San Bernardino National Forest
Baldy Mesa Off-Highway Vehicle Trails and Staging Area
Mitigated Negative Declaration

March 2015

State of California
Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division

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Prepared for:

State of California, Department of Parks and Recreation
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MITIGATED NEGATIVE DECLARATION

Project: Baldy Mesa OHV Trails and Staging Area

Project Sponsor: San Bernardino National Forest

Lead Agency: California Department of Parks and Recreation (CDPR), Off-Highway Motor Vehicle Recreation (OHMVR) Division

Availability of Documents: The Initial Study (IS) for this Mitigated Negative Declaration is available for review at:

San Bernardino National Forest
602 S. Tippecanoe Avenue
San Bernardino, CA 92408
Contact: Al Colby, Grants Administrator
Phone: (909) 382-2618

CDPR, OHMVR Division
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Contact: Maria A. Olmos
Phone: (916) 445-1667

PROJECT DESCRIPTION

The OHMVR Division proposes to award grant funds to the San Bernardino National Forest, Front County Ranger District and Southern California Mountains Foundation, for development of a 23-mile 50-inch Off Highway Vehicle (OHV) trail, staging area improvements, and obliteration and restoration of 55 miles of unauthorized trails in the Baldy Mesa OHV Area in San Bernardino County. The project includes new trail construction on four miles and upgrading 19 miles of user-created trail to U.S. Forest Service (USFS) standards. Closed trails would be ripped, seeded, and mulched. The 0.6-acre staging area improvements include k-rails around its perimeter to define its boundaries and contain vehicles to designated areas.

REGULATORY GUIDANCE

The San Bernardino National Forest previously prepared the Baldy Mesa OHV Trails and Staging Area Environmental Assessment (EA) (EA; September 2013) and Decision Notice and Finding of No Significant Impact (September 2013), which covered trail and staging area development and unauthorized trail restoration, pursuant to the National Environmental Policy Act (NEPA). Awarding grant funds is a project under the California Environmental Quality Act (CEQA) (CEQA; Public Resources Code § 21000 et seq.) and the CEQA Guidelines (14 CCR §15000 et seq.).

According to CEQA Guidelines Section 15070, a public agency shall prepare a proposed Negative Declaration (ND) or a Mitigated ND for a project when:

1. The IS shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
2. The IS identifies potentially significant effects, but:

   - Revisions in the project plans made before a proposed Mitigated ND and IS are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

- There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

CEQA and the CEQA Guidelines establish the OHMVR Division as the lead agency. The lead agency is defined in CEQA Guidelines Section 15367 as "the public agency which has the principal responsibility for carrying out or approving a project." The lead agency shall conduct an IS to determine if the project may have a significant effect on the environment (CEQA Guidelines §15063(a)). To meet this requirement, "the lead agency may use an [EA] or similar analysis prepared pursuant to [NEPA]" (CEQA Guidelines §15063 (a)(2)). The OHMVR Division prepared a Supplement to the EA using the Environmental Checklist in CEQA Guidelines Appendix G to provide additional environmental analysis. The EA in conjunction with the Supplement comprise the IS used by the OHMVR Division to evaluate the potential for the project to have significant effects pursuant to CEQA Guidelines Section 15063 (a)(2).

PROPOSED FINDING

The OHMVR Division has reviewed the IS and determined that it identifies potentially significant project effects, but:

1. Revisions to the project plans and incorporated herein as mitigation would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

2. There is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment. Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15064(f)(3) and 15070(b), a Mitigated ND has been prepared for consideration as the appropriate CEQA document for the project.

BASIS OF FINDING

Based on the environmental evaluation presented in the IS, the project would not cause significant adverse effects related to aesthetics, agriculture/forestry resources, air quality, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, transportation/traffic, and utilities/service systems. The project does not affect any important examples of the major periods of California prehistory or history. The project does not have impacts that are individually limited, but cumulatively considerable. In addition, substantial direct, adverse effects on humans would not occur.

The project could result in significant adverse effects to special-status plant species or roosting bats and nesting birds. However, the project has been revised to include the following measures, which reduce these impacts to a less-than-significant level. With implementation of these measures, the project would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal.

The project could result in significant indirect adverse effects to humans by affecting recreation access. Proposed fencing could create conflicts with non-OHV recreation groups by blocking access to the Sanford-Mormon Trail. With mitigation this impact is reduced to a less-than-significant level.

IMPACT BIO-1: The coast horned lizard (*Phrynosoma coronatum blainvillii*), a California Species of Special Concern, is known to occur in the project area and could be present in work

areas. If present, coast horned lizard individuals could be harmed by vegetation removal, trail and fence construction activities, or vehicle movement.

Mitigation Measure BIO-1: A qualified biologist shall conduct a survey for coast horned lizards to determine presence in the project area prior to any vegetation clearing. If no coast horned lizards are found, no further mitigation is necessary.

- If the survey finds coast horned lizards, then during brush clearing, trail formalization and construction operations, and obliteration and restoration of unauthorized trails, any loose dirt and sand piles in temporarily impacted areas that will be left overnight shall be covered with tarps or plastic with the edges sealed to prevent coast horned lizards from burrowing into the dirt.
- If the survey finds coast horned lizards, then the disturbance and/or removal of vegetation within the project area shall not exceed the minimum reasonably necessary to accomplish the project objectives. Precautions to avoid damage to areas outside the project disturbance boundary shall include construction flagging, clearly defined access routes, and minimized turning areas.
- If the survey finds coast horned lizards, then an employee education program shall be conducted prior to brush clearing, trail development, and restoration activities. The program shall consist of a brief presentation by persons knowledgeable in California Species of Special Concern including the coast horned lizard and legislative protection to explain concerns to all personnel involved with vegetation removal and grading. The program would include the following: a description of the coast horned lizard and its habitat, an explanation of the status of the coast horned lizard, and a list of measures being taken to reduce impacts to the species during project activities. Crews shall be instructed that if a coast horned lizard is found, it is to be left alone and the construction manager must be notified immediately.
- If the survey finds coast horned lizards, then vehicles shall not drive more than five miles per hour within the areas where clearing and grading are underway. If a coast horned lizard is seen in the path of a vehicle, the vehicle shall stop until the lizard is out of its path. Parked vehicles within the project site shall be checked underneath before they are moved to ensure no coast horned lizards are on the ground below the vehicle.

Impact REC-1: The proposed fencing may block existing access to USFS land from private lands to the north used by pedestrians, equestrians, and Sanford-Mormon Trail users. Although designation of access points from private lands is a local planning issue, and outside of USFS or OHMVR Division jurisdiction, Mitigation Measure REC-1 would ensure there is a collaborative effort among the interested parties on the fence installation to avoid unintentional impacts to user groups.

Mitigation Measure REC-1: Prior to the commencement of fence installation the USFS and Southern California Mountains Foundation (SCMF) shall to the extent feasible collaborate with the local land use agency and interested parties to discuss the placement of the fence, the design, and potential pedestrian and equestrian access points.

RECORD OF PROCEEDINGS AND CUSTODIAN OF DOCUMENTS

The record, upon which all findings and determinations related to the approval of the project are based, includes the following:

1. The Mitigated ND and all documents referenced in or relied upon by the Mitigated ND.
2. All information (including written evidence and testimony) provided by OHMVR Division staff to the decision maker(s) relating to the Mitigated ND, the approvals, and the project.
3. All information (including written evidence and testimony) presented to the OHMVR Division by the environmental consultant who prepared the Mitigated ND or incorporated into reports presented to the OHMVR Division.
4. All information (including written evidence and testimony) presented to the OHMVR Division from other public agencies and members of the public related to the project or the Mitigated ND.
5. All applications, letters, testimony, and presentations relating to the project.
6. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

The OHMVR Division is the custodian of the documents and other materials that constitute the record of the proceedings upon which the OHMVR Division's decisions are based. The contact for this material is:

Contact: Maria A. Olmos
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Pursuant to Section 21082.1 of CEQA, the OHMVR Division has independently reviewed and analyzed the Initial Study and Mitigated ND for the proposed project and finds these documents reflect the independent judgment of the OHMVR Division.

San Bernardino National Forest
Baldy Mesa OHV Trails and Staging Area Project
Supplement to
Environmental Assessment

March 2015

State of California
Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division

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SAN BERNARDINO NATIONAL FOREST, FRONT COUNTRY RANGER DISTRICT
BALDY MESA OHV TRAILS AND STAGING AREA PROJECT
SUPPLEMENT TO ENVIRONMENTAL ASSESSMENT

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1.1 INTRODUCTION

The San Bernardino National Forest (SBNF) proposes to designate existing, user-created trails, and construct new trails in the Baldy Mesa Off-Highway Vehicle (OHV) Area. New amenities would also be added to the Baldy Mesa staging area, and the parking area would be reorganized and improved. This action is proposed because population growth in the vicinity of the SBNF combined with decreased opportunities for OHV use on public and private lands due to urbanization and environmental protection requirements have increased pressure for OHV recreation at the Baldy Mesa OHV Area. The existing designated road and trail system for OHV use does not provide an adequate alternative to illegal use, which is currently causing unacceptable resource damage and is degrading the natural environment.

