

Law Enforcement (FINAL)

FOR OFFICE USE ONLY:

Version # _____

APP # 700461

ITEM 1. Proposed Project

Funding is requested for forest-wide off-highway vehicle (OHV) patrols for resource monitoring, and protection, crime protection, and restitution concerning OHV recreation on the Sequoia National Forest/Giant Sequoia National Monument. In December 2009, the Forest completed Travel Management Route Designation for the Kern River and Western Divide Ranger Districts, outside of the Giant Sequoia National Monument. Nationwide all forests are implementing the provisions of the Travel Management regulations, Subpart B and the Executive Orders which direct Federal agencies to: ensure that the use of off-road vehicles on public lands will be controlled to protect the resources; 2) promote public safety, and, 3) minimize conflicts among the various uses of those lands. The goals are to reduce violations of the laws and regulations, eliminate unauthorized off-trail/road use, provide for the protection of the public, forest resources, and to enforce laws and regulations in a fair, professional, and consistent manner. This request is to fund OHV patrols with citation authority to provide program continuity and serve as a point of contact to increase program visibility on the Forest. This includes forest-wide law enforcement coverage to fund (3) GS-5 OHV Patrols and (5) GS-4 OHV Patrols. These Forest Protection Officer's (FPOs) would have primary law enforcement duties consisting of checking compliance with proper registration, spark arrester, noise, resource damage, trespass, and to monitor wilderness, other public lands and private property intrusions. Patrols will be made to dispense information on OHV riding, to ensure compliance with federal and state laws, and to better educate the public on legal riding areas. Funds for FPO training will assure readiness for OHV law enforcement duties. Funds are requested to cover a portion of vehicle mileage and monthly fleet costs. These vehicles were not purchased with State OHV funds. They will assure further public support, provide a forest presence, and prevent resource damage.

ITEM 2. Project Coverage

On the northern portion of the Forest, the Hume Lake Ranger District offers approximately 20 miles of motorcycle trails, 25 challenging 4-wheel drive routes that are also open for motorcycles and All-Terrain vehicle use and an additional 100+ miles of high clearance dirt road, used by motorcycles, 4WDs, and ATVs. There are two designated OHV staging areas that access approximately 100 miles of OHV routes. In total, approximately 150 miles of designated OHV routes will be patrolled.

On the Western Divide Ranger District, legal OHV use is limited to roads that have mixed use (both legal highway and off-highway vehicles) totaling 338 miles. The OHV patrol area would include approximately 60 miles of trail routes in which OHV travel was allowed prior to the establishment of the Giant Sequoia National Monument (GSNM).

On the southern portion of the Forest, the Kern River Ranger District encompasses over 648,000 acres and offers many routes for OHV riding opportunities on five mountain tops and a family oriented OHV park at Lake Isabella. The patrol will cover approximately 250-300 miles of OHV routes on the Kern Plateau, Greenhorn, Breckenridge, Scodie and Piute Mountains, and the lower Kern Canyon. The Kern Plateau offers approximately 150 miles of single track and 10 miles of 4WD and ATV trails. Greenhorn Mountain and the lower Kern Canyon include approximately 29 miles of 4WD trails and 37 miles of motorcycle routes. Breckenridge Mountain includes approximately 19 miles of 4WD trails and 14 miles of motorcycle trails. The Piute Mountains include approximately 62 miles of motorcycle trails and 2 miles of 4WD trails. Scodie Mountains includes 10 miles of motorcycle, 4WD, and ATV trails. Cyrus Canyon OHV Park includes approximately 1.5 miles of OHV trails and a .7 mile beginner's OHV trail.

ITEM 3. Describe the frequency of the patrols

The Sequoia National Forest applies frequent patrol efforts throughout the entire year. During the summer months, the Sequoia National Forest ensures a saturated patrol effort with Law Enforcement patrol seven days a week. In the winter months, patrols efforts occur less frequently during the week and heavily during the weekend.

