

Decision Memo

Temporary Order Restricting Motorized Wheeled Vehicles

Inyo National Forest
March 2007

I. Decision

As Forest Supervisor of the Inyo National Forest, in accordance with 36 CFR 261.56, I have decided to issue a Forest Order to prohibit cross country motor vehicle use. The order prohibits the possession or use of a motorized wheeled vehicle off National Forest System roads, except for the routes and the Poleta open OHV area shown on the maps in Exhibit A. For purposes of this order, a wheelchair is not considered to be a motorized wheeled vehicle.

Pursuant to 36 CFR 261.50(e), the following persons are exempt from this order:

1. Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.
2. Persons with a permit from the Forest Service specifically authorizing the otherwise prohibited act or omission.

The order will apply to all National Forest System lands administered by the Inyo National Forest, encompassing the Mono Lake, Mammoth, White Mountain, and Mount Whitney Ranger Districts. These lands are located in Mono, Inyo, Madera, and Tulare Counties in California and Mineral and Esmeralda Counties in Nevada.

Copies of this Decision Memo, the Forest Order and maps are available at Mono Basin Visitor Center in Lee Vining, CA, Mammoth Lakes Ranger Station in Mammoth Lakes, CA, White Mountain Ranger Station and the Forest Supervisor's Office in Bishop, CA, the Interagency Visitor Center in Lone Pine and the BLM Field Office in Ridgecrest. This information is also being made available at local visitor bureaus, outdoor shops, etc. This will be in effect for one year beginning on April 15th, 2007, and possibly could be extended, prior to a final system of routes, trails and areas being designated. The order will apply to National Forest System lands administered by the Inyo National Forest in Mono, Inyo, Madera, and Tulare Counties in California and Mineral and Esmeralda Counties in Nevada.

In recent years, the number of recreationists using motorized wheeled vehicles to access the national forest has surged, leading to the proliferation of unplanned routes and associated resource damage. The purpose of this order is to prevent resource damage to wildlife, soils, plants, water and other resources caused by unregulated cross-country travel by motorized wheeled vehicles. This order is temporary.

In accordance with the National Environmental Policy Act Regulations at 40 CFR 1507.3(b)(2)(ii), I have determined that Forest Service policy allows this action to be categorically excluded from the requirement to prepare an environmental assessment (EA) or an environmental impact statement (EIS). This action falls within Forest Service Handbook (FSH) Category 31.12 (1):

Orders issued pursuant to 36 CFR Part 261- Prohibitions to provide short-term resource protection.

I find that this order fits within this category of actions because it is short-term (approximately one year) and it is needed to protect resources. Therefore an EA or EIS is not required. Documentation and other records providing evidence of resource damage are located in the administrative record filed at the Supervisors Office of the Inyo National Forest.

Prior to taking this action, I consulted with an interdisciplinary team (IDT) to determine whether any extraordinary circumstances exist that would require preparation of an EA or EIS per FSH 1909.15, Chapter 30.3. IDT members included:

Marty Hornick, Trails, Project Leader (2006)
JoEllen Keil, Project Leader (2005)
Nancy Erhardt, Assistant Project Leader
Todd Ellsworth, Soil Scientist and Hydrologist
Richard Perloff, Wildlife Biologist
Gary Milano, Wildlife Biologist
Kathleen Nelson, Botanist
Michael Hilton, Heritage
Lisa Sims, Fisheries Biologist
Allen Tobey, Engineer, Roads
MaryBeth Hennessy, Recreation & Inventoried Roadless Areas
Dan Yarborough, GIS Specialist

Based upon my review of this action and the administrative record, including consultation with the IDT and public involvement, I find no extraordinary circumstances related to the proposed action. Extraordinary circumstances include, but are not limited to, the presence of the following:

Threatened or endangered species or sensitive species TES
Flood plains, wetlands, or municipal watersheds
Congressionally designated areas
Inventoried Roadless Areas
Research Natural Areas
American Indians and Alaska Native religious or cultural sites
Archeological sites or historic properties

My decision is based on the following evidence that this action is needed now to prevent further resource damage: specialist reports on soil and hydrology, federally listed

threatened and endangered species, Forest Service sensitive plants and animals, and heritage resources showing that damage has occurred to valuable resources in the past and that the action is needed to prevent damage in the future. In addition, I have examined resource damage maps, photographs and the background summaries describing the national, regional and local situation. These documents, maps and photographs are contained in the administrative record.

II. Public Involvement

Public notification and scoping were conducted to help determine whether significant issues or extraordinary circumstances exist regarding the area closure. The first public meeting was held on July 21, 2004. Two field trips were held to introduce the public input process: one on October 2, 2004 on the north end of the forest and the other on October 3, 2004 on the south end of the forest. Notice of the proposal appeared in the spring (July 2005 to September 2005), fall (October 2005 to December 2005) and winter (January 1, 2006 to March 2006) publications of the Forest's Schedule of Proposed Actions (SOPA). The information has been published on the Forest's website. No less than 12 public meetings were held between April and September of 2006, during which the Forest Order and its implications were discussed with the public. The public also had the field seasons of 2004, 2005 and 2006 to identify any routes the National Forest possibly missed in its inventory. Notice of Inyo NF's proposed order appeared in local papers.

All press releases and external and internal meeting notices as well as written public comment received are available in the Supervisor's Office.

No objections, substantive comments, or extraordinary circumstances were identified during public notification and review periods or IDT reviews as potentially having effects, which may significantly affect the environment.

III. Findings Required by Other Laws

This area closure is consistent with the Inyo National Forest Land and Resource Management Plan, as amended by the Sierra Nevada forest Plan Amendment. No laws, executive orders, or regulations would require a finding as shown in IDT reports.

This action is in compliance with the provisions of the National Historic Preservation Act of 1966, as amended and codified in 36 CFR 800, and the Programmatic Agreement between the California State Historic Preservation Office and the Forest Service regarding the treatment of historic properties by the National Forests of the Sierra Nevada. This action is also consistent with the requirements of the Endangered Species Act, the National Historic Preservation Act, the National Forest Management Act, Clean Water Act, and all other applicable acts. This action will not discriminate against any group or protected class because it applies to use of all wheeled motor vehicles.

This process is open to the public and does not exclude anyone based on age, race, religion, sex, etc. A Civil Rights Impact Analysis (CRIA) is not required for this action, as determined by direction in Departmental Regulation 4300-4 Section 9.

IV. Implementation Date

This decision will be implemented 30 days following publication of the Legal Notice in the Inyo Register.

V. Administrative Review or Appeal Opportunities

This decision is not subject to appeal pursuant to Forest Service Regulations at 36 CFR 215, Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities, Section 215.12(f).

VI. Contact Person

For more information concerning this Order, or to receive notices concerning opportunities to participate in the upcoming route designation process for the Inyo National Forest, contact the Project Leader, Marty Hornick, at (760) 873-2461, or Assistant Project Leader, Nancy Erhardt at (760) 924-5532 or (760) 873-2490.


JEFFREY E. BAILEY
Forest Supervisor

3/2/07
Date