The SBNF prepared a National Environmental Policy Act (NEPA) Environmental Assessment (EA) for the Baldy Mesa OHV Trails and Staging Area Project and issued a Decision Notice and Finding of No Significant Impact (FONSI) for the project in September 2013. The NEPA documents also addressed restoration of unauthorized trails in the Baldy Mesa OHV Area.

The California Department of Parks and Recreation (CDPR), Off-Highway Motor Vehicle Recreation (OHMVR) Division proposes to award OHV Trust Funds through the Grants and Cooperative Agreements Program to the SBNF and to the Southern California Mountains Foundation (SCMF) in support of Baldy Mesa OHV Area trail development, staging area improvement, unauthorized trail restoration, and fencing. Together these actions constitute a project subject to review under the California Environmental Quality Act (CEQA).

The OHMVR Division held a public meeting to obtain input on the content of this CEQA document. Several issues were identified during the meeting. Some of those issues had been adequately addressed in the NEPA record, while others required supplemental CEQA analysis as summarized in Table 3 below. The OHMVR Division has prepared this supplemental environmental analysis to provide the additional review necessary to meet CEQA requirements. The NEPA record, together with this supplemental analysis, functions as an Initial Study (IS) pursuant to CEQA Guidelines Section 15063 (a)(2).

1.2 PROJECT DESCRIPTION

The Baldy Mesa OHV Area is located in the Front Country Ranger District of the SBNF in southwestern San Bernardino County. The project area is northeast of State Route (SR) 138, near Interstate 15 where it crosses the summit of Cajon Pass. The project area is located in and near Baldy Mesa, north of the communities of San Bernardino and Wrightwood, south and east of Phelan, and West of Oak Hills. The legal description for the project area is Township 3 North, Range 6 West, Sections 3, 4, 5, 6, 10, 11, 12, 13, and 23. See EA Figures 1 and 2 (Appendix A).

The proposed project involves constructing four miles of new trail and upgrading 19 miles of existing user-created trails to become part of two officially designated OHV loop trails (Figure 1.1). The project also involves removal and restoration of 55 miles of existing user-created trails and installing 25 miles of barriers and fencing in areas particularly prone to trespass (Figure 1.1). The Baldy Mesa OHV staging area would also be improved (EA Figure 3). Photos of the project area are presented in Figures 3-5.

See EA (pp.1-9) for a complete description of the project, which is presented in Alternative 2b in the EA. Design features have been incorporated into the project and would be implemented as needed depending on the site conditions (EA, pp.10-15).

1.2.1 Trails and Staging Area Development

Project Components

OHMVR Division proposes awarding grant funding (Grant #G13-02-014-D01) to SBNF to develop new trails and improve the existing staging site at the Baldy Mesa OHV Area. These details supplement the project description information provided in the EA (pp. 6-7) and FONSI presented in Appendix A.

Trail Brushing. Brush and other debris would be removed along the length of the loop trail prior to construction. Removal of shrubs in the path of the 23-mile trail would be completed using a 20-person USFS Hot Shot Fire Crew over a 10-day period. The crew would use five chainsaws and 15 hand tools similar to shovels and rakes. Two 10-person crew carriers would be utilized to transport the crew to and from the work site. The trail brushing and clearing would take place within the 12-acre trail construction prism.

Trail Construction. Once the brush has been cleared, 23 miles of 50-inch (4.2 feet) wide trail would be constructed. Of the 23 miles, 19 miles would be designated on existing user-created trails, which would be groomed to USFS standards and widened to 50 inches. The remaining four miles would be created on previously undisturbed land. The total area affected by trail construction is approximately 12 acres (23 miles of 50-inch wide trail). Approximately three of the 12 acres disturbed comprise previously undisturbed land, while the remaining nine acres comprise existing user-created trails.

Trail construction would begin and proceed over a 120-day period with construction work occurring approximately five days per week. The work would be conducted by both an independent contractor and by USFS staff with the help of volunteers. Equipment to be used by the trail contractor includes a trail machine, mini excavator, two All-Terrain Vehicles (ATVs) equipped with a rock rake, and two 4x4 pickup trucks. A water tender for dust control may also be utilized in some locations. Equipment to be used by USFS staff and volunteers includes a small trail machine (SWECO 480 or Kubota), a dump truck, and a small 4x4 truck.

Gate Installation. Two gates would be installed on the west and east ends of Forest Road 3N24. The proposed location for the eastern gate is on Forest Road 3N24 just west of Baldy Mesa Road (T3N R6W Section 11). The proposed location for the western gate is on Forest Road 3N24 just east of the junction with Eaby Road (T3N R6W Section 6). During wet weather conditions FS Road 3N24 would be closed to motorized use to protect road and trail surfaces and reduce erosion. The two gates would be installed over a period of four days. A stake-side truck with trailer, portable cement mixer, gas powered augers, and a 4x4 pickup truck would be utilized for the installation. The area of disturbance needed to install the gates is within the existing road prism and would not result in new ground disturbance.

Staging Area Improvements. The existing informal Baldy Mesa OHV staging area would be improved and formalized by placing pre-fabricated concrete (k-rail) barriers around the perimeter to delineate the 0.6-acre staging area (EA Figure 3). Within the staging area, two trash receptacles, picnic tables, signs, and a loading ramp would be installed. All work would take place over a four-day period. Equipment to be used would include a flat-bed truck for k-rail transport, a forklift, a portable cement mixer, and a small 4x4 pickup truck. All materials would be placed in areas of existing ground disturbance.

Environmental Protection Measures Incorporated Into Project

Many design features were incorporated into the project by the SBNF. These are included on pages 10 through 15 in the EA (Appendix A). Additionally, several environmental protection measures were incorporated into the trail development project by the SBNF to address public concerns regarding the potential for wildfire and water quality impacts and use impacts on the

Sanford-Mormon Trail. These measures listed in Table 1 would be implemented as part of project construction to reduce the potential for impact.

Table 1. Environmental Protection Measures Incorporated into Project

Wildfire Control Measures:

- Ten days of fire crew time shall be utilized to remove vegetation in trail prism prior to trail construction.
- A gate shall be installed within the northern fence line to allow fire personnel access to OHV areas.
- Education trailer at the Baldy Mesa staging area shall include measures to ensure OHVs have appropriate spark arresters installed.

Water Quality Measures:

- A surface water protection plan shall be prepared and implemented.
- Gates at the southern and northern entrances to the OHV trail system shall be installed and be closed during wet weather periods.

Sanford-Mormon Trail Measures:

- To retain the integrity of the trail base, the USFS shall cap the trail (placing fill material over the trail crossing) where the new OHV route will cross it at the north end.
- To restrict OHV use of the Sanford-Mormon Trail, the USFS shall install fencing at the north and south ends of the trail. Equestrian and pedestrian only gates shall be installed on the actual trail so that these users can continue to use the trail, while preventing OHV access.
- Equestrian/pedestrian crossing signs shall be installed along the OHV route where it crosses the Sanford-Mormon Trail to alert OHVs to be cautious of these users of the trail.
- Education trailer at staging area shall include information on the Sanford-Mormon Trail including need to be watchful of equestrians/pedestrians.
- Funds for two USFS law enforcement officers shall be included in the grant project to address user conflict, trespass, off-trail riding, and other enforcement issues.

Source: San Bernardino National Forest

1.2.2 Restoration Activity

OHMVR Division proposes awarding grant funding (Grant #G13-04-02-R01) to Southern California Mountains Foundation to restore unauthorized trails and install fencing at the Baldy Mesa OHV Area.

Project Components

Fence Installation. Approximately five miles of pipe and cable fencing (Figure 1.1) would be installed along the northern SBNF/private land boundary to prevent trespass from private property and/or county land. The five miles of boundary fence was discussed with concerned landowners prior to the NEPA decision and is described as barrier locations in the EA (see pp. 10-15). Fence installation is estimated to take place over a 60-day period with work occurring approximately 5 days per week. An additional 20 miles of pipe and cable fence would be installed over the life of the three-year project to keep riders on designated routes; however, the majority of this fence would be installed during the first year. Equipment used for fence installation includes an ATV with trailer to carry supplies and materials, a stake side truck with a trailer to haul the cable, a 4x4 pickup truck, hydraulic post pounder, various hand tools, and a wheel barrow.

Very little ground disturbance is expected from fence installation as most fencing would be installed on already disturbed ground. The fence would be installed with the objective of retaining as much native vegetation as possible. Materials would be walked in from the nearest road with some transported on an ATV trailer.

