

Decision Memo
USDA Forest Service

Wolf-Trough-Letts OHV Riding Connectivity
Grindstone Ranger District, Mendocino National Forest
Colusa County, California

Decision and Rationale

I have decided to revise the current road management objective for segments of forest roads M5 and M10 (see vicinity map, pg 2, and proposal map, pg 3). Total length of the segments is about 20.7 miles. The road management objective has been to provide for low clearance vehicles; the revised objective would be to provide for high clearance vehicles. However, these segments have been actually managed for high clearance vehicles off and on¹ for many years. So, the revised road management objective would formally acknowledge our intent to continue to manage primarily for high-clearance vehicles.

We will also be revising the 'combined use' designation to 'mixed use'. This will correct a technical error in the designation. Both types of designation allow use by both highway-legal and non-highway-legal vehicles and drivers, so this would not change restrictions on the class of vehicles allowed on the road. As explained in more detail below, this would maintain connectivity for non-highway-legal vehicles and drivers by keeping it legal for them to travel on sections of M5 and M10 between the several OHV trails and high-clearance roads that connect with them in this area.

This proposal is one of several travel management proposals that were developed at public workshops during 2006 (refer to Public Involvement section below). Seven of the other proposals are being concurrently analysed in other environmental documents as separate proposed actions². We are considering each of these proposals separately, on its own merits, because none of them depend on any of the others for its justification. However, we will consider any overlapping environmental effects to assure that no cumulatively significant effects are overlooked.

¹ M5's running surface has been improved periodically for various reasons, such as to repair damage from wildfire suppression traffic, or to accommodate log haul. The road has been suitable for low-clearance vehicles for a time after such improvements.

²Hull Mt to Bald Mt OHV Hunting Connectivity, Ivory Mill Saddle to Snow Mountain OHV Hunting Connectivity, Long Ridge OHV Corridor Connector, Upper Deer Valley OHV Riding Connectivity, Motorized Access for Dispersed Camping, Close OHV Trail 68, and Commander Tract Motorized Access.

VICINITY MAP

PROPOSAL MAP

Reasons for the Decision

This and the other proposals are being made pursuant to recent changes in travel management and other regulations [36 CFR Parts 212, 261, and 295³], which require all national forests to restrict motorized use to designated roads, trails, or areas.

For national forests, such as MNF, 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. During 2006, Mendocino National Forest worked with stakeholders to examine whether there were affordable improvements that could be made to the existing motorized route system.

During that process, MNF staff became aware that we were allowing use by non-highway-legal vehicles on sections of M5 and M10 under a mistaken interpretation of applicable law and policy regarding shared use of roads by highway-legal and non-highway-legal vehicles and drivers. For 20+ years such shared use has been allowed as 'combined use'.

As defined in the California Vehicle Code (CVC), combined use is the use of a *public highway* by both street-legal and non-street-legal drivers and vehicles. Forest roads that are managed for low clearance vehicles meet the CVC definition of a public highway. Combined use must be approved by the California Highway Patrol, and cannot be approved for road lengths over 3 miles. At 11.6 and 9.1 mile long, these segments clearly do not meet the length criterion.

However, as noted earlier, these segments have been actually managed predominantly for high-clearance vehicles, and I believe that continuing to do so will best meet the public and administrative transportation needs for the area. These segments would not meet the CVC definition of a public highway if they are managed for high clearance vehicles, and CVC does not regulate vehicle use on non-highway roads. FS policy provides for mixed use on high-clearance roads, so designating these segments for mixed use is the more appropriate way to allow continued sharing of the road by highway-legal and non-highway-legal vehicles and drivers.

The area served by these road segments encompasses the greater part of the Stonyford OHV Area. M5 is key to providing OHV connectivity between the Wolf Creek and Fouts Springs staging areas and the bulk of the OHV trail system. M5 is also a part of the Mendocino NF OHV Corridor. M10 is needed to provide OHV connectivity for this area westward toward the Upper Lake OHV Area trail system. Maintaining OHV use on these road segments is critical for maintaining two important aspects of OHV connectivity in the area:

³ Refer to Federal Register / Vol. 70, No. 216 / Wednesday, November 9, 2005 / Rules and Regulations / pp. 68287 – 68291.

- M5 is needed for less experienced riders to access the bulk of the trail system from Fouts staging areas.
- Adjacent terrain is unsuitable for construction of parallel OHV trails in several areas, leaving the roads as the only available route.

Although not a primary purpose of this proposal, there is a general need on the MNF to reduce road maintenance costs and minimize sediment production from roads. Roads analysis⁴ has identified reduction of maintenance level, such as this proposal, as a means of reducing both maintenance costs and sediment production.

