

Decision Memo
USDA Forest Service

Motorized Access for Dispersed Camping

Mendocino National Forest

Colusa, Glenn, Lake, Mendocino, Tehama & Trinity Counties, California

Decision and Rationale

I have decided to implement this proposal, which consists of adding 71 currently undesignated routes to the existing Mendocino National Forest trail system. These routes would be managed as motorized trails to provide access to 66 dispersed camp sites. The routes are located in various areas across the Forest; aggregate length of the routes is 7.7 miles. Refer to Appendix A for a detailed list of routes and the dispersed camp sites to which they would provide access.

Reasons for the Decision

This proposal is one component of the Mendocino National Forest's set of proposed changes to its existing designated route system. These changes are being made pursuant to recent changes in travel management and other regulations [36 CFR Parts 212, 261, and 2951], which require all national forests to restrict motorized use to designated roads, trails, or areas.

For national forests, such as the Mendocino, that have already restricted motorized use to such designated route systems, the regulations allow two options: a) provide public notice that the existing designated system will remain unchanged; or b) work with the public to make needed changes to the existing system. In working with the public, I have determined that there are some needed changes, and that this proposal is one of them. A brief explanation of that need follows.

Mendocino National Forest has a long history of allowing dispersed camping by the general public. Dispersed camping is the practice of setting up camp (for either overnight or day-use) in an area that has not been developed as a campground facility.

The availability of dispersed camping opportunities benefits both the visiting public and Forest Service managers alike. It provides visitors an opportunity to have a more secluded, self-reliant, unregimented camping/outdoor-recreation experience. It also provides additional camping capacity beyond that provided by developed campgrounds during periods of high demand, such as during hunting season or holiday weekends. This extra capacity costs the Forest Service relatively little because there are no improvements to maintain, and resource impacts are generally light.

¹ Refer to Federal Register / Vol. 70, No. 216 / Wednesday, November 9, 2005 / Rules and Regulations / pp. 68287 – 68291.

Some dispersed camping is dependent on foot or horseback access, and some is dependent on motor vehicle access. This proposal responds to a need to maintain motor vehicle access to certain dispersed campsites that are known to have been historically accessed by motor vehicles.

A substantial portion of known dispersed camp sites are not located directly adjacent to a currently designated road or motorized trail. Rather, they are accessed mostly by short spur routes that have been created and maintained primarily by the passage of campers' vehicles. Such 'user-created' routes have not been formally designated for public motorized use through inclusion in the Forest's road or trail systems.

The recent regulatory changes noted above have created a need to formally designate certain of these user-created routes for motorized use. Otherwise, continued future motor vehicle use would be illegal under the new regulations.

Not all user-created routes to known dispersed campsites are included in this proposal. The routes included have been screened to eliminate any with unacceptable resource impacts related to either the route itself or to the campsite it accesses.

This proposal implements the following Forest Plan direction:

- It contributes to the following Forest Goal:
 - Recreation – Provide a full range of developed and dispersed recreation opportunities at levels meeting projected demand and within the physical limits and resource capabilities of the Forest.

This action is categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement, pursuant to Forest Service Handbook 1909.15, Chapter 30, Section 31.2, Category 1) *Construction and reconstruction of trails*. Although these routes already exist on the ground, this category of actions also includes the adoption of user-created trails into the NFS trail system.

Determination Regarding Extraordinary Circumstances

Pursuant to FSH 1909.15, Section 30.3, I have determined that no extraordinary circumstances exist regarding the following resource conditions:

- a) Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

The project effect documentation form² for threatened, endangered, proposed, and FS sensitive species determined that there would be no effects to any of these categories of species. This determination is based on the adoption of existing, user-created routes, with no real change in on-the-ground activities that have had a low impact (low intensity, intermittent occurrence, spatially diffuse).

² FOREST-WIDE MINOR PROJECT EFFECT DOCUMENTATION FORM, 28 September 2007.

b) Flood plains, wetlands, or municipal watersheds.

The hydrology report³ determined that: 1) none of the routes are located within or near a floodplain, and there was no potential to impact downstream floodplains through peak flow alteration or sediment production; 2) none of the routes is located in a wetland; 3) no potential existed for the routes to impact municipal watersheds because none of the routes are located within or upstream of such.

c) Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.

None of the routes are located within any of the four wilderness areas on the MNF.

d) Inventoried roadless areas.

None of the routes are located within an inventoried roadless area.

e) Research natural areas.

None of the routes are located in a research natural area.

f) American Indians and Alaska Native religious or cultural sites.

See (g) below.

g) Archaeological sites, or historic properties or areas.