Unauthorized Trail Restoration. Chunking (obliteration) of 55 miles of unauthorized trails would occur at the same time as the trail construction, during the 120-day time period. A small trail machine (SWECO 480 or Kubota) would be used to obliterate unauthorized trails as the new trails are being constructed. Within the three-year grant performance period, additional unauthorized trails would be obliterated as necessary throughout the project area. The obliterated trails would be seeded, planted, mulched, slashed, and maintained. Equipment to be used for restoration planting includes two USFS 4x4 trucks to carry supplies and native plant materials, two gas powered augers to dig holes for containerized plants, and various hand tools. Approximately 28 acres of land would be affected by the obliteration/restoration project (55 miles of 50-inch wide unauthorized trail); however, all of this acreage is already disturbed ground, hence the need for restoration.

1.3 PUBLIC OUTREACH/INPUT PROCESS

The project has included extensive opportunity for public input and comment. Table 2 below provides a timeline that shows the dates and type of public outreach conducted for the project by both the USFS and the OHMVR Division.

The SBNF subjected the project to public review in accordance with NEPA (public review of the Baldy Mesa EA in February 2013) and the OHMVR Grants and Cooperative Agreements Program Regulations (public review of preliminary grant application in March 2014). Based on comment received on the preliminary grant application, SBNF incorporated design measures into the project to reduce potential environmental effects (Table 3).

The OHMVR Division hosted a public meeting to solicit public input on this CEQA Supplement to the EA (November 2014). In addition, opportunity for public review will be available during a 30-day public comment period in accordance with CEQA requirements. Public comment will be considered by the OHMVR Division prior to a decision being made on funding the project.

Table 2. Baldy Mesa OHV Area Project Timeline and Public Outreach

U.S. Forest Service, San Bernardino National Forest	
2010	***July.*** OHMVR Division approves Baldy Mesa Planning Grant.
2012	***January 12.*** SBNF Forest Supervisor Jody Noiron signs Project Initiation Letter
2013	***February 7, 5pm – 7pm, San Bernardino NF Headquarters.*** SBNF hosts a public meeting to discuss OHV trails and staging area project
	February 14. SBNF publishes legal notice in the San Bernardino County Sun beginning a 30-day comment period on the Baldy Mesa OHV Trails and Staging Area Project EA. Legal Notice also published February 20 in Victorville Daily Press.
	Saturday, March 2, 10:00am, Mormon Rocks Fire Station. SBNF hosts public open house meeting for scoping of the proposed action of the Baldy Mesa OHV Trails and Staging Area Project.

Table 2. Baldy Mesa OHV Area Project Timeline and Public Outreach	
	Wednesday, May 29, Wagon Train Ranch. **SBNF field trip to Sanford-Mormon Trail.** SBNF Archaeologist Bill Sapp and District Ranger Gabe Garcia met with Mr. Harold Gabriel and other interested parties at the Wagon Train Ranch in Phelan. The group discussed the OHV trail proposal, concerns about protecting the Sanford-Mormon Trail and existing access for northern neighbors, and measures designed to mitigate those concerns. The measures included installing horse gates and pipe/cable fencing for perimeter control, and moving the trail farther from the forest boundary to discourage use and to reduce noise.
	Tuesday, August 6, ***Wagon Train Ranch*****.** This meeting was held in response to concerns brought to County Supervisor James Ramos' office in July 2013 alleging the project would destroy pre-historic artifacts/sites. Mr. Ramos is a member of the San Manuel Band of Mission Indians and former Chairperson of the Tribe. County Supervisor Ramos' office then contacted Daniel McCarthy, Cultural Resources Director for the San Manuel, who contacted SBNF Forest Archaeologist Bill Sapp. Ann Brierty and Daniel McCarthy of the San Manuel met Mr. Gabriel at the Wagon Trail Ranch along with District Ranger Garcia and Archaeologist Sapp, who were invitees of San Manuel. This meeting was led by Ann Brierty and Daniel McCarthy of the San Manuel. Meeting participants reviewed the project and USFS answered questions on the proposal.
	Saturday, September 14, Wagon Train Ranch. Archaeologist Sapp held an Archaeological Site Steward class for residents of Phelan and other communities that are located on the north side of the SBNF.
	Friday, September 27. Forest Supervisor Noiron signs Decision Notice and FONSI for the Baldy Mesa OHV Trails and Staging Area Project. Legal notice of decision is published October 4.
	October - November. Six Appeals filed against Decision Notice.
	Monday, December 16, Phelan Community Center**.** SBNF hosts a meeting with public and appellants in an attempt to resolve/negotiate appeal points.
	Administrative review of appeals
2014	***January 8.*** USFS Appeal Reviewing Officer (William Metz, Forest Supervisor, Cleveland National Forest) recommends affirmation of Forest Supervisor Noiron's decision on Baldy Mesa OHV Trails and Staging Area Project and denial of appeals on all issues (see Appendix B for full discussion of appeals).
	Saturday, January 18, Wagon Train Ranch. SBNF holds an Archaeological Site Steward class.
	Wednesday, February 19, Hesperia Holiday Inn Express. SBNF and Southern California Mountain Foundation hold a public planning meeting to discuss its OHV preliminary grants.
	Monday, March 3. OHV Grant Application. SBNF submits a preliminary development grant proposal to OHMVR Division for trail and staging area improvements.
	Monday, March 4 to Monday, April 7. SBNF provides a public review and comment period on preliminary grant applications as required by OHV Grant Regulations (§ 4970.05(e)). Many comments submitted.
	Thursday, March 27, Cactus Flats OHV Staging Area. The Southern California Mountain Foundation held a meeting with interested parties to discuss the effectiveness of restoration efforts. Representatives from SBNF, Southern California Mountain Foundation, the Latter Day Saints Church, and Mr. Conan and Mr. Gabriel were in attendance.

Table 2. Baldy Mesa OHV Area Project Timeline and Public Outreach	
	Wednesday, April 17, Congressman Cook's Office Visit. SBNF meets with staff from Congressman Paul Cook's office to explain the purpose of the Baldy Mesa OHV Trails and Staging Area Project development grant and to answer questions about the grant proposal.
California Department of Parks and Recreation, OHMVR Division	
2014	***Tuesday, June 3 to Tuesday, July 2.*** Appeal process, 30 days after final awards are posted by the OHMVR Division. No applicants filed an appeal.
	Wednesday, November 19. OHMVR Division hosts a public meeting to obtain input into the analysis for the CEQA document.

1.3.1 Public Meeting to Obtain CEQA Input

The OHMVR Division held a public meeting in Hesperia, CA on Wednesday, November 19, 2014, to obtain input on issues that pertain to preparation of the CEQA document. For the meeting, the OHMVR Division developed a set of questions, each pertaining to an environmental issue. After a general presentation to the entire audience, the participants were divided up into small groups with each group having an OHMVR Division liaison to document the major points of group discussion. At the end of the small group discussions the OHMVR Division liaison shared the major points with the entire audience. Table 3 provides a summary of the major issues identified during the meeting and how they are addressed in NEPA documents, the development and restoration grant projects, and in the CEQA Supplement to the EA.

Table 3. Public Issues of Concern Discussed During November 19, 2014, Meeting

Public Issue of Concern	How addressed by NEPA/USFS	How addressed in development and restoration grant projects	Where addressed in CEQA document
BIOLOGICAL RESOURCES Effects of the project on wildlife guzzlers and special status species and habitat	The existing wildlife guzzlers would be protected within the project area during route development and restoration activities (Kopp 2014b). A Biological Evaluation and Assessment was conducted for the project to address the potential effects of the proposed project on federally listed or sensitive species and general vegetation and wildlife known or likely to occur in the project. One federally listed threatened animal, desert tortoise, is known to occur within the project area. Other listed species with modeled habitat but unknown occurrences within the project area are arroyo toad, California condor, and southwest willow flycatcher. There is no designated Critical Habitat for any species within the project boundaries. There is no suitable breeding or roosting habitat for California condor in the project area, but potential foraging habitat does exist. The Proposed Action "May Affect – Not likely to Adversely Affect" desert tortoise, with possible beneficial effects from restoration activities and trail designations and closures.	Funds would provide staff for assuring avoidance and/or minimize measures are implemented to reduce effects to species and occupied habitats. Funds would support wildlife and botany monitors, including tortoise monitors, during trail construction and restoration.	Biological Resources are addressed in Section 2.4. Measures identified in the NEPA record and in the grant applications have been found to be effective in reducing impacts on biological resources to less than significant. The CEQA analysis supplements the NEPA analysis by addressing the coast horned lizard, a state special concern species, as well as addressing potential impacts on wildlife movement from fence installation.
CULTURAL RESOURCES Effects to prehistoric and historic sites during construction/ restoration, and long-term effects to prehistoric and historic sites during life of project	An archaeological study was conducted to identify historic properties, determine effects of the project on these properties, and provide recommendations to avoid, reduce, or mitigate any adverse effects (Archaeological Reconnaissance Report 05-12-CA-091, pg. 1). Protections of existing heritage resources are identified in the design features (EA, pg. 12) and implementation of standard resource measures for at risk sites are proposed (EA, pg. 30; DN/FONSI, pp. 9-10).	Funds would provide heritage monitors during trail construction and restoration to assure cultural resource protection measures are properly installed.	Cultural Resources are addressed in Section 2.5. Measures identified in the NEPA record and in the grant applications have been found to be effective in reducing impacts on the cultural resources to less than significant. The CEQA analysis supplements the NEPA analysis by addressing unknown historic resources and inadvertent discovery of human remains.

