January 22, 2010

Kathleen Morse, Forest Supervisor  
Lassen National Forest  
2551 Riverside Drive  
Susanville, CA 96130  

Subject: Forest FEIS for Motorized Travel Management  

Dear Supervisor Morse:  

This letter is in reference to the Final Environmental Impact Statement (FEIS) for motorized travel on the Lassen National Forest. The Lassen National Forest has invested considerable time and money into the Travel Management Plan. And yet, the product is wanting. There has been a notable lack of coordination with Shasta County, and collaboration with the public. On August 25, 2009 we provided comments on the Draft EIS. Our comments have not been adequately addressed; our concerns largely remain.  

The new Preferred Alternative (Modified Alternative 5) does not provide sufficient mixed use and recreational opportunities. Cross-country travel is prohibited, which perhaps we can live with. But motor vehicle travel within all open riding areas is prohibited. Motorized mixed use is prohibited on over 98 percent of unpaved ML 3 and 4 roads and on 95 percent of unauthorized routes. These restrictions are far too severe. The essence of the motorized recreational experience will be lost. We seek a reasonable balance between motor vehicle access and environmental stewardship.  

The California Highway Patrol (CHP) enforces laws on public highways. They are the experts. That is their job. They say that maintenance level (ML) 3 roads do not meet the definition of a "highway" in the California Vehicle Code, Section 38001. The CHP Commissioner signed a letter to this effect (Farrow, 12/19/2007). So by the best available authority, OHV travel on ML 3 roads is legal under State law. The Region’s mixed use policy should reflect this.  

We are concerned about the lack of integration between our respective road systems. These road systems are intertwined and should operate as a seamless network for our citizens. And yet, road engineering analyses and mixed use conclusions stand in stark contrast. OHV use on many unpaved County roads is a legal and long-standing practice. Shasta, Butte, Lassen, Siskiyou and
Tehama Counties allow mixed use on unpaved county roads. Plumas County is following suit, as is the adjacent Modoc NF. But the Lassen National Forest is not. The Preferred Alternative (Modified Alternative 5) would create significant disparities between our respective systems. This road management inconsistency will hinder mobility, confuse the public and create enforcement challenges for the Forest Service.

The FEIS fails to comply with the 2005 Travel Management Rule, Forest Service directives, and the National Environmental Policy Act (NEPA) regarding county coordination. FEIS maps fail to indicate County roads where mixed use is currently allowed. This oversight denies context and thereby hinders public understanding of the FEIS. If displayed on the maps, the public would clearly see the conflict between our two road management strategies and question the Lassen NF’s proposed mixed use prohibitions.

In evaluating environmental consequences, the FEIS is required to include a discussion of possible conflicts between the proposed action and the objectives of federal, regional, State, local and tribal plans and policies (40 CFR 1502.16(c)). Where an inconsistency exists, the EIS must describe the extent to which the agency would reconcile its proposed action with the plan or policies (40 CFR 1506.2(d)). The FEIS does not include this discussion.

Due to the above mentioned concerns, shortcomings and errors in the FEIS, we request that the Lassen National Forest reconsider the Preferred Alternative. We support modifying the FEIS to designate Alternative 1 as the Preferred Alternative with minor modifications listed below:

Prohibit cross country travel, except for the allowed permitted uses.

Keep all unpaved NFTS roads and unauthorized routes open for mixed use, except for justified seasonal closures.

We are concerned that a Record of Decision may be issued, based upon the faulty FEIS. We would not support this action. Should you do so, a supplemental FEIS should follow. Shortcomings in the current document need to be cleaned up. This will also afford an opportunity to provide a better balance between motor vehicle access and environmental stewardship. The supplemental FEIS should reflect a renewed commitment to public engagement and County coordination towards development of expanded alternatives.

We have heard that this FEIS is just the first step in travel management planning. “The Lassen National Forest looks forward to working with users and user groups to continuously refine the National Forest Transportation System (NFTS) to better meet the needs of the public while protecting resources”. The Record of Decision may perpetuate this assertion, that the next round of planning will “continue to refine the NFTS.” Please spare us. Such assertions afford

1 Lassen NF Travel Management Update, January 2010.
no guarantees. This has been a five year process. There may or may not be future refinements. A better balance of motorized recreation opportunities that has not been delivered today, cannot be ensured tomorrow. We would prefer to have it done right, up front and at this time.