There are seven professional Forest Service Law Enforcement Officers (LEOs) assigned to the Sequoia National Forest:

two are assigned to the Hume Lake Ranger District, three are assigned to the Kern River Ranger District, and two are assigned to the Western Divide Ranger District. Each of the Districts are proactive in providing sufficient education, training, and knowledge of regulations to visitors and Off Highway enthusiasts with regards to natural and cultural resource protection during their use of the Sequoia National Forest. In addition to the Seven Professional Law Enforcement Officers, District Staff and field personnel, the Sequoia National Forest has Forest Protection Officers and Fire Prevention Technicians that are trained by Forest Service Law Enforcement in the enforcement and application of Title 36 Code of Federal Regulations with regards to its applicability of protecting, enhancing, and utilizing natural resources. Like Forest Service Law Enforcement Officers, the Forest Protection Officers and Fire Prevention Officers are trained in the fair application of natural resource laws on National Forest System Land and can issue citations where resource damage is apparent or compliance of Federal or state law is not met. In addition to the Law Enforcement personnel, the District Staff, the Forest Protection Officers, and the Fire Prevention Technicians, additional patrol units with enforcement knowledge and application authority of Title 36 Code of Federal Regulations are requested and disseminated appropriately to meet the high demand during holiday weekends such as Memorial Day, July 4th, and Labor Day. Patrol units may utilize motorcycles, All Terrain Vehicles, and other off highway vehicles in order to make OHV public contacts, educate, dispense information on legal OHV riding areas, and ensure compliance with Federal and State Laws in order to properly manage the OHV riding areas.

During the summer months, LEO's and recreation technicians with enforcement knowledge and application authority of Title 36 Code of Federal Regulations, patrol seven days a week in order to meet the increased demand of OHV enthusiasts. Fire Prevention Technicians with enforcement knowledge and application authority of Title 36 Code of Federal Regulations, patrol their units 5 days a week including the Greenhorn, Breckenridge, Scodie and Piute Mountains, the lower Kern Canyon, Kern Plateau, and Lake Isabella. In addition to the Law Enforcement personnel, the District Staff, the Forest Protection Officers, and the Fire Prevention Technicians, additional patrol units with enforcement knowledge and application authority of Title 36 Code of Federal Regulations are requested and disseminated appropriately to meet the high demand during holiday weekends such as Memorial Day, July 4th, and Labor Day. Patrol units may utilize motorcycles, All Terrain Vehicles, and other off highway vehicles in order to make OHV public contacts, educate, dispense information on legal OHV riding areas, and ensure compliance with Federal and State Laws in order to properly manage the OHV riding areas.

ITEM 4. Deployment of Personnel

Seven professional Law Enforcement Officers are assigned to the Sequoia National Forest and Giant Sequoia National Monument; two are deployed on the Hume Lake Ranger District (HLRD); two on the Western Divide Ranger District (WDRD); and three are on the Kern River Ranger District (KRRD). In 2009, the Sequoia National Forest issued 32 Federal Violation Notices, 32 written notices, 1 State Notice to Appear and 10 incident reports with regards to OHV contacts. In order to meet the growing demand and pressure on OHV area within the Sequoia National Forest, funds will deploy an additional two seasonal Forest Protection Officers (FPOs) for 120 days on the WDRD; five seasonal FPOs for 120 days on the KRRD, and one FPO for 106 days on the HLRD, for a total of 8 FPOs assigned as off-highway vehicle patrols.

LE Certification

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Law Enforcement - Page 1

1. Identify areas with high priority law enforcement needs because of public safety, cultural resources, and sensitive environmental habitats, including wilderness areas and areas of critical environmental concerns:

Much of the federal land base on two Ranger Districts (Hume Lake and Western Divide) are within the boundaries of the Giant Sequoia National Monument (GSNM) which requires the majority of OHV "trails" to be on designated Forest Roads only. This is a high priority law enforcement area for natural resource protection, and to ensure compliance with the Presidential Proclamation that created it. On the Kern River Ranger District, there are five areas of high priority: the Piutes, Scodies, Breckenridge, and Greenhorn Mountains, and the Kern Plateau. The 2008 Piute Fire burned over 37,000 acres of forest, public, and private land. Over 50% burned so intensely, tens of thousands of dead trees will likely fall within the next 5-10 years. As a result, OHV patrols are needed to protect the resources and impacts within the affected area of the Piute Fire. The Kern Plateau is surrounded by 3 wilderness areas and contains extensive cultural resources in the Troy Meadow/Fish Creek, Monache and Bonita Meadow area.