Table 3. Public Issues of Concern Discussed During November 19, 2014, Meeting

Public Issue of Concern	How addressed by NEPA/USFS	How addressed in development and restoration grant projects	Where addressed in CEQA document
DUST Effects to adjacent private property owners from OHV generated dust	Trail was moved south of the forest boundary at request of public during NEPA scoping.	Restoration of unauthorized trails is increased from line of sight only to 55 miles of trail to reduce loose soils that cause dust.	Air Quality is addressed in Section 2.3. Measures identified in the NEPA record and in the grant applications have been found to be effective in reducing impacts on air quality to less than significant. The CEQA analysis supplements the NEPA analysis by addressing potential effects of dust on sensitive receptors.
SANFORD-MORMON TRAIL Retention of trail integrity	Protections of existing heritage resources are identified in the design features (EA, pg. 12) and implementation of standard resource measures for at risk sites are proposed (EA, pg. 30; DN/FONSI, pp. 9-10). The Sanford Wagon Trail, or the "Sanford-Mormon Trail," is identified in the archaeological report and will be subjected to the same protections required for sites listed as eligible for listing by the National Register of Historic Places (NRHP).	Funds would provide staff and materials to cap the Sanford-Mormon Trail where the OHV trail crosses it at the north end. Includes funds for staff and fence materials to restrict OHV use on north and south ends of Sanford-Mormon Trail. Funds would increase full-time and part- time monitors specific to Baldy Mesa OHV Area. Funds would Increase staff to ensure compliance with regulations and increased staff time on holidays and high use days.	The Division Archaeologist reviewed the NEPA record regarding the Sanford-Mormon Trail and determined that measures contained in the NEPA record would be effective in reducing impacts on the Sanford-Mormon Trail to less than significant. No additional CEQA analysis is warranted.

Table 3. Public Issues of Concern Discussed During November 19, 2014, Meeting

Public Issue of Concern	How addressed by NEPA/USFS	How addressed in development and restoration grant projects	Where addressed in CEQA document
SANFORD-MORMON TRAIL Safety for equestrian/hiker use on Sanford-Mormon Trail; safety of Sanford-Mormon Trail users observing southern end where wagons lowered over cliff	The trail development was designed to intercept recreation traffic immediately as it enters the SBNF. Traffic would be confined to the established trail with highly visible signing, regulatory signing, route maps, increased law enforcement presence, and highly visible volunteer patrols for information and education, and by blocking/restoring user-created trails. Management actions would consist of cautioning OHV riders to approach horses slowly, or to idle or shut down when approached by horses. This would be done by inclusions in the trail guide brochures and trailhead signing and would be included in informational contacts by USFS or volunteer patrols (USFS 2013). Use of Sanford-Mormon Trail for special events will be addressed as part of a special event permit. SBNF provides staff to slow/redirect OHVs crossing this trail during Sanford-Mormon Trail events	Funds would include installation of equestrian crossing signs, "All User" caution signs, and interpretive signs at staging area. Funds would staff education trailer to be utilized at Baldy Mesa staging area to educate users on potential OHV/non OHV user conflicts. The additional presence of one full time and one part time law enforcement officer to be specifically assigned to the Baldy Mesa OHV Area would assist in eliminating/ minimizing conflicts during planned events on the Sanford-Mormon Trail.	Recreation is addressed in Section 2.15. Measures identified in the NEPA record and in the grant applications have been found to be effective in reducing impacts of OHV use on the non-OHV users of the Sanford-Mormon Trail to less than significant. No additional CEQA analysis is warranted.
NOISE OHV noise due to trail location adjacent to private lands north of project area	Loop trail was moved south of SBNF boundary at request of public during NEPA scoping.	Install pipe and cable fencing along northern SBNF/private land boundary. Fence would restrict unauthorized use from private lands north of OHV area and vice versa.	Noise is addressed in Section 2.11. Measures identified in the NEPA record and in the grant applications have been found to be effective in reducing noise impacts to less than significant. The CEQA analysis supplements the NEPA analysis by addressing potential effects of increased noise caused the by the project.

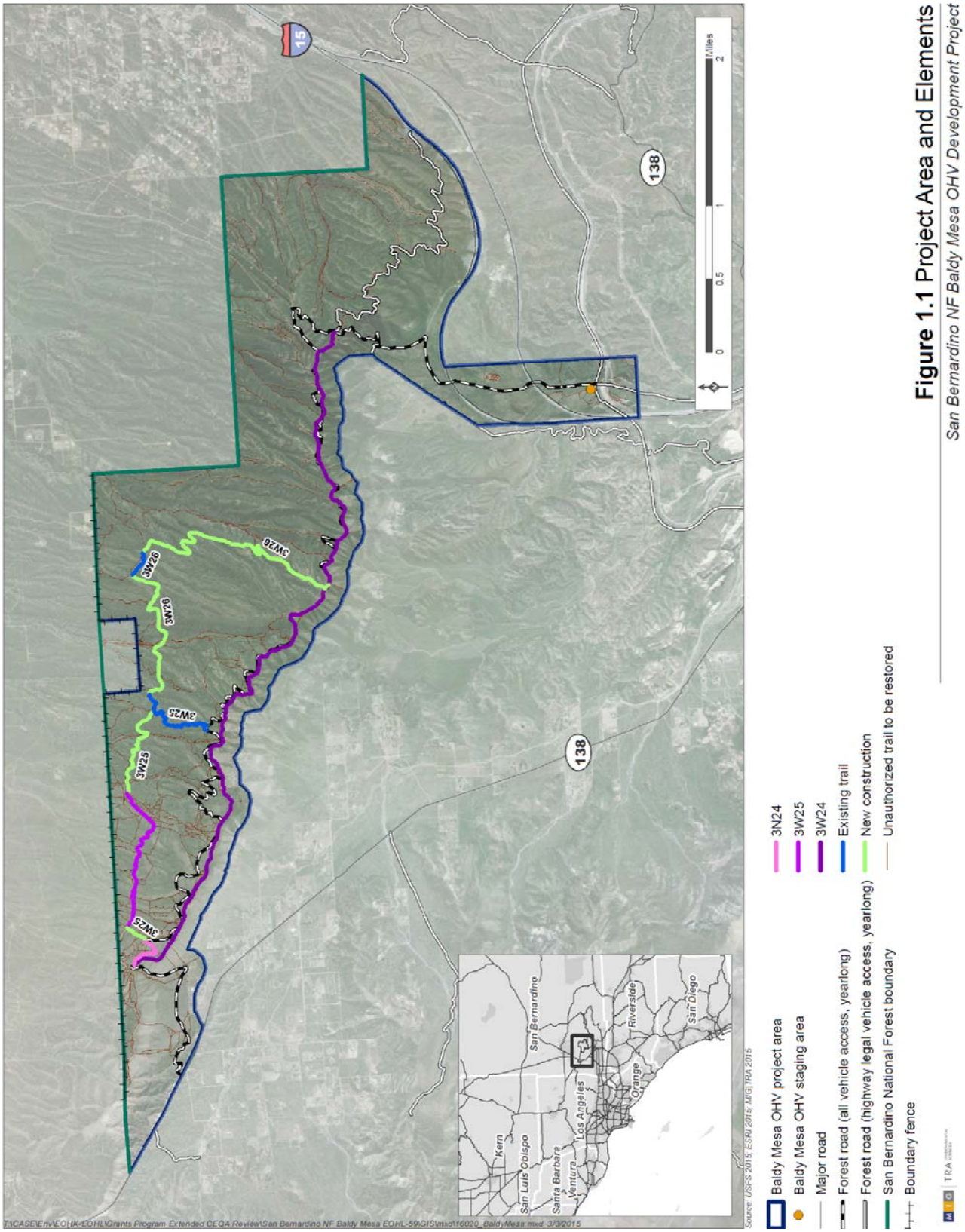
Table 3. Public Issues of Concern Discussed During November 19, 2014, Meeting