Both of these road segments were originally intended to serve substantial logging traffic levels. However, in 1995 the MNF Forest Plan reallocated a majority of the forested lands served by these roads from timber production to Late Successional and Riparian Reserve prescriptions. As a result, the anticipated harvest levels will result in a much reduced frequency and intensity of logging traffic. The overall traffic type and intensity no longer requires or justifies management of the road segments for smoothly graded conditions, as was intended when the original road management objective was established.

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.
- It contributes to the following Desired Condition:
 - Recreation – ...Off-highway-vehicle use will be on designated routes with the major concentration of use in the southern portions of the Forest... [Forest Plan, p. IV- 6]

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 31.12, *Category 4) Repair and maintenance of roads, trails, and landline boundaries*. The substantive decision in this case is to revise a road management objective regarding the class of vehicle (high-clearance vs. low-clearance) for which the road will be maintained. The effects of the decision are limited to guiding road maintenance activities, and will not result in any reconstruction, construction, or changes in vehicle class restrictions. A decision memo is not required for documenting a decision under this category. However, I elected to do so in this case in order to provide some continuity with documentation of our other travel management decisions in the route designation process.

The correction of designation from 'combined use' to 'mixed use' is simply an administrative correction that does not change restrictions on these routes. Because the change has no real environmental or social effects, it is not subject

⁴ MNF Forest-Scale Roads Analysis report, 2003; Appendices 3.1 & 3.3.

to NEPA. It is documented here because of its relationship to the revision of the road management objective.

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 form⁵ 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 there being no change in existing uses on existing roads.

- b) Flood plains, wetlands, or municipal watersheds.

The hydrology report⁶ determined that: 1) M5 and M10 are not located within or near a floodplain, and there was no potential to impact downstream floodplains through peak flow alteration or sediment production; 2) M5 and M10 are not located in a wetland; 3) M5 and M10 are not located in a municipal watershed.

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

M5 and M10 are not located within any of the four wilderness areas on the MNF.

- d) Inventoried roadless areas.

M5 and M10 are not located within an inventoried roadless area.

- e) Research natural areas.

M5 and M10 are not 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.

The proposed action is an exempt undertaking (Stipulation III(E)) under terms of 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) and can be implemented without further

⁵ FOREST-WIDE MINOR PROJECT EFFECT DOCUMENTATION FORM, 11 September 2007.

⁶ Hydrologic Analysis, 26 November 2007.

review or consultation. The exemption category is IIC. - activities that do not involve ground or surface disturbance.

Neither public comments nor agency analysis have identified any potential for the proposed action to cause a loss or destruction of significant scientific, cultural, or historical resources.

Public Involvement

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 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.

In 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.

This proposal generated no concerns at either the Ukiah or the Willows workshop. However, it no longer includes revising the road management objective on 16N25 from closed to public use to open, as was described in the tentative November proposal. This is because further investigation determined

the road is already open to the public. The mistake was due to an error in the database that resulted in the GIS map depicting the road as closed. Therefore, this proposal, as scoped, is slightly different from the tentative November 2006 proposal.

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 Chico Enterprise Record. All scoping materials requested that comments be submitted by 3 Aug 2007.

Six organizations submitted a co-signed comment letter that provided one comment related to this proposal. The comment was a statement of non-opposition to this or the other four OHV connectivity proposals.

Findings Required by Other Laws

National Forest Management Act – 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 action⁷ regarding compliance with that direction. The team concluded that the proposed action was compliant with applicable management direction, and I concur with that determination. Details of the review and conclusions are in Appendix L.

The Forest Service Manual 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 and endangered species and critical habitat are noted under that subsection above. The biological evaluation determined that there would be no effect on FS sensitive species, because there would be no change in the type of use of an existing facility. A compliance review for survey & manage species⁸ determined that there would be no effect on any of these because the proposal would not affect suitable habitat.

Appeal Opportunities and Implementation Date

My decision is not subject to appeal, pursuant to 36 CFR §215.4, and in accordance with the October 19, 2005 order issued by the U. S. District Court for

⁷ The no action alternative was not evaluated for compliance. By definition, it cannot violate Forest Plan direction, because the MNF Forest Plan does not compel any action.

⁸ 2001 ROD Compliance Review: Survey & Manage Species, 12 September 2007.

the Eastern District of California in Case No. CIV F-03-6386JKS. Implementation of this proposal may occur immediately.

Contact

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s/Eduardo Olmedo

1/18/08

EDUARDO OLMEDO
District Ranger

Date

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