Thank you for the opportunity to comment on the FEIS. We pray that you will consider and address our concerns before issuing a Record of Decision.

Sincerely,

[Signature]

LES BAUGH, SUPERVISOR DISTRICT 5
Board of Supervisors

LB/PJM/mlc
FYI on Shasta County Roads.

----- Original Message ----- 
From: Sylvia Milligan [smilligan4732@sbcglobal.net]  
To: Pat Minturn  
Subject: county roads

----- Original Message ----- 
From: Pat Minturn  
To: smilligan4732@sbcglobal.net  
Sent: Sunday, October 19, 2008 10:21 PM  
Subject: Re: county roads

Sylvia,

No resolution is necessary. CHP has said OHV's are legal on dirt roads. Period. That's what we will rely on. We don't have a resolution for bicycles, or pedestrians, or motorcycles. No need for one for OHV's.

Thanks, Pat

----- Original Message ----- 
From: Pat Minturn  
To: smilligan4732@sbcglobal.net  
Sent: Sunday, October 19, 2008 10:21 PM  
Subject: Re: county roads

Sylvia,

How is Shasta County going to handle their unpaved roads? Will the county make up an ordinance? Resolution? How will you let the public and FS know of your decision of roads being OPEN?

I attached a draft that Ric Costales is working on and ROC's suggested changes.

We suggested they add:

3rd WHEREAS: On the end of the second line after 'that the land would be ..... (add) managed for multiple use and would be...... open for"

Then add another WHEREAS after the 10th one that states:

WHEREAS, all unpaved roads on National Forest system lands, regardless of maintenance level, are exempt from the definition of a "highway" under Section 38001 of the California Vehicle Code per letter from the California Highway Patrol, dated December 19, 2007.

I meet with Tehama Co. Mon am.

Thank you.

Sylvia
RESOLUTION NO. 09-043
LASSEN COUNTY BOARD OF SUPERVISORS
RESOLUTION DESIGNATING CERTAIN COUNTY ROADS FOR COMBINED USE OF REGULAR VEHICULAR TRAFFIC AND OFF-HIGHWAY MOTOR VEHICLES

WHEREAS, the Board of Supervisors of the County of Lassen, in cooperation with the United States Forest Service and off-highway vehicle (OHV) enthusiasts, seeks to accommodate the use of off-highway motor vehicles (OHV’s) on certain un-paved County Maintained Roads; and

WHEREAS, Vehicle Code Section 38026 authorizes the Board of Supervisors to designate highways under its jurisdiction for combined use of regular vehicle traffic and OHV’s under certain circumstances; and

WHEREAS, the Board of Supervisors of the County of Lassen finds that the following roads, or portions of roads, will provide a link in the off-highway motor vehicle trail system by providing a connection between off-highway motor vehicle trail segments:

Road District 1 (Westwood):
CR 101 Mc Coy Road: (entire 9.44 miles, Mooney Road (A-21) to SH 44)
CR 104 Norvel Road: (entire 9.57 miles, McCoy Road (CR101) to Mooney Road (A-21))
CR 105 Champs Flat Road: (16.05 mile portion, FS Road 21 to FS Road 22)
CR 110 Silver Lake Road: (entire 5.18 miles, Mooney Road (A-21) to Road 8224)
CR 111 Pittville Road: (25.6 mile portion, SH 44 to Cinder Cone Road)
CR 112 Bridge Creek Spring Road: (entire 12.15 miles, SH44 to Champs Flat Rd.(CR 105))
CR 113 Indian Ole Road: (entire 1.55 miles, Mooney Road (A-21) to end)

7 Roads – 79.54 miles

Road District 2 (Susanville):
CR 204 Gold Run Road: (4.70 mile portion, end of pavement to Plumas County Line)
CR 216 Karlo Road: (entire 6.30 miles, SH395 to Rd. 8293)
CR 249 Signal Butte Road: (entire 0.21 miles, Eagle Lake Road (A-1) to end)