Public Issue of Concern	How addressed by NEPA/USFS	How addressed in development and restoration grant projects	Where addressed in CEQA document
RECREATION Increased trespass from public lands onto private lands and vise versa	There are currently many unauthorized access points to SBNF lands used by motorcycle and ATV riders and by equestrians along the northern boundary with private lands (EA, pg. 18). The project includes features designed to prevent access from the SBNF to private property of landowners near the town of Phelan, north of the forest. While rehabilitating unauthorized routes within 200 feet of the SBNF designated trail system would not affect the routes that exist on private lands, such rehabilitation would restrict access from private lands by blocking the existing access points to SBNF trails and allowing those access points to revegetate with native plants (EA, pg. 16).	Install pipe and cable fencing along northern SBNF/private land boundary. Would restrict unauthorized use from private lands north of OHV area and vice versa.	Recreation is addressed in Section 2.15 Measures identified in the NEPA record and in the grant applications have been found to be effective in reducing trespass related impacts to less than significant. No additional CEQA analysis is warranted.
RECREATION Northern boundary fence would eliminate all access to Baldy Mesa trails from north and exclude pedestrian and equestrians which have been regular users of the trails.	The most westerly section of Forest Road 3N24 (1.2 miles of road) would be removed from the OHV system because this section of road connects to private lands (EA, pg. 6). This section of road would remain open to non-OHV users.	SBNF would design and place the fence with the specific purpose of preventing OHV trespass. Fence is not intended to prevent access to pedestrians or equestrians, nor is it intended to prevent non-OHV use of the Sanford-Mormon Trail.	Recreation is addressed in Section 2.15. A mitigation measure was recommended that would ensure there is collaboration among interested parties on maintaining certain access points along the fence to provide continued access to pedestrians and equestrians from the north.

Table 3. Public Issues of Concern Discussed During November 19, 2014, Meeting

Public Issue of Concern	How addressed by NEPA/USFS	How addressed in development and restoration grant projects	Where addressed in CEQA document
SOIL EROSION Effects during construction, restoration, and life of project	Roughly 68 miles of user-created, unauthorized routes are known to exist within the project area (DN/FONSI, pg. 3). If effective treatments are not applied to disperse runoff that collects on forest trails, the trails can serve as a conduit where water travels down the trail surface and flows directly into nearby stream channels, delivering material eroded from the trail prism and increasing the turbidity of the stream (Hydrology-Soils Specialist Report, pg. 21). The project would confine OHV traffic and use to a designated trail system. The trail established would be maintained per the required Best Management Practices (BMPs), including BMP 4.7.2 which directs that designated OHV trails incorporate drainage structures to disperse concentrated runoff (EA, pg. 13), and BMP 2.13 prepare an erosion control plan, which would effectively limit and mitigate erosion and sedimentation from any ground disturbing activities.	Funds would: • Provide staff to prepare and implement a Surface Water Protection Plan • Purchase installation of two gates to restrict use on roads during wet periods. • Provide hydrologist to implement monitoring during construction and restoration • Provide contractor monitor to ensure compliance to state soil guidelines • Restore 55 miles of unauthorized trails that have the potential to degrade the watershed condition	Geology and Soils are addressed in Section 2.6. Measures identified in the NEPA record and in the grant applications have been found to be effective in reducing impacts related to soil erosion to less than significant. No additional CEQA analysis is warranted.
WATER QUALITY Violations of water quality regulations	The Watershed Protection and Flood Prevention Act of 1954 established policy that Federal Government agencies should cooperate with state and local agencies for the purposes of preventing erosion, floodwater, and sediment damage in the watersheds of the rivers and streams of the United States (Hydrology-Soils Specialist Report, pg. 7). Increased magnitude of floods for downstream areas due to implementation of the project is not expected, per the cumulative off-site water effects analysis presented in the project record (Hydrology-Soils Specialist Report, pg. 27). That analysis was performed per the model described in the USFS Soil and Water Conservation Handbook, 1990 amendment for the Pacific Southwest Region (Hydrology-Soils Specialist Report, pg. 25).	Funds would: • Provide staff to prepare and implement Surface Water Protection Plan. • Purchase installation of two gates to restrict use on roads during wet periods. • Provide hydrologist to implement monitoring during construction and restoration	Water Quality is addressed in Section 2.9. Measures identified in the NEPA record and in the grant applications have been found to be effective in reducing water quality impacts to less than significant. No additional CEQA analysis is warranted.

Figure 1-1. Project Area and Elements



Chapter 2 SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist contained in the supplemental environmental analysis on the following pages.

☐ Aesthetics	☐ Agricultural and Forestry Resources	☐ Air Quality
☒ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population/Housing	☐ Public Services	☒ Recreation
☐ Transportation/Traffic	☐ Utilities/Service Systems	☐ Mandatory Findings of Significance

☐ None

DETERMINATION:

On the basis of this initial evaluation:

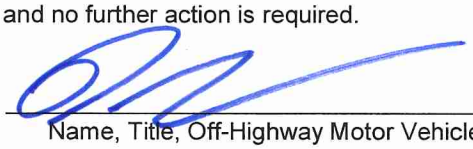
I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared. ☐

I find that, although the original scope of the proposed project could have had a significant effect on the environment, there will not be a significant effect because revisions/mitigations to the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared. ☒

I find that the proposed project may have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT or its functional equivalent will be prepared. ☐

I find that the proposed project may have a "potentially significant impact" or "potentially significant unless mitigated impact" on the environment. However, at least one impact has been adequately analyzed in an earlier document, pursuant to applicable legal standards, and has been addressed by mitigation measures based on the earlier analysis, as described in the report's attachments. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the impacts not sufficiently addressed in previous documents. ☐

I find that, although the proposed project could have had a significant effect on the environment, because all potentially significant effects have been adequately analyzed in an earlier EIR or NEGATIVE DECLARATION, pursuant to applicable standards, and have been avoided or mitigated, pursuant to an earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, all impacts have been avoided or mitigated to a less-than-significant level and no further action is required. ☐



Dan Canfield, Planning Manager

Name, Title, Off-Highway Motor Vehicle Recreation Division

March 24, 2016

Date

2.1 AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Aesthetic impacts are not evaluated in the project NEPA documents (EA and FONSI). A discussion of the CEQA aesthetic factors of consideration is presented below.

Setting:

The proposed project area is located on USFS lands in the San Bernardino Mountains approximately three miles south of the community of Phelan at an elevation of approximately 4,000 feet. The area is dominated by scrub oak and semi-desert chaparral and desert transition vegetation as shown in Figures 3-5 (Photos 1-6). Elevation varies with the staging area at an elevation near 3,600 feet and the trail system between 4,400 to 4,700 feet. The area is crisscrossed with unauthorized OHV trails, and train tracks and major highways (I-15, SR 138) are located near the project area.

Discussion:

Proposed staging area development and most trail construction, maintenance, and rehabilitation work would occur at locations already disturbed by OHV recreation and would not change the scenic character or substantially degrade the visual quality of the project area and its surroundings. Additionally approximately 28 acres of user-created lands would be obliterated/restored, which would improve the overall visual quality of the project area.

The project would not create a new source of substantial light or glare affecting day or nighttime views in the area as no exterior lighting, reflective surfaces, or nighttime construction is proposed.

There are no designated state scenic highways within the viewshed of the project. SR 138 occurs south of the project area. It is eligible but is not officially designated as a state scenic highway. At the western end of SR 138 before it connects to SR 2, SR 138 comes within an approximate one-mile view of the proposed OHV ridge trail (USFS 2014), but the project would not change the character of the view. None of the proposed development activities have the potential to damage scenic resources within the viewshed of this "eligible" but not officially designated scenic highway.

2.2 AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project*:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

*In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project, and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board (CARB).

Agriculture and forestry resource impacts are not evaluated in the project NEPA documents (EA and FONSI). A discussion of these CEQA factors of consideration is presented below.

Environmental Setting:

The project is located on USFS land in mountainous areas of the SBNF. There is no farmland within or near the project area. Land north of the project's northern boundary is designated as "grazing land" by the California Department of Conservation on the 2010 Important Farmland Map (San Bernardino County Southern Section) (CDC 2010). There is a vacant sheep grazing allotment within the project area, but the area has not been grazed since 1980. Grazing was determined not to be feasible due of lack of water and forage in the area (Kopp 2014a). The USFS eventually intends to close the vacant grazing allotment (Austin 2014).

The project area and surrounding lands do not contain any farmland, any lands under Williamson Act contracts, or any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as defined by the Farmland Mapping and Monitoring Program. The project area does not support timber harvesting due to the lack of commercial grade timber resources. Rural residential land uses abut the northern boundary of the project area.

Discussion:

No agricultural or forestry resources would be affected by the project-related work as none exist in the project area. The project would not cause the rezoning of forest or timberland. There would be no conversion of forest land to a non-forest use due to implementation of the project. Since the existing grazing allotment is not active and intends to be closed, there are no impacts on grazing.