Although the project has the potential to affect heritage resources, no adverse effects are anticipated⁴. Standard Resource Protection Measures as outlined in the *First Amended Regional Programmatic Agreement Among the U.S.D.A. Forest Service, Pacific Southwest Region, California State Historic Preservation Officer, and Advisory Council on Historic Preservation Regarding the Process for Compliance with Section 106 of the National Historic Preservation Act for Undertakings on the National Forests of the Pacific Southwest Region (2001)* will be applied to manage three⁵ historic properties within the APE (details in Appendix A, pg 1). The protection measures are needed because evidence of effects at the sites was not conclusive as to whether the effects were on-going or were limited to past occurrences. Implementation of the protection measures assures that potential effects will be limited by early detection and intervention, if they do indeed occur.

Public Involvement

In July 2004 the Forest Service Chief announced the Forest Service decision to develop a strategy for OHV management (designated trails and route system). Concurrently, FS Pacific Southwest Region (Region 5) announced a

³ Hydrologic Analysis, 20 November 2007

⁴ Mendocino National Forest Project Approval, Case # MNF-43-2007.

⁵ The heritage resource project approval letter notes five sites, but the route that affects two of these was dropped from the proposal prior to scoping.

Memorandum of Intent with the State of California OHV Commission to work together to implement the national direction and conduct trail inventories on all Region 5 national forests. The MNF sent copies of the news releases regarding these two announcements to local media, congressional staffers and county officials.

The MNF team developed a strategic public involvement plan. To announce the beginning of the route designation process and provide information about upcoming public meetings, they sent a target-audience letter, issued news releases and did an Internet web posting. Three public meetings were held in March and April 2005, in Willows, Ukiah, and Red Bluff.

During the remainder of 2005, public involvement centered on validating our route inventory. The public was asked to provide information regarding motorized routes that may have been missed by the inventory.

During 2006 we turned to the task of developing a proposed action in collaboration with the interested public. We asked for a few volunteers to help us determine how best to include people that would be interested or affected by motorized route designation.

Two rounds of public workshops were held during the proposed action development process – one in late February and March, and one in mid-June. Each round had one workshop each in Willows and Ukiah. The workshops were announced in advance through news releases, mailings, and web posting. Workshop materials were also posted on the web for those who could not attend.

Their input, along with that which we received by mail or personal contact, was used to identify needs and possible actions for improving the existing Mendocino NF designated motorized route system. Those were presented at a third round of public workshops, in November, prior to finalizing a set of proposed actions for scoping. The main objective of these workshops was to get stakeholder input regarding a set of proposals that we had identified as tentative proposed actions that were ripe for decision at this time.

Based on public input and staff review, the November proposal was modified prior to scoping. Several of the proposed access routes were dropped for various reasons :

- Some dispersed camps were determined to already have motorized access via a currently designated route;
- Some routes were dropped because the camps they accessed were located in areas not suitable for motorized access due to law, regulation, policy, or Forest Plan direction.
- Some routes were erroneously included in the November proposal.

The modified proposal also included an access route to one camp (inventoried route #SW284 to dispersed camp site # UA218) that was omitted from the November 2006 version.

This proposal was first listed in the Mendocino National Forest schedule of proposed actions in the January 2007 edition. Scoping letters, including project description and maps, were sent out via regular mail (97 addressees), email (115 addressees), and to the listserv FS-ROUTE-DESIGNATION@newsbox.usda.gov. The list of addressees was compiled from public workshop sign-up sheets, and other expressions of interest received since the route designation process began in late 2004. The same scoping materials were posted to the MNF web page. Notice was published in Ukiah Daily Journal. All scoping materials requested that comments be submitted by 3 Aug 2007.

Twelve individuals, six groups, and one county supervisor submitted scoping comments. Nine distinct comments were identified.

Three of the comments (from one respondent) raised the issues with respect to providing access to UA296. Upper Lake Ranger District personnel confirmed that current use at the site is predominantly partying, and that it was indeed a source of resource damage and conflicts with adjacent private landowners (vandalism, theft). The route to this site made it into the scoping proposal only because it was missed by staff during our initial screening process; it has been dropped from the proposal.

Twelve of the respondents noted the omission of route SW267-1, which was identified as a candidate at the June 2006 workshops. It was inadvertently omitted from the November tentative list and the July scoping list. We assessed the route to determine whether it was suitable for adding to the other low impact routes included in the proposal. We determined that the route had resource impacts that would require substantial capital investment to mitigate in order to meet Forest Plan standards and guides. This situation renders SW267-1 unsuitable for inclusion in this proposal.

Notice of opportunity to comment, pursuant to 36 CFR Part 215, was published in MNF newspaper of record, Chico Enterprise Record, on 11 October 2007. The draft decision memo, maps, and appendices A, C, D, and L were sent to those who provided scoping comments, and to others who requested them. Copies of the notice were sent to those who expressed general interest in route designation during the planning process. Details of distribution of the notice and draft environmental documents are documented in Appendix Z.