3 Roads – 11.21 miles

Road District 3 (Standish):
CR 327 Fort Sage Road: (entire 10.5 miles, Hackstaff Road (CR 322) to Nevada State Line)
CR 338 Smoke Creek Ranch Road: (entire 19.02 miles, SH 395 to Nevada State Line)
CR 341 Stoney Creek Road: (entire 1.78 miles, SH 395 to end)
CR 344 Summers Road: (entire 3.80 miles, Hackstaff Road (CR 322) to end)

4 Roads – 35.10 miles

Road District 4 (Bieber):
CR 417 Punkin Center Road: (3.70 mile portion, end of pavement to Rd 8016)

1 Road – 3.70 miles

Road District 5 (Ravendale):
CR 503 Horn Road: (entire 9.90 miles, Mail Route Road (CR 502) to end)
CR 506 Tulead Road: (entire 24.06 miles, Mail Route Rd. (CR 502) to Nevada State Line)
CR 509 Blue Lake Road: (entire 10.20 mile, Clarks Valley Rd. (CR 510) to end)
RESOLUTION 09-043

CR 510 Clarks Valley Road: (entire 23.35 miles, SH 395 to Tulead Rd. (CR 506))
CR 515 Cold Spring Road: (entire 8.00 miles, Mail Route Rd. (CR 502) to end)
CR 519 Dow Butte Road: (entire 6.59 miles, Champs Flat Rd. (CR 105) to Cleghorn Rd. (CR 521))
CR 521 Cleghorn Road: (entire 9.00 miles, SH 139 to Road 8090)
CR 524 Spooner Road: (entire 6.76 miles, Ash Valley Road (CR527) to end)
CR 527 Ash Valley Road: (entire 28.10 miles, SH395 to Modoc County Line)

9 Roads – 123.96 miles

WHEREAS, the Board of Supervisors of the County of Lassen further finds that the above aforementioned roads, or portion of roads, equaling a total of 253.51 miles are designed and constructed so as to safely permit the use of regular vehicular traffic and also the driving of off-highway motor vehicles, and

WHEREAS, there is community and Lassen National Forest staff support for the year-round use of the OHV's identified in Vehicle Code section 30812, subdivisions (a)(1) Motorcycles, (a)(2) snowmobiles, and (a)(3) all-terrain vehicles, as appropriate for the conditions, on the aforementioned roads or portions of roads.

NOW, THEREFORE, BE IT RESOLVED, that the Lassen County Board of Supervisors designate the aforementioned un-paved County Maintained roads, or portions of roads, as routes for combined use of regular vehicular traffic and off-highway motor vehicles.

The foregoing resolution was adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the 18th day of August, 2009 by the following vote:

AYES: Supervisors Keefer, Pyle, Chapman, Dahle and Hanson

NOES: None

ABSENT: None

ATTEST

Julie Bustamante
Clerk of the Board

BY: Susan Osgood, Deputy Clerk of the Board

I, SUSAN OSGOOD, Deputy Clerk of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by said Board of Supervisors at a regular meeting thereof held on the 18th day of August, 2009.

Susan Osgood
Deputy Clerk of the County of Lassen
Board of Supervisors
January 13, 2010

Lassen National Forest
Attn: Travel Management
2550 Riverside Drive
Susanville, CA 96130

Re: Butte County Comments on Lassen National Forest Motorized Travel Management Final EIS

Lassen National Forest Travel Management Team;

Butte County has three major concerns with the Final Environmental Impact Statement (FEIS) for the Lassen National Forest Motorized Travel Management Plan and requests that appropriate actions be taken to address them.

First, the FEIS Modified Alternate 5 will have a negative economic impact to Butte County and the surrounding areas. Specifically, Modified Alternate 5 fails to designate many of the National Forest Service (NFS) level 3 and 4 roads for mix use. This reduction in mix use roads will reduce the areas attraction for recreation thus significantly decreasing the purchase of food, fuel and overnight accommodations from visitors. The reduction of this economic activity will be detrimental to rural communities that depend on seasonal recreation activities for their income.

Second, the FEIS Modified Alternative 5 will significant reduce outdoor recreation opportunities in Butte County. The failure to include the numerous level 3 & 4 roads that cross over between Humboldt Road and Humbug Road and elsewhere throughout the Lassen National Forest will prevent reasonable half day or even full day loops for family OHV recreation and accompanying activities in the Forest.