2.3 AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

The SBNF addressed air quality impacts as they related to federal agencies in the Baldy Mesa OHV Trails and Staging Area Project EA (pp. 34-37). Regarding dust generation the EA states "total overall emissions, including fugitive dust, are actually expected to be reduced by this project. The rehabilitation of the area provided for by this project will reduce the total amount of open ground exposed to unauthorized OHV use and wind erosion, hence reducing fugitive dust emissions." The EA further states "all project emissions are found to be less than regional thresholds levels." Additional analysis pertaining to state requirements is presented below.

Environmental Setting:

Air quality is a function of pollutant emissions and topographic and meteorological influences. The physical features and atmospheric conditions of a landscape interact to affect the movement and dispersion of pollutants and determine its air quality.

Mojave Desert Air Basin (MDAB). The project area is located in San Bernardino County in the MDAB. Characterized by numerous mountain ranges interspersed with long, broad valleys, the MDAB is separated from the San Joaquin Valley by the Tehachapi and the Sierra Nevada Mountains to the northwest, and the San Gabriel and San Bernardino Mountains to the southwest. Ranging in elevation from 2,000 to 5,000 feet, the Mojave Desert is a "high desert" with extreme fluctuations of daily temperatures, strong seasonal winds, and clear skies.

Mountain passes act as channels for air masses that are pushed onshore by differential heating. Prevailing winds from the west and southwest are a result of the Basin's proximity to coastal and central regions and the high natural barrier of the Sierra Nevada Mountains. During the summer months, the MDAB is generally influenced by a Pacific Subtropical High Cell off the coast inhibiting cloud formation and encouraging daytime solar heating. The MDAB is rarely influenced by the weak fronts of cold air masses moving south from Canada and Alaska. Located in the rain-shadow of the Coast Ranges, the MDAB receives an average annual

precipitation of five inches, which falls between November and April, with the exception of the summer thunderstorm season from July to September.

Mojave Desert Air Quality Management District (MDAQMD). The MDAQMD encompasses San Bernardino County's high desert and the Blythe portion of Riverside County. The MDAQMD currently has 16 regulations containing over 160 rules designed to control and limit emissions from sources of air pollutants and administer state and federal air pollution control requirements (CARB 2014a). Attainment status within the western portion of the MDAB, under the jurisdiction of the MDAQMD, is either unclassified or in attainment of all state and federal ambient air quality standards except state PM2.5, state and federal PM10, and state and federal ozone standards (MDAQMD 2011).

Regulatory Setting:

The federal and state governments have established ambient air quality standards for "criteria" pollutants considered harmful to the environment and public health. National Ambient Air Quality Standards (NAAQS) have been established for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone (O_3), fine particulate matter (particles 2.5 microns in diameter and smaller, or PM2.5), inhalable coarse particulate matter (particles between 2.5 and 10 microns in diameter, or PM10), and sulfur dioxide (SO_2). California Ambient Air Quality Standards (CAAQS) are more stringent than the national standards for the pollutants listed above and include the following additional pollutants: hydrogen sulfide (H_2S), sulfates (SO_X), and vinyl chloride (C_2H_3Cl). In addition to these criteria pollutants, the federal and state governments have classified certain pollutants as hazardous air pollutants (HAPs) or toxic air contaminants (TACs), such as asbestos.

Attainment Plans. Under the federal Clean Air Act (CAA), the MDAQMD has adopted a variety of plans to achieve, demonstrate, or maintain attainment status for nonattainment pollutants. In 1996, The Mojave Desert Planning Area Federal Particulate Matter Attainment Plan was adopted to address the nonattainment levels of federal daily and annual PM10 by controlling various source categories, including permit requirements on industrial facilities, control technology implemented at point sources of particulate pollution, and fugitive dust controls (MDAQMD 2011).

Two attainment plans, the Federal 8-Hour Ozone Attainment Plan, adopted in 2008 for the Western Mojave Desert Non-attainment Area, and the State and Federal Ozone Attainment Plan, adopted in 2004, target NOx and reactive organic gas (ROG) sources (MDAQMD 2011). These plans include rules and regulations that represent a broad set of control measures for MDAQMD sources, such as the implementation of reasonably available control technology (RACT) requirements for the majority of sources. In the past 20 years, the area has experienced a slow, but overall steady decline in ozone levels (MDAQMD 2004, MDAQMD 2008).

Vehicle Emissions. In addition to ambient air quality standards, the federal and state governments have established exhaust emission standards for on- and off-road vehicles, such as cars, trucks, recreational vehicles, and heavy-duty diesel construction equipment as well as the fuels these vehicles use.

Fugitive Dust Control. Rule 403.2, Fugitive Dust Control for the Mojave Desert Planning Area (1996), requires implementation of control measures to prevent, reduce, or mitigate fugitive dust emissions. Among other provisions, Rule 403.2 limits visible emissions, vehicle use, dust sources, and activities under sustained winds that result in visible dust emissions (MDAMQD 2011).

CAA Conformity. Adopted by Congress as part of the CAA Amendments in 1990 and implemented in 1993 by the U.S. EPA, Transportation and General Conformity regulations establish criteria and procedures for providing coherence between federal activities and the State Implementation Plan (SIP). Conformity between state and federal plans help ensure that

actions taken by the federal government do not undermine regional or state efforts to achieve and maintain the NAAQS.

Discussion:

Would the proposed project:

Conflict With or Obstruct Air Quality Plans. The MDAMQD is responsible for maintaining air quality and regulating emissions of criteria pollutants and TACs within San Bernardino County. The MDAMQD prepares, adopts, and implements plans, regulations, and rules that are designed to achieve attainment of state and national air quality standards. The proposed project would not conflict with or obstruct implementation of the regional and federal ozone or particulate matter attainment plans, as described in the previous section. The project would not increase urban growth, introduce new stationary sources of air pollutants, or result in new land uses within the MDAQMD. Therefore, the project does not conflict with or obstruct an applicable air quality plan.

Cause or Contribute to Air Quality Standards Violations. The SBNF proposes to designate existing user-created trails and construct new trails within Baldy Mesa for OHV use. New amenities would be added to the Baldy Mesa staging area and the parking area, although not enlarged, would be reorganized to be more user-friendly.

Potential temporary project emissions from trail construction would include diesel exhaust from equipment used in surface grading of staging areas, laying aggregate, ripping compacted areas for rehabilitation, and placement of vehicle barriers. Fugitive dust emissions from travel on unpaved roads would also be generated during the construction and reconstruction phases.

Little overall change in the area is anticipated; however, for analysis purposes the USFS assumed OHV use of the Baldy Mesa trails would increase roughly five percent between existing conditions and the proposed project. This assumed increase reflects continuing and future demand for OHV recreation opportunities (USFS 2004). This increase in OHV activity would produce additional dust and engine emissions; however, the additional emissions would not exceed air quality standards because they would be short in duration, incrementally spread out over the course of a year, and widely dispersed.

Table 4 presents expected operational emissions from the predicted growth following the development of the 23 miles of OHV trail system at Baldy Mesa. Estimated project emission takes into account a five percent increase between present and proposed emissions in order to reflect the future demand for OHV recreation opportunities within this area. The proposed project would not exceed MDAQMD CEQA significance thresholds nor cause or contribute to a violation of any air quality standard.

Table 4. Estimated Change in Criteria Pollutant Emissions

	Criteria Pollutant (pounds per day)				
	CO	**NO_X**	**PM2.5[2]**	**PM10[2]**	**ROG**
Estimated Project Emission Sources[1]					
Light Truck and Autos	2.14	0.30	0.08	0.08	0.12
Heavy Transport Trucks	1.38	0.23	0.02	0.02	0.15
OHV	23.23	0.10	0.04	0.04	17.12
Reconstruction & Rehabilitation	15.20	0.55	0	0	0.05

Table 4. Estimated Change in Criteria Pollutant Emissions

	Criteria Pollutant (pounds per day)				
	CO	**NO_X**	**PM2.5[2]**	**PM10[2]**	**ROG**
Fugitive Dust			46.34	46.34	
Total Emissions	41.95	1.18	46.48	46.48	17.44
MDAQMD CEQA Threshold	548	137	82	82	137
Significant CEQA Impact?	No	No	No	No	No

Source: USFS Conformity Analysis 2004 (USFS 2004), MDAQMD CEQA Guidelines 2011 (MDAQMD 2011)

[1] Planned project emission based on estimated change in use of the 20 miles of OHV trail system and accounting for a 5% increase between existing and proposed project

[2] All PM10 assumed to be PM2.5

The proposed project would be lower than all federal *de minimus* levels for determining conformity with the federal Clean Air Act, as shown in Table 5.