2. Describe how the proposed Project relates to OHV Recreation and will sustain OHV Recreation, motorized off-highway access to non-motorized recreation, or OHV Opportunities associated with the Project Area:

The OHV recreation areas within the Forest have unique enforcement issues. Within the GSNM, increased patrols will protect the natural resources, reduce potential trespass issues, prevent resource damage and unauthorized OHV travel. Increased patrols on the Kern Plateau will reduce wilderness trespass and protect cultural resource areas. For the Greenhorn/Breckenridge/Piute Mountains and Lake Isabella, increased patrols will reduce the occurrence of unauthorized off-route travel and eliminate new user created trails. In December 2009, the Forest completed Travel Route Designation Management. Patrols for direct enforcement and compliance will assist in directing OHV users to designated routes only. Funds would sustain OHV recreation through public education, public contacts, and compliance.

3. Describe the Applicant's formal or informal cooperation with other law enforcement agencies:

The Sequoia National Forest (SQF) has a long standing positive relationship with other mutual aid law enforcement cooperators including Fresno County (FC), Tulare County (TC), and Kern County (KC) Sheriff Departments. KC has engaged in a formal cooperator's agreement with the SQF to provide deputies & law enforcement assistance during routine patrol weeks. KC also provides additional assistance during summer holidays & hunting season weekends in order to meet the increased demand of OHV users/ recreationalists. KC utilizes deputies as OHV patrols for the Kern River Ranger Districts' eastern portion of the Piute Mountains, Lake Isabella, and the Jawbone Canyon area along with Bureau of Land Management OHV patrols. FC/TC frequently provide deputies and law enforcement presence on the Hume Lake and Western Divide Ranger Districts. TC provides public assistance & law enforcement presence in high frequency areas such as the Kern Plateau & upper Kern Canyon. FC provides joint OHV training which SQF attends.

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4. Does the Applicant recover a portion of the law enforcement costs directly associated with privately sponsored OHV events where sponsors have obtained a local permit? Yes No
(Please select Yes or No)

Explain

The Sequoia Patrol District does not recover any costs directly associated with privately sponsored OHV events.

5. The Applicant agrees to implement a public education program that includes information on safety programs available in the area and how to report OHV violations? Yes No
(Please select Yes or No)

6. Describe the Applicant's OHV law enforcement training program including how the training program educates personnel to address OHV safety and natural and cultural resource protection:

Every year the Sequoia National Forest has presented a Forest Protection Officer (FPO) training class and conducts an FPO refresher training course each year. The FPO training course provides officers with enforcement knowledge and application authority of Title 36 Code of Federal Regulations, professionalism and properly educating the public, issuance authority of citations, ensuring compliance with Federal and State Laws including; proper registration, proper spark arrester, proper noise output, natural and cultural resource damage, and trespass in order to properly manage the OHV riding areas. In addition, the Sequoia National Forest requires some FPO personnel to attend a two-day stationary sound test training for OHV and ATVs to perform certified compliance checks on noise levels. Fresno County Sheriff's Office is an active participant and hosts joint training for OHV training and certified noise level compliance checks.

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7. Is the proposed project in accordance with local or federal plans and the OHMVR Division Strategic Plan? (Please select Yes or No) Yes No
8. LOCAL AGENCIES ONLY - Describe the Applicant's policies and/or agreements regarding enforcement on federal land:
9. COUNTIES ONLY - Describe how the OHV in-lieu of tax funds are being used and whether the use of these fees complements the Applicant's project:

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10. APPLICANTS WHO MANAGE OHV RECREATION FACILITIES – Describe how your organization is meeting its operation and maintenance needs:
- The Sequoia National Forest has undergone a recreation facilities analysis process to determine the level of deferred maintenance needs and identify facilities such as campgrounds, day use areas, and dispersed recreation area facilities that will be maintained for current and future public use. In addition to relying on State OHV grant funds to maintain OHV recreation facilities, the Forest uses authority under the Recreation Enhancement Act (REA) to return revenues back to the forest for use at the facilities where fees are charged such as Troy Meadow and Fish Creek Campgrounds. These sites and 6 overflow camping areas provide access to the majority of Kern Plateau OHV routes. During 2008/2009, the forest was successful in acquiring State OHV funds to operate and maintain facilities that support OHV recreation. The funds were directed towards maintaining health and safety standards, upkeep on facilities, law enforcement patrols for protection, and funded toilet pumping, supplies, materials, and personnel.
11. The Applicant agrees to enforce the registration of OHVs and the other provision of Division 16.5 commencing with Section 38000 of the vehicle code and to enforce other applicable laws regarding the operation of OHVs? (Please select Yes or No) Yes No

Project Cost Estimate

FOR OFFICE USE ONLY:		Version # _____	APP # _____
APPLICANT NAME :	USFS - Sequoia NF - Patrol District		
PROJECT TITLE :	Law Enforcement (FINAL)	PROJECT NUMBER (Division use only) :	G09-02-34-L01
PROJECT TYPE :	<input type="checkbox"/> Acquisition <input type="checkbox"/> Development <input type="checkbox"/> Education & Safety <input type="checkbox"/> Ground Operations <input checked="" type="checkbox"/> Law Enforcement <input type="checkbox"/> Planning <input type="checkbox"/> Restoration		
PROJECT DESCRIPTION :	Funding is requested for forest-wide off-highway vehicle (OHV) patrols for resource monitoring, and protection, crime protection, and restitution concerning OHV recreation on the Sequoia National Forest/Giant Sequoia National Monument. In December 2009, the Forest completed Travel Management Route Designation for the Kern River and Western Divide Ranger Districts, outside of the Giant Sequoia National Monument. Nationwide all forests are implementing the provisions of the Travel Management regulations, Subpart B and the Executive Orders which direct Federal agencies to: ensure that the use of off-road vehicles on public lands will be controlled to protect the resources; 2) promote public safety, and, 3) minimize conflicts among the various uses of those lands. The goals are to reduce violations of the laws and regulations, eliminate unauthorized off-trail/road use, provide for the protection of the public, forest resources, and to enforce laws and regulations in a fair, professional, and consistent manner. This request is to fund OHV patrols with citation authority to provide program continuity and serve as a point of contact to increase program visibility on the Forest. This includes forest-wide law enforcement coverage to fund (3) GS-5 OHV Patrols and (5) GS-4 OHV Patrols. These Forest Protection Officer's (FPOs) would have primary law enforcement duties consisting of checking compliance with proper registration, spark arrester, noise, resource damage, trespass, and to monitor wilderness, other public lands and private property intrusions. Patrols will be made to dispense information on OHV riding, to ensure compliance with federal and state laws, and to better educate the public on legal riding areas. Funds for FPO training will assure readiness for OHV law enforcement duties. Funds are requested to cover a portion of vehicle mileage and monthly fleet costs. These vehicles were not purchased with State OHV funds. They will assure further public support, provide a forest presence, and prevent resource damage.		

	Line Item	Qty	Rate	UOM	Grant Request	Match	Total
DIRECT EXPENSES							
Program Expenses							
1	Staff						
	Other-Patrol Captain GS-12 Notes : Sequoia NF Patrol Captain, GS-12; Overall OHV program management & supervision	10.000	538.000	DAY	0.00	5,380.00	5,380.00
	Law Enforcement Officers Notes : Hume Lake LEO GS-9	20.000	398.000	DAY	0.00	7,960.00	7,960.00
	Law Enforcement Officers	20.000	315.000	DAY	0.00	6,300.00	6,300.00

Project Cost Estimate for Grants and Cooperative Agreements Program - 2009/2010
 Agency: USFS - Sequoia NF - Patrol District
 Application: Law Enforcement (FINAL)

