

Appendix Z

Consideration of Comments on the Proposed Action

Pursuant to 36 CFR 215.6(b)

Project Name: Motorized Access for Dispersed Camping

Publication Date of Notice of Opportunity to Comment: 11 October 2007, in Chico Enterprise Record. Supplemental notice was also published in Ukiah Daily Journal.

Ending Date of Comment Period: 13 November 2007

Distribution of Draft Environmental Documents: Draft DM (dated 01 October 2007), draft Appendix A, final Appendices C & D were sent to those that either provided scoping comments or specifically requested the draft documents. Distribution was via snail mail (13 recipients) and email (15 recipients). A copy of the notice was sent to those who had expressed any general interest in the route designation process – 101 snail mail recipients; 121 email recipients. A copy of the notice was also sent to listserve FS-ROUTE-DESIGNATION@newsbox.usda.gov. Draft documents were also posted to the MNF route designation web page. News releases were issued to local and regional newspapers, radio, and television stations.

Table 1 - Summary of Commenter Statistics	
Number of Individuals	6
Number of Organizations	1
Number of Government Entities	1
Total Number of Commenters	8

Table 2 - Commenters			
Name	Representing	Non-Substantive Comment Numbers¹	Substantive Comment Numbers²
Beck, Damon	Self		3
Hansen, Julieann	Self, family		4
Hansen, Mary Ann	Self, family		4
Hansen, Samantha	Self, family		4
Hansen, Thomas	Self, family		4
Landrum, Janice	Self, family		4
Owens, Cheryl	Univ. of MN Library	2	
Reed, Sarah	The Wilderness Society	1	

Comment Analysis

The comments received during the comment period were assessed to determine which were substantive and which were not. Comments must be substantive to be considered by the Responsible Official [36 CFR 215.6(b)].

The responses in Table 3 below are either a) comments that do not meet one or more of the criteria for substantive comments as defined in 36 CFR 215.2, or b) are only expressions of interest that do not make a comment:

- The comment is within the scope of the proposed action.
- The comment is specific to the proposed action.
- The comment has a direct relationship to the proposed action.
- The comment includes supporting reasons for the Responsible Official to consider.

¹ Comment numbers correspond to those in Table 4.

² Comment numbers correspond to those in Table 5.

Table 3 – Non-Substantive Comments & Expressions of Interest	
#	Response Determination and reasons
1	I would like to request a copy of the spatial data files representing the undesignated routes proposed for addition to the trail system... depicted in the dispersed camp access maps. (from email dated 16 Oct 07) This is an expression of interest rather than a comment (the requested information was provided).
2	Are there hard copies available of the... draft environmental document[?] (from email dated 17 Oct 07) This is a request for documents to be posted for public access at a university library. The requesting library is a public institution which has no interest ³ in the outcome of the decision. Therefore, the request is neither a comment nor an expression of interest, and does not bear on standing or whether the decision is subject to appeal (the requested documents were provided).

The comments listed in Table 4 below satisfy the definition of a substantive comment. For each comment an explanation is given of how the comment was considered.

Table 4 - Substantive Comments	
#	Comment How the comment was considered.
3	I think it's a wonderful idea to add these dispersed camp trails to the system. How else would people get to their favorite campsite? (from email dated 17 Oct 07) This is a supportive comment that reiterates aspects of the reasons for the decision, which are discussed in the decision memo, pp. 1 & 2.
4	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]

³ "Interest" in this sense is a responding institution's mission-related interest in the decision to be made. The scope of this decision and its effects is not related to the mission of a typical library.

Table 4 - Substantive Comments

further up road 16N01 at Pinnacle Rock. (from email dated 9 Nov 07)

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:

- UA316 is located within a small (40 acres) parcel of NFS land surrounded by private land (see attached "Landrum exhibits A & B").
- Field inspection determined that the private/FS boundaries of the parcel are not officially surveyed and posted (see attached "Landrum exhibit E").
- A map check using a more up-to-date land-line GIS coverage indicates that UA316 likely laps onto the private land (see attached "Landrum exhibit D"). Earlier versions of the coverage showed UA316 to be close to the boundary, but entirely on NFS lands (see attached "Landrum exhibit B").

Taken together, these factors make UA316 a poor candidate for motorized access at this time. The small size of the parcel and lack of official boundary posting tend to increase the potential for trespass onto private. Indeed, it appears that the effects of ongoing public camping are evident on private land. Although the Forest Service is not responsible for trespass by members of the public onto private land, neither do we want to aggravate a known situation.

UA316's perimeter is about 150 feet from 16N01, making it reasonably accessible by the public as a walk-in site (with motor vehicles being parked alongside 16N01). Dropping route SW575 from the proposed action would not significantly compromise the public's ability to access UA316 or the other limited recreation opportunities provided by this small parcel of NFS land.

This brings us to the other two campsites mentioned in the comment. Considering the same factors as for UA 316, I have decided to retain the access routes to these sites in the proposed action. These sites are located on an area of NFS lands of over 1000 contiguous acres (see attached "Landrum exhibit A"). Neither site is located closer than 1,700 feet from the nearest private land (see attached "Landrum exhibit F"). I believe this situation does not constitute a threat of significant trespass by campers onto private land.

Administrative Review Opportunities

I have determined that at least one non-federal individual or group commented or expressed an interest in this proposal during the comment period. Therefore my decision on this proposed action will be subject to appeal [in accordance with the 24 April 2006 order of the United States District Court in Montana in the case of Wilderness Society vs Rey]. The following individuals or organizations expressed interest during the comment period, and therefore have standing to appeal my decision [36 CFR 215.11(a) - 2002 version]:

Beck, Damon	Hansen, Thomas
Hansen, Julieann	Landrum, Janice
Hansen, Mary Ann	Reed, Sara
Hansen, Samantha	

s/Thomas A. Contreras

11/27/07

THOMAS A. CONTRERAS
Forest Supervisor

Date