Table 5. Estimated Annual Project Emissions -- De-minimus Analysis

	Criteria Pollutant (tons per year)				
	CO	**NO_x**	**$PM_{2.5}$[2]**	**PM_{10}[2]**	**ROG**
Estimated Project Emission Sources[1]					
Light Truck and Autos	9.05×10^{-1}	1.29×10^{-1}	3.34×10^{-2}	3.34×10^{-2}	5.15×10^{-2}
Heavy Transport Trucks	1.00×10^{0}	2.26×10^{-4}	1.96×10^{-5}	1.96×10^{-5}	1.48×10^{-4}
OHV	5.30×10^{0}	2.21×10^{-2}	9.09×10^{-3}	9.09×10^{-3}	3.91×10^{0}
Reconstruction & Rehabilitation	7.60×10^{-2}	2.75×10^{-3}	1.03×10^{-7}	1.03×10^{-7}	2.40×10^{-4}
Fugitive Dust			1.02×10^{1}	1.02×10^{1}	
Total Emissions	7.3	0.2	10.3	10.3	4.0
Clean Air Act Threshold, 40 CFR § 51.853(b)(1)	100	10	70	70	10
Significant CEQA Impact?	No	No	No	No	No

Source: USFS Conformity Analysis 2004 (USFS 2004), Clean Air Act

[1] Planned project emission based on estimated change in use of the 20 miles of OHV trail system and accounting for a 5% increase between existing and proposed project

[2] All PM10 assumed to be PM2.5

As outlined in the air quality analysis data tables above, estimated emissions from the proposed project are below both regional and federal thresholds, and will not constitute a significant impact to the air quality of the MDAQMD.

Result in a Cumulatively Considerable Net Increase of Non-Attainment Criteria Pollutants. As discussed above, the project would not result in construction or operational emissions that exceed MDAQMD thresholds of significance. In developing its CEQA significance thresholds, the MDAQMD considered the emission levels at which a project's individual emissions would be cumulatively considerable. The MDAQMD considers projects that result in emissions that

exceed its CEQA significance threshold to result in individual impacts that are cumulatively considerable and significant. Since the proposed project would not individually exceed any MDAQMD CEQA significance thresholds, the proposed project would result in less than significant cumulative air quality impacts.

Exposure of Sensitive Receptors. A sensitive receptor is generically defined as a location where human populations, especially children, seniors, and sick persons, are situated where there is reasonable expectation of continuous human exposure to air pollutants. These typically include residences, hospitals, and schools.

Project-related construction activities would emit PM2.5 emissions from equipment and exhaust would include DPM, a TAC. Construction equipment with diesel engines would be used during site grading, landscaping, and other construction-related activities that might occur intermittently throughout the construction timeline. The generation of TAC emissions from construction would be temporary, given the limitation on the hours construction is allowed to occur and the length of the construction period. Construction equipment would be subject to ARB's In-Use Off-Road Diesel Regulation that limits idling to 5 minutes and requires that all equipment is running in proper condition prior to construction operations and properly maintained and tuned in accordance with manufacturer's specifications during equipment operations. These measures would reduce pollutant concentrations associated with construction activities to less than significant levels.

The vast majority of residences or other possible sensitive receptors are located well beyond 1,000 feet, although some residential parcels bordering the recreation area may be as close as 350 feet. Project emissions are below all screening criteria and would not have a significant impact.

Cause Objectionable Odors. Odors associated with the project would likely be from vehicle engine idling. The odors generated by the project would be intermittent and localized in nature and would disperse quickly. Therefore, the project would not create objectionable odors affecting a substantial number of people.

2.4 BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

The SBNF analyzed project impacts on federal and USFS special-status species in the Baldy Mesa OHV Trails and Staging Area Project EA (pp. 20-26). The discussion in the EA was supplemented by a Wildlife Biological Evaluation and Management Indicator Species Evaluation (Austin 2013a, a Biological Assessment (Austin 2013b), and a Botany Report (Nelson 2013). The EA and resulting Decision Memo and FONSI concluded that the impact upon federal species of concern was not significant (FONSI, pp. 7-8). The project area does not support aquatic features; therefore, no riparian habitat or wetlands would be affected by the project (FONSI, p. 6).

The discussion below addresses CEQA factors of consideration not addressed in the EA: a state species of concern (the coast horned lizard) and potential impacts of the installation of a five-mile fence on wildlife movement.

Regulatory Setting:

California Endangered Species Act. The California Endangered Species Act (CESA), administered by California Department of Fish and Wildlife (CDFW), protects wildlife and plants listed as “threatened” or “endangered” by the California Fish and Game Commission, as well as species identified as candidates for listing. CESA restricts all persons from taking listed species except under certain circumstances. The state definition of take is similar to the federal definition, except that CESA does not prohibit indirect harm to listed species by way of habitat modification. Under CESA, an action must have a direct, demonstrable detrimental effect on individuals of the species.

CDFW maintain a list of animal species of special concern (CSSC) that serve as "watch lists." A CSSC is not subject to the take prohibitions of CESA. The CSSC are species that are declining at a rate that could result in listing under the federal ESA or CESA and/or have historically occurred in low numbers, and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals and is intended to focus attention on the species to help avert the need for costly listing under federal and state endangered species laws. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them (Comrack et al. 2008).

State agencies should not approve projects as proposed that would jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available consistent with conserving the species or its habitat which would prevent jeopardy (Fish and Game Code § 2053). Under Sections 2080.1, 2081(b) of the California Fish and Game Code, CDFW may permit incidental take of species listed under CESA, except for species that are designated as fully protected.

California Fish and Game Code. The California Fish and Game Code protects a variety of species, separate from the protection afforded under CESA. The following specific statutes afford some limits on take of named species: Section 3503 (nests or eggs), 3503.5 (raptors and their nests and eggs), 3505 (egrets, osprey, and other specified birds), 3508 (game birds), 3511 (fully protected birds), 4700 (fully protected mammals), 4800 et seq. (mountain lions), 5050 (fully protected reptiles and amphibians), and 5515 (fully protected fish). Fully protected species may not be taken or possessed except for scientific research or through approval and implementation of a Natural Communities Conservation Plan.

Section 3503 simply states, “it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” The exceptions generally apply to species that are causing economic hardship to an industry. Section 3503.5 states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted.” Section 3505 prohibits taking, selling, or purchasing egrets, osprey, and other named species or any part of such birds.

California Native Plant Protection Act. The California Native Plant Protection Act (CNPPA) of 1977 preserves, protects, and enhances endangered and rare plants in California by specifically prohibiting the importation, take, possession, or sale of any native plant designated by the California Fish and Game Commission as rare or endangered, except under specific circumstances identified in the Act. Various activities are exempt from the CNPPA, although take as a result of these activities may require other authorization from CDFW under the California Fish and Game Code.

CDFW and CEQA. As a trustee agency, CDFW comments on the biological impacts of development projects reviewed under CEQA. CEQA gives CDFW jurisdiction to comment on the protection of habitats deemed necessary for any species to survive in self-sustaining numbers, but does not allow CDFW to govern land use. It stipulates that the state lead agency shall consult with, and obtain written findings from, CDFW in preparing an EIR on a project, as to the impact of the project on the continued existence of any endangered or threatened species (Public Resources Code § 21104.2).

Discussion:

Special-Status Species. CEQA Guidelines Section 15380 defines endangered, threatened, and rare species for purposes of CEQA and clarifies that CEQA review extends to other species that are not formally listed under CESA or the federal ESA (FESA) but that meet specified criteria. The state and federal governments keep lists of such "special-status" species, which are reflected in the California Natural Diversity Data Base (CNDDB) operated by CDFW. Many of these species are not listed under CESA or FESA but are currently tracked to determine if listing is necessary. Thus, they are not specifically protected by CESA and FESA. They are only protected through measures imposed as a result of CEQA review.

The California Native Plant Society (CNPS) maintains a list of plants that are considered to be rare, threatened, or endangered in a portion or all of their range; these plants may not have been listed by CDFW or the U.S. Fish and Wildlife Service, but they are considered sensitive under CEQA. These plants are included in CNDDB and the lead agency should consider impacts to these species when assessing the effects of a particular project.

Special-status species are those plants and animals that are legally protected or otherwise recognized as vulnerable to habitat loss or population decline by federal, state, or local resource conservation agencies and organizations. As noted above, the EA and its supporting documentation analyzed federal special-status species (see attached EA).

For this CEQA analysis special-status species include the following species categories not addressed in the Baldy Mesa OHV Trails and Staging Area Project NEPA related documents:

- Species that are state listed threatened or endangered
- Species considered as candidates or proposed for state listing as threatened or endangered
- CDFW Species of Special Concern
- Fully protected species per California Fish and Game Code
- Plants considered by CNPS and CDFW to be rare, threatened, or endangered (California rare plant ranked [CRPR]; e.g. CRPR 1B)

Special-status Plant Species

A CNDDB search was conducted for the project on June 26, 2014 and again on March 9, 2015 (CDFW 2015). The search included the project site and a file-mile radius around the approximate center of the site. The search found no special-status plant species with potential for occurrence in the project area that were not addressed by the EA and its supporting documents. Therefore no additional analysis of special status plants is included in this document.

