

Decision Notice / Finding of No Significant Impact
Hull Mt. to Bald Mt OHV Hunting Connectivity
USDA Forest Service
Upper Lake Ranger District, Mendocino National Forest
Lake / Mendocino Counties, California

Decision and Reasons for the Decision

Background

This decision concerns a travel management proposal to open a segment of forest road M1 to mixed motorized use. The need for this proposed action was identified through collaboration with interested members of the public during 2006. The environmental assessment (EA) documents the analysis of the effects of the action that we proposed to meet this need.

Decision

Based upon my review of the alternatives, I have decided to implement Alternative 1, the proposed action. Under the proposed action, we would allow mixed-use on a segment of forest road M1 from its junction with M61 near Bald Mountain to its junction with OHV trail #69 near the top of Hull Mountain (see vicinity map, page 2 of the EA). Total length of the segment is about 7.9 miles.

Several factors influenced my decision:

- As compared to the no-action alternative (Alternative 2), the proposed action better meets the need for improved OHV connectivity in this area [EA pg. 18]. The need was identified through public involvement [EA pp. 3, 6].
- The need for improved OHV connectivity in this area would be met as nearly as well by Alternative 3 as by the proposed action. However, Alternative 3, which would open M61 to mixed use, would be less appropriate than the proposed action from a road management standpoint. M61 is a key route, being the lone, low-clearance, north-south connector between Upper Lake and Covelo Ranger Districts. Allowing mixed use would require that the M61 be managed for high-clearance vehicles, which would impair its utility as a key route. [EA pp 15, 16]
- Managing M1 for high-clearance vehicles is consistent with current and projected types and levels of road-dependent uses envisioned by the Forest Plan [EA pg. 15, 16]. Although there will be some inconvenience imposed on users of low-clearance vehicles, I believe that on balance the public will be better served by implementing the proposed action.
- The proposed action contributes to improving motorized recreation opportunities without increasing maintenance workload or incurring

substantial capital investment costs. Maintenance costs would actually decline under the proposed action, which would contribute to improving the overall affordability of the MNF road system. [EA pg. 17, 18]

- The most contentious issue with the public centered on whether allowing OHV use on this section of M1 would worsen the existing, illegal cross-country use in Yuki Wilderness [EA pp 6, 7]. After considering the factors that influence such illegal use, the interdisciplinary team concluded that the proposed action would not result in a discernable increase. Moreover, neither the no-action alternative nor Alternative 3 would achieve any reduced illegal use. These conclusions were based on other factors having much greater influence than whether M1 is open or closed to OHV use [EA pp 21-23]. I have considered the information presented in the EA, and concur with the team's assessment.
- I believe the proposed action strikes a reasonable balance between motorized and non-motorized recreation demands that is consistent with Forest Plan desired conditions.
 - Allowing mixed use on this section of M1 would enhance OHV-based hunting in the area [Forest Plan desired conditions for OHV recreation call for OHV use to be concentrated on the southern end of the Forest [MNF LRMP, p IV-6]. This proposal is located on the southern end of the Forest. Similar proposals for roads on the north end of the Forest were developed during public collaboration, but were dropped because they conflicted with this desired condition [EA p 6].
 - Although the proposed action has the potential to impair the quality of wilderness experience within the Yuki Wilderness, the impact would be minor, and only a small number of wilderness users would be affected [EA p 24, 25].
 - Motorized-recreation visitors that would benefit would outnumber non-motorized-recreation visitors that would be impacted. Wilderness visitor use comprises about 1% of overall visitor use on MNF [EA p 24, 25].

As a side note, recent Forest Service and cooperator actions may begin to reduce illegal OHV use within the Yuki Wilderness. MNF personnel have been contacting visitors during the past two hunting seasons to increase awareness of the new wilderness status, and reminding them of the long-standing prohibition of cross-country travel on Mendocino National Forest (MNF). The California Wilderness Coalition is assisting in posting the wilderness boundary, which should help reduce unintentional OHV encroachment. Also MNF has published its Motor Vehicle Use map, which is an education and enforcement tool for confining vehicle traffic to designated routes.

These actions are occurring independently of this proposal. I mention them here because they are the kinds of actions that address the factors that the EA identified as more influential than changes in vehicle restrictions on designated routes [EA p 23]. Although these actions are not likely to eliminate riders who intentionally violate the rules, they should reduce the unintentional violations by people that are merely ignorant of the restrictions.

Alternatives Considered

In addition to the selected alternative, I considered the no-action alternative and one other alternative (#3) in detail:

Alternative 1 – Proposed Action

Under this alternative the Forest Service would allow mixed-use on a 7.9 mile segment of forest road M1 from its junction with M61 near Bald Mountain to its junction with OHV trail #69 near the top of Hull Mountain.

Alternative 2 - No Action

Under the No Action alternative, mixed use would continue to be prohibited on this section of M1.

Alternative 3 - Reconfigure Trail 68

Under this alternative Forest Service would change the vehicle class allowed on forest road M61 from “highway legal only” to mixed use, and leave M1 closed to OHV use. M61 is about 9.1 miles long (see Alternative 3 map, pg 13 of EA).

Details of the alternatives are on pages 8-14 of the EA. A comparison of the three alternatives can be found in the EA on pages [15-20].

Public Involvement

The proposed action was developed collaboratively with interested members of the public during 2006. A preliminary proposal was made available for public comment in November 2006, to assist with identifying any need to modify the proposal prior to scoping.

This proposal generated some concern among some equestrian hunters/visitors of the proposal area. They were concerned that the proposed mixed-use on M1 would worsen existing illegal ATV use in the Mendenhall and game refuge areas. However there were not any obvious opportunities to address this concern through minor alterations to the proposal. So, I decided to scope the proposal without changes, and deal with the issue in the environmental analysis.

