

Boquet Canyon Recreation Residence Tract

Purpose and Need for Action and Proposed Action

Purpose and Need For Action

There is a need for action on the Boquet Canyon Recreation Residence Special Use Permits on the Angeles National Forest that are set to expire on December 31, 2008. In meeting this need, the proposed action would achieve the following purposes:

1. Only tracts that are found to be consistent with the Forest Land and Resource Management Plan will be authorized new term permits.
2. Only permit holders in full compliance with the terms and conditions of their current permits and the pending Biological Opinion (BO) for the Boquet Canyon Recreation Residence Tract will be authorized new term permits (Forest Service Handbook (FSH) 2709.11, Sec 41.23(a)(3)).
3. Current non-compliant permit holders would be provided reasonable opportunity to gain compliance with the current terms and conditions of their permit (36 CFR 251.60).
4. Within the tract, if the use has not been analyzed sufficiently as part of an EA or EIS completed within 5 years of permit expiration, the appropriate environmental analysis and documentation would be completed. (FSH 2709.11, Sec. 41.23a (1b)).
5. Permit holders must comply with all current regulations of the Secretary of Agriculture, and all present and future Federal, State, County, and Local laws, regulations, policies, ordinances, etc. that apply to the permit area. (FSH 2709.11, Sec 41.23(a)(4) and Permit Clause: Section IV, Clause A).

Proposed Action

The proposed action is to continue recreation residence use by authorizing new 20-year term recreation residence special use permits until December 31, 2028 or short duration permits until at least December 31, 2009 to current permit holders. Permit holders who are found to be in full compliance with the terms and conditions of their existing permits and the pending Biological Opinion (BO) by December 31, 2008, will be issued a new permit with an expiration date of December 31, 2028. Permit holders who comply with all of the terms and conditions of the BO but are found not to be in compliance with the terms and conditions of their existing permits by December 31, 2008, will be offered a short term (up to one year) permit extension on form FS-2700-4 pursuant to Forest Service Manual (FSM) 2721.23(c)(2)(b) to address compliance deficiencies. Compliance with the terms and conditions included in the BO is required. Failure to comply may render permit holders ineligible for both short term and long term permits.

The District was delayed in transmitting the inspection reviews to the Bouquet Canyon recreation residence permittees because it was developing a plan to address the non-compliance issues. The intention was to provide the compliance inspection reports by fall/early winter of 2007 as well as completing the appropriate level of environmental analysis. However, at the end of October 2007, the District Office burned down destroying all of its records. The inspection files have been recreated but the majority of the permit files have been lost.

Because of the setback due to the fire and the complexity and uniqueness of the issues surrounding the Boquet Canyon tract, the District will not be able to complete the compliance



inspection reviews and new permit issuance process before December 31, 2008. Since this delay was beyond the control of the permit holders, the Forest plans on issuing short duration permits until at least December 31, 2009 to provide the permit holders a reasonable amount of time to bring their recreation residences into compliance with the terms and conditions of their permits. Terms and conditions included in the pending BO may require compliance prior to December 31, 2009. The issuance of the short duration permits will also allow the Forest time to complete the appropriate level of environmental analysis as required under the National Environmental Policy Act.

However, permit holders who are delinquent in paying their annual fee, which is in the control of the permit holder, will not receive a short duration permit upon expiration of their existing permit on December 31, 2008. Upon expiration of their permit, the authorized officer has the discretion to require the holder to sell or remove all structures and improvements, except those owned by the United States, within a reasonable period prescribed by the authorized officer and to restore the site to the satisfaction of the authorized officer. If the holder fails to sell or remove all structures or improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the permit area. (See Permit: Section X, Clause A.)

Permit holders who are issued a short term permit on form FS-2700-4 that fail to be in compliance by 12/31/2009, will not be issued a new 20-year term recreation residence special use permit until December 31, 2028. Upon expiration of the short term permit on form FS-2700-4, the authorized officer has the discretion to require the holder to sell or remove all structures and improvements, except those owned by the United States, within a reasonable period prescribed by the authorized officer and to restore the site to the satisfaction of the authorized officer. (See Permit: Section X, Clause A.)

The action area considered in this proposed action is the collective area of the recreation cabin lot, the cabins and outbuildings, structures, and the area immediately around the cabins, including landscaping and hardscaping, infrastructures, wells, parking areas, access roads, brush removal zone, and areas of influence such as adjacent riparian, brush or forested areas.

New permits will include Operations and Maintenance (O&M) Plans which will contain site-specific direction for enhancement and protection of permittee improvements and National Forest System lands and resources. The (O&M) Plan attached to and made a part of each new term recreation residence special use permit would state that any alterations, repairs, maintenance, reconstruction, or changes, to the recreation residence, related improvements and/or structures, or lot, the permit holder must obtain written approval from the Forest Service. Examples of routine activities requiring written approval include but are not limited to repair, installation or replacement of septic systems and leach fields, well construction, room additions, construction or improvements to decks/porches/patios, installation and maintenance of utility lines, road maintenance, construction or removal of outbuildings, or replacement of roofs. Routine actions associated with vegetation modification include invasive plant removal, fuel reduction and hazard tree removal.