3/1/2010

Line Item	Qty	Rate	UOM	Grant Request	Match	Total
Notes : Hume Lake LEO, GS-9						
Law Enforcement Officers Notes : Western Divide LEO, GS 9	20.000	367.000	DAY	0.00	7,340.00	7,340.00
Law Enforcement Officers Notes : Kern River LEO, GS 9	20.000	320.000	DAY	0.00	6,400.00	6,400.00
Law Enforcement Officers Notes : Kern River LEO, GS 7	20.000	259.000	DAY	0.00	5,180.00	5,180.00
Law Enforcement Officers Notes : Kern River LEO, GS 5	10.000	176.000	DAY	0.00	1,760.00	1,760.00
Administration Officer Notes : GS 5	5.000	194.000	DAY	0.00	970.00	970.00
Other-Rec Program Mgr Notes : Hume Lake GS 11	10.000	303.000	DAY	0.00	3,030.00	3,030.00
Other-Rec Program Mgr Notes : Kern River GS 11	10.000	304.000	DAY	0.00	3,040.00	3,040.00
Other-OHV Patrol HL GS 5 Notes : Hume Lake GS 5 (1)	106.000	128.000	DAY	13,568.00	0.00	13,568.00
Other-OHV Patrol WD GS 5 Notes : Western Divide GS 5 (1)	120.000	128.000	DAY	15,360.00	0.00	15,360.00
Other-OHV Patrol KR GS 5 Notes : Kern River GS 5 (1)	120.000	128.000	DAY	15,360.00	0.00	15,360.00
Other-OHV Patrol WD GS 4 Notes : Western Divide GS-4 (1)	120.000	116.000	DAY	13,920.00	0.00	13,920.00
Other-OHV Patrol KR GS 4 Notes : Kern River (4) GS 4's; 120 days	480.000	116.000	DAY	55,680.00	0.00	55,680.00
Other-Asst Rec Officer	20.000	189.000	DAY	0.00	3,780.00	3,780.00

Project Cost Estimate for Grants and Cooperative Agreements Program - 2009/2010
 Agency: USFS - Sequoia NF - Patrol District
 Application: Law Enforcement (FINAL)

3/1/2010

Line Item	Qty	Rate	UOM	Grant Request	Match	Total
Notes : Hume Lake Asst Rec Officer GS 7						
Total for Staff				113,888.00	51,140.00	165,028.00
2	Contracts					
3	Materials / Supplies					
4	Equipment Use Expenses					
Other-Vehicle FOR (3409)	4.000	289.000	MOS	1,156.00	0.00	1,156.00
Other-Mileage (3409) HL Notes : Hume Lake Vehicle 3409	8000.000	0.480	MI	3,840.00	0.00	3,840.00
Other-Mileage (5094) Notes : KRRD LEO Vehicle 5094 (Mileage)	2000.000	0.360	MI	0.00	720.00	720.00
Other-Vehicle FOR (5094) Notes : KRRD Vehicle (5094) LEO Norris	2.000	534.000	MOS	0.00	1,068.00	1,068.00
Other-Mileage (2138) KR Notes : Kern River OHV Patrol Vehicle 2138	6000.000	0.420	MI	2,520.00	0.00	2,520.00
Other-Mileage (5964) KR Notes : Kern River Vehicle 5964	1000.000	0.500	MI	500.00	0.00	500.00
Other-Mileage (3261) WD Notes : WD vehicle mileage	2000.000	0.500	MI	1,000.00	0.00	1,000.00
Vehicle Operations and Maintenance Notes : KRRD minor maintenance for (2) LE Quads	2.000	500.000	EA	0.00	1,000.00	1,000.00
Other-Mileage #2807 Notes : Kern River - OHV Patrol; Vehicle mileage	10000.00 0	0.360	MI	3,600.00	0.00	3,600.00
Other-Vehicle #2807 FOR Notes : Kern River - OHV Patrol; Vehicle FOR	6.000	266.000	MOS	1,596.00	0.00	1,596.00
Other-Vehicle #2138 FOR	6.000	376.000	MOS	2,256.00	0.00	2,256.00