Third, by not including the NFS level 3 and 4 roads in the FEIS Modified Alternative 5 for mixed use, the Plan will have a significant negative impact on the area’s transportation and circulation system. Many routes will require recreational users to either back track or travel much longer distances to make a loop. In other cases, the Plan would require the OHV user to trailer his vehicle to traverse a non mixed use designated section of road.

Butte County requests that appropriate actions be taken to mitigate these negative impacts.

Sincerely,

[Signature]
Mike Crump, Director

cc: Butte County Board of Supervisors
    Butte County Interim CAO
FYI

We also learned yesterday that Kathleen Morse will be leaving the LNF in February to work for Yosemite NP.

It is our hope that all the counties will ban together and show a united front when tackling this issue.

Sylvia

----- Original Message ----- 
From: Crump, Mike 
To: Kathleen Morse; Chris J Obrien 
Cc: Yamaguchi, Kim; Connelly, Bill; Sylvia Milligan 
Sent: Wednesday, January 13, 2010 12:40 PM  
Subject: RE: Butte County comments-LNF Travel Management 

Kathleen;

Thank you for clarifying that LNF had received our comments regarding your proposed Travel Management Plan. The Butte County Board of Supervisors has not adopted a resolution regarding mixed use on County roads. However the Board did approve the November 18, 2008 letter which was included in our comments submittal and is also attached for your reference. The letter states "The public has safely used non-paved county roads for decades to access NFS roads with off-highway vehicles."

I have also attached the December 19, 2007 letter to Mr. Randy Moore from CHP Deputy Commissioner J.A. Farrow that states that roads that are gravel, dirt or otherwise unpaved that have been operating as mixed use roadways for years are not highways as defined by the California Vehicle Code and would fall under "roughly graded trails and roads upon which vehicular travel by the public is permitted." and are therefore eligible for mixed use. The California Highway Patrol (CHP) is the designated law enforcement agency regulating and enforcing the California vehicle Code on public county roadways.

Based on the November 18, 2008 Board letter (above), and the December 19, 2008 letter from the CHP, it is very clear that both Butte County and the CHP recognize and will allow the mixed use on unpaved county roads leading to and through the National Forest. Butte County is also strongly recommending the LNF do the same for its Level 3 and 4 designated roads.

Please let me know if you have any questions or need anything additional from Butte County to allow you to make the determination to allow mixed use on your Forests Level 3 & 4 designated roads.

Thanks 
Mike Crump 

From: Kathleen Morse [mailto:kmorse@fs.fed.us] 
Sent: Monday, January 11, 2010 2:47 PM 
To: Crump, Mike; Chris J Obrien 
Subject: Re: Butte County comments-LNF Travel Management
July 13, 2009

Kathleen S. Morse, Forest Supervisor
c/o Lassen National Forest Travel Management Team
Supervisor’s Office
2550 Riverside Drive
Susanville, CA 96130

Re: Butte County Comments to the DEIS Lassen National Forest
Public Motorized Travel Management Plan

Dear Ms. Morse:

On November 18, 2008, the Butte County Board of Supervisors sent Mr. Randy Moore, Regional Forester of the Southwest Region, a letter requesting the USFS to maintain and provide public access to non-paved Forest Service Level 3 and 4 roads within the Lassen National Forest. I have attached a copy of this letter which I would like to be included in the public record of the DEIS for the Lassen National Forest Public Motorized Travel Management Plan.

In addition, the letter also states the Board supports the mixed use on County maintained non-paved roads leading and connecting to the National Forest System roads. Attached please find a list of non-paved County maintained roads leading to and connecting with the Lassen National Forest. Also attached for your reference and consideration is a map showing the same roads highlighted in purple and their relationship to the Lassen National Forest Lands.

During your consideration of the alternatives contacted in the referenced DEIS, please consider these non-paved County maintained roads as being mixed use. There mixed use County roads should be considered as loop access connectors to any of your designated National Forest Transportation System roads, trails and/or areas open to the public for motor vehicle use, including OHV.

Should you have any questions regarding these comments please direct them to Mike Crump, Director of Public Works.