The proposal was scoped in July 2007, without modification from its preliminary version. Four individuals and seven groups submitted scoping comments. In all, six distinct comments were identified, one of which raised a significant issue. As anticipated, the concern remained regarding possible increases in illegal OHV use. Of the remaining five comments, none raised issues. Alternative 3 was developed to address the significant issue.

Notice of the draft environmental assessment’s availability for 30 day review and comment period was published June 26, 2008. One individual and one organization provided comments. Neither of these had provided scoping comments. No comments were received from any of the individuals that raised the significant issue during scoping.

Two of the commenters were supportive of the proposed action; the other commenter shared the concern about potential increased illegal OHV use, and expressed disagreement with certain aspects of the environmental analysis. A more detailed account of public involvement is provided in the environmental assessment on pp. 5-7.

Finding of No Significant Impact

After considering the environmental effects described in the environmental assessment, I have determined that the proposed action will not have a significant effect on the quality of the human environment, considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

Beneficial and adverse impacts

My finding of no significant environmental effects is not biased by the beneficial effects of the action.

The degree to which the proposed action affects public health or safety

There will be no significant effects on public health and safety. The proposed action would involve a minor degree of risk of injury for OHV riders from collisions with passenger vehicles. Based upon accident records, the increased risk from this source is small compared to risk from other sources, such as single vehicle or OHV vs. OHV accidents [EA pp 24]. Most of the risk of injury from OHV riding is inherent to the challenging nature of the sport. In this context, I consider the expected low incidence of injuries of OHV riders to not constitute a significant public safety impact.

Unique characteristics of the geographic area

The proposed action would allow OHV use on a section of M1 that is adjacent to the Yuki Wilderness. The legislation¹ establishing the Yuki Wilderness specifically states that the fact that non-wilderness activities or uses can be seen or heard from areas within wilderness areas designated by the Act does not preclude the conduct of those activities or uses outside the wilderness boundary. In this respect the proposed action would be compliant with the Act [EA pg 24, 25].

We also assessed the effects on illegal cross-country riding within the Yuki wilderness [EA pp 21-23]. There is not likely to be any measurable change in cross-country riding that is attributable to allowing or not allowing mixed use on M1.

¹ HR233 – Northern California Coastal Wild Heritage Wilderness Act of 2006, Sec. 4(l)(2).

The degree to which the effects on the human environment are likely to be highly controversial

Neither public comments nor agency analysis have identified any scientific controversy regarding the nature or magnitude of the effects disclosed in the environmental assessment.

The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks

The environmental effects of the proposed action that are disclosed in the environmental assessment are well understood and do not involve any unique risks. The physical and biological effects related to changing the road management objective to accommodate mixed use are reliably predictable from long experience managing roads for that purpose. Regarding social effects, experience with mixed use on other roads lends reasonable confidence to our estimation of effects regarding human health and safety.

The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration

The proposed action is self-contained – it does not commit the agency to any subsequent actions. It relies on changes in road management and on administrative authorizations of allowable vehicle class / driver qualification on existing roads. Such changes do not commit the FS beyond the next needed change, as determined by the responsible official.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts

The cumulative impacts are not significant [EA pp 21-27].

The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historical resources

The action will have no adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because the proposed action is an exempt [EA pg 25, 26].

The degree to which the action may adversely affect an endangered or threatened species or its habitat that has

been determined to be critical under the Endangered Species Act of 1973

The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973. This determination was based on there being no substantive change in the type of use on a road that already exists [EA pg 25, 26].

Whether the action threatens a violation of Federal, State, or local law or other requirements imposed for the protection of the environment

The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA [EA pp 26, 27].

The interdisciplinary team reviewed the proposed action for consistency with Mendocino NF Forest Plan. The team concluded that it is compliant with applicable management direction [EA, pp 26; Appendix L]. I have reviewed the team's rationale and concur with their conclusions. I find that the proposal is consistent with the Forest Plan.

Findings Required by Other Laws and Regulations

National Forest Management Act (NFMA) – The proposed action also complies with NFMA management direction regarding species viability, as provided in FSM 2670.32 [EA pg. 26]. The proposed action would not impact the viability of federally listed threatened, endangered or proposed species, Forest Service sensitive species, or Northwest Forest Plan survey and manage species. Based on the information in the EA and supporting biological analysis documents, I find that the proposal is compliant with the NFMA's species viability requirement.

I also find that the proposed action complies with the Clean Water Act and the National Historic Preservation Act [EA pg 26, 27].

Administrative Review or Appeal Opportunities

(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 24 April 2006 order of the United States District Court in Montana in Case No. CV 03-119-M-DWM]. One individual and one organization expressed interest in the proposal by the close of the 30-day comment period. Refer to Appendix Z for a summary of comments received during the comment period that ended July 28, 2008. 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, Forest Supervisor Thomas A. Contreras, 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:

1. By mail or hand delivery to: Forest Supervisor, Mendocino National Forest, 825 North Humboldt Avenue, Willows, CA 95988. Business hours are 8:00 AM to 4:30 PM, Monday through Friday, except federal holidays.
2. By fax to: Forest Supervisor, (530) 934-7384.
3. By email to: appeals-pacificsouthwest-mendocino@fs.fed.us

Implementation Date

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

For additional information concerning this decision or the Forest Service appeal process, please contact the interdisciplinary team leader, Mike Van Dame:

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s/Lee Johnson

9/30/08

LEE JOHNSON
District Ranger

Date

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