Project Cost Estimate for Grants and Cooperative Agreements Program - 2009/2010
 Agency: USFS - Sequoia NF - Patrol District
 Application: Law Enforcement (FINAL)

3/1/2010

	Line Item	Qty	Rate	UOM	Grant Request	Match	Total
	Notes : Kern River FOR for Vehicle 2138						
	Total for Equipment Use Expenses				16,468.00	2,788.00	19,256.00
5	Equipment Purchases						
6	Others						
	Training Notes : FPO Training: Hume Lake (1); Western Divide (2); and Kern River (2)	5.000	780.000	EA	3,900.00	0.00	3,900.00
7	Indirect Costs						
	Total Program Expenses				134,256.00	53,928.00	188,184.00
	TOTAL DIRECT EXPENSES				134,256.00	53,928.00	188,184.00
	TOTAL EXPENDITURES				134,256.00	53,928.00	188,184.00

Project Cost Summary for Grants and Cooperative Agreements Program - 2009/2010
 Agency: USFS - Sequoia NF - Patrol District
 Application: Law Enforcement (FINAL)

3/1/2010

	Line Item	Grant Request	Match	Total	Narrative
DIRECT EXPENSES					
Program Expenses					
1	Staff	113,888.00	51,140.00	165,028.00	Staff: Function of "Other" staff specifically, Patrol Captain & Law Enforcement Officers provide additional patrols and assistance during summer holiday and high impact weekends. They work cooperative with other mutual aid law enforcement cooperators throughout the year conducting task force raids on illegal OHV use.
2	Contracts	0.00	0.00	0.00	
3	Materials / Supplies	0.00	0.00	0.00	
4	Equipment Use Expenses	16,468.00	2,788.00	19,256.00	
5	Equipment Purchases	0.00	0.00	0.00	
6	Others	3,900.00	0.00	3,900.00	
7	Indirect Costs	0.00	0.00	0.00	
Total Program Expenses		134,256.00	53,928.00	188,184.00	
TOTAL DIRECT EXPENSES		134,256.00	53,928.00	188,184.00	
TOTAL EXPENDITURES		134,256.00	53,928.00	188,184.00	

Environmental Review Data Sheet (ERDS)

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ITEM 1 and ITEM 2

ITEM 1

- a. ITEM 1 - Has a CEQA Notice of Determination (NOD) been filed for the Project? Yes No
(Please select Yes or No)

ITEM 2

- b. Does the proposed Project include a request for funding for CEQA and/or NEPA document preparation prior to implementing the remaining Project Deliverables (i.e., is it a two-phased Project pursuant to Section 4970.06.1(b)) (Please select Yes or No) Yes No

ITEM 3 - Project under CEQA Guidelines Section 15378

- c. ITEM 3 - Are the proposed activities a "Project" under CEQA Guidelines Section 15378? Yes No
(Please select Yes or No)
- d. The Application is requesting funds solely for personnel and support to enforce OHV laws and ensure public safety. These activities would not cause any physical impacts on the environment and are thus not a "Project" under CEQA. (Please select Yes or No) Yes No
- e. Other. Explain why proposed activities would not cause any physical impacts on the environment and are thus not a "Project" under CEQA. DO NOT complete ITEMS 4 – 10

ITEM 4 - Impact of this Project on Wetlands

ITEM 5 - Cumulative Impacts of this Project

ITEM 6 - Soil Impacts

ITEM 7 - Damage to Scenic Resources

ITEM 8 - Hazardous Materials

Is the proposed Project Area located on a site included on any list compiled pursuant to Section 65962.5 of the California Government Code (hazardous materials)? (Please select Yes or No) Yes No

If YES, describe the location of the hazard relative to the Project site, the level of hazard and the measures to be taken to minimize or avoid the hazards.

ITEM 9 - Potential for Adverse Impacts to Historical or Cultural Resources

Would the proposed Project have potential for any substantial adverse impacts to historical or cultural resources? (Please select Yes or No) Yes No

Discuss the potential for the proposed Project to have any substantial adverse impacts to historical or cultural resources.

ITEM 10 - Indirect Significant Impacts

CEQA/NEPA Attachment