Sincerely,

Mike Crump
Director of Public Works
November 18, 2008

Randy Moore
Regional Forester, Pacific Southwest Region
USDA Forest Service
1323 Club Drive
Vallejo, California 94592

Dear Regional Forester Moore,

We are writing on behalf of Recreation Outdoor Coalition (ROC), Paradise Ridge Riders, Par-O-Dice 4x4 and other individual OHV enthusiasts who utilize county maintained non-paved roads to access the National Forest System roads within Butte County. The public has safely used non-paved county roads for decades to access NFS roads with off-highway vehicles. Maintaining a consistent policy direction as to what types of vehicles may utilize these roads is in the best interest of both agencies. As you know, Northern California is an area with large portions of public lands devoted to recreation and tourism. Access to these lands for hunting, fishing, camping, and OHV use is vital to the local economy. Therefore, we would like the USFS to maintain and provide public access to non-paved Forest Service Level 3 and 4 roads within the Lassen and Plumas National Forests. OHV riders have safely used these roads for years, and the potential loss of the vast majority of these roads has understandably alarmed the outdoor recreation community. We understand there may be a few spurs and environmentally sensitive sites that need to be protected and preserved off these roads. That said, we want to make sure any road closures are based on rational, sound scientific procedures.

We join with Congressman Herger, the counties of Lassen, Plumas, and Shasta in support of mixed use on county maintained non-paved roads leading and connecting to the National Forest System (NFS) roads. We also support OHV access to NFS level 3 and 4 designated roads within the Lassen and Plumas National Forests.

Sincerely,

Curt Josiassen, Chairman
Butte County Board of Supervisors
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WHEREAS nearly two-thirds of Siskiyou County is federal land; and

WHEREAS the ability to use and recreate on the federal lands in Siskiyou County is enjoyed by all citizens of the United States as well as the citizens of Siskiyou County; and

WHEREAS when the land in Siskiyou County was reserved by the federal government and became part of the National Forest system it was done with the understanding that the land would be open for the access, use and enjoyment of all citizens; and

WHEREAS, similar understanding exists relative to federal lands managed by the Bureau of Land Management; and

WHEREAS it is through access, use and enjoyment that people are able to develop the appreciation for the value of federal lands that leads to the popular public support necessary to fund and manage the federal lands; and

WHEREAS the ease, simplicity and economy of motorized transportation make the federal lands accessible, useable and enjoyable to people who might not otherwise have the time, physical ability or finances to enjoy the benefits of the National Forests; and

WHEREAS virtually all uses of and access to the National Forests rely to some degree on motorized transportation; and

WHEREAS fishing, hunting, camping, nature-viewing, mining, wood-cutting, cattle-management and recreational Off Highway Vehicle (OHV) riding are among the uses that depend on motorized access; and

WHEREAS Reserve Statute 2477 has established certain rights of way on federal lands; and

WHEREAS all of these uses are important components of the custom, culture and economy of Siskiyou County; and

WHEREAS it is imperative to the continued enjoyment of federal lands by all user-groups that considerate, tolerant, environmentally reasonable management be applied to motorized access; and

WHEREAS, Siskiyou County can play a major role in helping shape a sound, workable approach to motorized access to federal lands within its boundaries,

NOW, THEREFORE, BE IT RESOLVED that the Siskiyou County Board of Supervisors declares it to be the policy of Siskiyou County that all roads, trails and areas on federal land that were available to motorized access and/or travel as of the date of adoption of this Resolution should remain open to all forms of motorized travel, including snowmobiles and OHVs, unless sufficient environmental or other scientific justification exists for the closure of the road, trail or area; and
BE IT FURTHER RESOLVED that Siskiyou County recognizes compatibility issues between motorized access and/or travel and other uses of the federal lands and understands and supports reasonable, prudent efforts by federal agencies and the public to find workable compromises satisfactory to all user groups; and

BE IT FURTHER RESOLVED that before any road, trail or area on federal land is closed to motorized access and/or travel, all reasonable mitigations and alternatives should be explored in order to prevent closure; and

BE IT FURTHER RESOLVED that all federal agencies are required to coordinate with Siskiyou County at the earliest stage and throughout the development of any road, trail or area closure proposal.

Passed and adopted this November 18, 2008, by the following vote:

AYES: Supervisors Overman, Armstrong, Robseff and Cook
NOES: NONE
ABSENT: Supervisor Erickson
ABSTAIN: NONE

W.R. Overman, Chair
Siskiyou County Board of Supervisors

ATTEST:
Colleen Setzer, County Clerk
Deputy