the Sierra Nevada Mountains. Breeding season coinciding with snow melt (31°F) occurs early in southern habitat areas, and as climate change increases snow melt is likely to start earlier in the northern climes, coinciding with an earlier breeding season. It is conceivable to conclude that shortly breeding season may start in the ENF in late April, and be well over by late May. This would make a fixed date seasonal closure of July 31st close to 2 months after breeding and mating season is over.

Yosemite Toad sightings based on previous Forest Service visual inspection of both Deer Valley 4WD Trail and the Blue Lakes/Meadow Lake Road indicate this area is used for mating and breeding season when conditions and topography of the meadows near the trails correlates well to ideal Yosemite Toad criterion. But these conditions last a very short amount of time, and as the season moves into summer, daily air temperatures and water temperatures rise to the point when there is little if no possibility the Yosemite Toad would be found in the proximity of the project roads. By July 31st, the reopening date for the trails in the Proposed Action, the Yosemite Toad has long since departed for cooler areas and burrows in the nearby forest.

All the above point the following conclusions:

1. A fixed date period of January 1 to July 31 is an unnecessarily long fixed closure period.
2. Specific criteria have been determined as primary breeding and mating needs for the Yosemite Toad.
3. Conditions on the roads can be monitored closely by Forest Service personnel to determine whether mating and breeding criteria still exist on the roads (daytime air & overall water temperature as key indicators).
4. Conditions on the roads can be monitored closely by Forest Service personnel to determine if snow melt has concluded on the trails surface, and travel can be safely resumed.
5. As there is still much to learn regarding the Yosemite Toad, visual monitoring by Forest Service personnel is an opportunity to expand knowledge of the species.
6. The Yosemite Toad is not influenced negatively by the proximity of roads or trails, and hides when individuals approach.
7. Motorized travel itself has not caused or contributed to the decline of the species.

The CORVA Alternative with seasonal closure dates of January 1 to June 15th gives the agency flexibility to extend the closure if conditions warrant, giving the agency flexibility to preserve habitat for Yosemite Toad mating and breeding when necessary, while allowing public access to the project roads only when on-the-ground observation has determined that daytime temperatures has risen above 60° F and the snow melt has concluded on the trail surface. In a given year, dependent on weather conditions, climate change and the continuation of the current drought, this may occur anywhere from late April to late June. Using the CORVA Alternative date of June 15th and requiring monitoring of conditions with the option of extending the closure if conditions warrant, gives the agency the best possible chance for Yosemite Toad preservation.

We appreciate all the hard work and efforts by staff of the ENF in regards to these trails and all the trails currently closed pending mitigation to comply with SG 100 per previous court order.

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1. http://www.fs.usda.gov/Internet/FSE\_DOCUMENTS/stelprdb5410354.pdf [↑](#footnote-ref-1)
2. http://ecos.fws.gov/speciesProfile/profile/speciesProfile?spcode=D02K [↑](#footnote-ref-2)
3. http://www.fs.fed.us/psw/publications/4202/psw\_2010\_liang001.pdf [↑](#footnote-ref-3)
4. http://www.californiaherps.com/frogs/pages/b.canorus.html [↑](#footnote-ref-4)