Six individuals, one organization, and one government entity responded. The responses consisted of two requests for the draft documents or related information, and the two substantive comments summarized below:

- *I think it's a wonderful idea to add these dispersed camp trails to the system. How else would people get to their favorite campsites?*
This is a supportive comment that reiterates aspects of my reasons for implementing this proposal.
- *Campsite UA316 is located on a small portion of NFS lands that adjoins private property owned by Thomas Hansen. There have been gunshots*

being fired at all hours, fires left burning, garbage scattered. There aren't any facilities, and the campers are leaving fecal matter and tissue on the ground everywhere. There are also two proposed campsites [DC055 & UA314] further up road 16N01 at Pinnacle Rock

Review of UA316 in response to this comment turned up several factors that led me to drop the route (SW575) accessing this site from the proposal (refer to Appendix Z for details). The site is located within a small NFS parcel and lacks official boundary posting, which tends to increase the potential for trespass onto private land. Indeed, it appears that the effects of ongoing public camping are evident on private land. Taken together, these factors make UA316 a poor candidate for motorized access at this time, so I dropped its access route, SW575, from this proposal.

Review of the other two sites determined that they are both located within a larger contiguous area of NFS lands. Each is over 1,700 feet from the nearest private land. This situation does not constitute a threat of significant trespass by campers onto private land, so I have kept the access routes for these sites in this proposal.

The end of the 30 day comment period on 13 November 2007 brought to a close the pre-decisional public involvement for this proposal.

Findings Required by Other Laws

National Forest Management Act (NFMA) – The Mendocino NF Forest Plan established the management direction with which management actions must comply to ensure conformance with the NFMA. The interdisciplinary team identified applicable Forest Plan direction, and evaluated the effects of the proposed action⁶ regarding compliance with that direction. The team concluded that it is compliant with applicable management direction. Details of the review and conclusions are in Appendix L. I concur with the team's conclusions, and find that the proposal is consistent with the Forest Plan.

The Forest Service Manual (FSM) provides additional NFMA management direction, regarding species viability. FSM 2670.32 directs that we avoid or minimize impacts to species whose viability has been identified as a concern. This would include federally listed threatened or endangered species, FS sensitive species, and, for Northwest Forest Plan forests such as the MNF, survey & manage species. Effects on threatened, endangered, proposed species, critical habitat, and FS sensitive species are noted under item (a) under *Determination Regarding Extraordinary Circumstances*, above. A compliance review⁷ for survey & manage species determined that there would be no effect on any of these because the proposal would not affect suitable habitat. Based

⁶ The no action alternative, by definition, cannot violate Forest Plan direction, because the MNF Forest Plan does not compel any action.

⁷ Survey & Manage documentation for Motorized Access to Dispersed Camping Areas, 27 Nov 07.

on this information, I find that the proposal is compliant with the NFMA's species viability requirement.

Appeal Opportunities and Implementation Date

Except as otherwise noted, citations to 36 CFR §215 are to the 4 June 2003 version of the rule.

My decision is subject to appeal [in accordance with the 19 October 2005, order issued by the U. S. District Court for the Eastern District of California in Case No. CIV F-03-6386JKS, and the 24 April 2006 order of the United States District Court in Montana in Case No. CV 03-119-M-DWM]. Six individuals, one organization, and one government entity expressed interest in the proposal during the 30-day comment period. Refer to Appendix Z for a summary of comments received during the comment period that ended 13 November 2007. Appendix Z also documents the determination of the substantive comments and how they were considered, pursuant to 36 CFR §215.2. Persons or non-federal organizations may appeal if they have expressed interest in the proposal during the 30-day comment period.

Notices of appeal must meet the content requirements set forth in 36 CFR §215.14. Pursuant to 36 CFR §215.15, written appeals, including any attachments, must be filed with the Appeal Deciding Officer (Regional Forester), within 45 days following the publication date of the legal notice of this decision in Chico Enterprise Record. Appeals may be filed by any of the following means:

- a. By mail or hand delivery to: Regional Forester, USDA Forest Service, 1323 Club Drive, Vallejo, California 94592. Business hours are 8:00 AM to 4:00 PM, Monday through Friday, except federal holidays.
- b. By fax to: Regional Forester, (707) 562-9091.
- c. By email to: appeals-pacificsouthwest-regional-office@fs.fed.us Submit emailed appeals in plain text (.txt), rich text (.rtf), or Word (.doc) formats. The identity of the appellant must be identifiable.

Pursuant to 36 CFR §215.9, implementation of this proposal may occur on, but not before, the 5th business day following the close of the appeal filing period if no appeals are filed. If one or more appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Contact

Additional information regarding this proposed action can be obtained from Mike Van Dame:

- U. S. Postal Service:
Attn: Mike Van Dame

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s/Thomas A. Contreras

11/27/07

THOMAS A. CONTRERAS
Forest Supervisor

Date

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