Special-status Animal Species

The 2014 CNDDB search identified only one animal species found in the project area that was not evaluated by the SBNF – the coast horned lizard (*Phrynosoma coronatum blainvillii*). The SBNF did not address this species because it is not a federally listed or USFS Sensitive species. The coast horned lizard is addressed below.

Coast horned lizard is a California species of special concern. Within California the coast horned lizard occurs within coastal areas generally south of San Francisco, but also crosses the coastal ranges into southern areas of the Central Valley and into the desert side of the San Gabriel, San Bernardino, San Jacinto, and more southern peninsular ranges (Dudek 2012).

The coast horned lizard is found in a variety of habitats within its range including scrublands, grasslands, coniferous and broadleaf forests, and woodlands. It occurs from sea level to 6,000 feet in southern California. It is often associated with sandy soils, particularly those that support ant colonies (Dudek 2012).

The coast horned lizard is occasionally observed incidentally in the project area by USFS biologists. The latest documented sighting was in May 2009 by Deb Nelson and Kim Williams (Kopp 2014b).

The coast horned lizard is occasionally observed in the project area and could be killed or harmed by project activities, including trail brushing, trail formalization and new construction, and unauthorized trail obliteration and restoration. The impacts to the local coast horned lizard population could be significant. Wildlife design features identified in the EA (pp. 10-12) and wildlife design criteria identified in the Biological Evaluation report (Austin 2013; pp. 10-12) would protect the coast horned lizard. In addition to those measures, the following specific measures related to the coast horned lizard are required to reduce impacts to less than significant.

IMPACT BIO-1: The coast horned lizard, a state species of special concern, is known to occur in the project area and could be present in work areas. If present, coast horned lizard individuals could be harmed by vegetation removal, trail and fence construction activities, or vehicle movement.

Mitigation Measure BIO-1: A qualified biologist shall conduct a survey for coast horned lizards to determine presence in the project area prior to any vegetation clearing. If no coast horned lizards are found, no further mitigation is necessary.

- If the survey finds coast horned lizards, then during brush clearing, trail formalization and construction operations, and obliteration and restoration of unauthorized trails, any loose dirt and sand piles in temporarily impacted areas that will be left overnight shall be covered with tarps or plastic with the edges sealed to prevent coast horned lizards from burrowing into the dirt.
- If the survey finds coast horned lizards, then the disturbance and/or removal of vegetation within the project area shall not exceed the minimum reasonably necessary to accomplish the project objectives. Precautions to avoid damage to areas outside the project disturbance boundary shall include construction flagging, clearly defined access routes, and minimized turning areas.
- If the survey finds coast horned lizards, then an employee education program shall be conducted prior to brush clearing, trail development, and restoration activities. The program shall consist of a brief presentation by persons knowledgeable in California Species of Special Concern including the coast horned lizard and legislative protection to explain concerns to all personnel involved with vegetation removal and grading. The program would include the following: a description of the coast horned lizard and its habitat, an explanation of the status of the coast horned lizard, and a list of measures being taken to reduce impacts to the species during project activities. Crews shall be instructed that if a coast horned lizard is found, it is to be left alone and the construction manager must be notified immediately.
- If the survey finds coast horned lizards, then vehicles shall not drive more than five miles per hour within the areas where clearing and grading are underway. If a coast horned

lizard is seen in the path of a vehicle, the vehicle shall stop until the lizard is out of its path. Parked vehicles within the project site shall be checked underneath before they are moved to ensure no coast horned lizards are on the ground below the vehicle.

Implementation: SBNF
Effectiveness: Mitigation measures would ensure any coast horned lizards found within the project area are protected and avoided during project activities.
Feasibility: Feasible
Monitoring: SBNF shall submit results of the coast horned lizard survey to OHMVR Division for review prior to commencement of project activities. The USFS qualified biologists and environmental monitors shall incorporate the coast horned lizard into the monitoring program for the project should it be found in the project area.

Wildlife Movement. The project would not interfere with existing patterns of wildlife dispersal. The pipe and cable fence would be manufactured and installed to allow for wildlife movement under, through, and over the fence. The SBNF acquired the fence specifications from Bureau of Land Management staff who have been utilizing these fence specifications to allow for wildlife movement for many years (Kopp 2014b).

There are existing manmade watering holes also known as “wildlife guzzlers” maintained within the project area that serve quail, deer, and other animals. The SBNF has been protecting guzzlers for years during prior restoration projects, and such protections would continue during project activities (Kopp 2014b).

Local Protection Policies and Conservation Plans. All land comprising the project area is federal and, as such, no local policies are in effect. The project area is not located in an area covered by a habitat conservation plan or natural community conservation plan.

2.5 CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

The SBNF analyzed project impacts to heritage resources in the Baldy Mesa OHV Trails and Staging Area Project EA (pp 29-33). The discussion in the EA is supported by an Archaeological Investigation (Milburn et. al. 2007). The EA and resulting Decision Memo and FONSI concluded that "the project will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places" (FONSI, pg. 7). The FONSI further states "the Proposed Action Alternative will also not cause loss or destruction of significant scientific, cultural, or historical resources" (FONSI, pg. 7).

The discussion below identifies the standard resource protection measures, which were referenced in the EA but not presented, and also addresses potential impacts on unknown historic resources and human remains, which were not included in the EA.

Discussion:

The USFS Region 5 and the California State Historic Preservation Officer (SHPO) have entered into a Programmatic Agreement (PA; OHP CDPR 2006) regarding potential impacts to cultural resources from designating a motor vehicle route, or using or maintaining the designated motorized recreation system. Appendix B of the PA specifies Standard Resource Protection Measures to be implemented as part of all undertakings by the USFS related to motorized recreation. A Standard Resource Protection Measure is a "historic property treatment procedure that when properly applied...eliminates or substantially minimizes the adverse effects of an undertaking on historic properties; and when applied, is considered to have taken into account the effects of the undertaking on historic properties."

Known Historic Resources. A systematic archaeological survey of approximately 4200 acres was conducted for the Baldy Mesa OHV Trails and Staging Area project (Milburn, et. al. 2007). One resource of concern is the Mormon Road (CA-SBR-4411H), which runs through the project area. Forest Road 3W24 and Trail 3N24 cross the Mormon Road on its western end (Figure 6; Photos 7-8). The new loop trail will cross the Mormon Road on its eastern end. With the implementation of the Standard Resource Protection Measures identified in PA Appendix B (Sections I and II), the Decision Notice and FONSI (p. 7) concluded there would be no effect to cultural resources from implementation of the project.

The EA and Decision Notice do not identify which of the Standard Resource Protection Measures listed in the PA are specifically required to protect the Mormon Road; however, the treatment measures were identified in a letter to the SBNF from the State Historic Preservation Officer (SHPO; Roland-Nawi 2014) as follows:

> Treatment measures for the Mormon Road (CA-SBR-4411H) include capping the portions of USFS trail 3W25/3W26 that cross it with a protective geo-cloth fabric which will then be completely covered with imported soil. This measure will cause no noticeable change to the setting, materials, workmanship, or feeling of the Mormon Road as the soil used will blend in with surrounding native surfaces. As a separate treatment measure, the SBNF proposes to install four horse gates to prohibit unauthorized OHV use on the Mormon Road in a way that minimizes the introduction of visual elements that may diminish the integrity of the property's significant historic features. The proposed gates are low profile, will be installed in areas of chaparral, painted a color that blends with the surrounding environment, and will be allowed to weather naturally further minimizing any effects to the feeling and setting of the historic property.

The SHPO concluded the following in the consultation letter:

> After extensive consultation with my staff, the Forest finds that with the planned standard protection measures, this undertaking will result in no adverse effects to historic properties pursuant to 36 CFR 800.5(b). I concur with this finding; however I recommend that in the future the Forest conduct a determination of eligibility for the Mormon Road (CA-SBR-4411H) (Roland-Nawi 2014).

Unknown Historic Resources. The EA does not address unknown historic resources explicitly. However, unknown historic resources are addressed by the PA. As specified in the PA (Appendix C: Heritage Resources Strategy; Evaluation of Historic Properties, p.51):

> For the purposes of this strategy, all cultural resources within APEs are considered *historic properties,* even if they have not been formally evaluated using National Register of Historic Places (NRHP) Criteria (36 CFR 60.4), unless they already have been determined *not eligible* in consultation with the SHPO or through other agreed on procedures (36 CFR 60.4; 36 CFR 800; CARIDAP, etc.).

By definitions within the PA, historic properties cover the following archaeological resources:

> F. Historic Property is: any prehistoric or historic district, site, building, structure, or object, and its associated artifacts, remains, features, settings, and records, that is either listed in or determined eligible for inclusion in the NRHP; or any feature that contributes to district NRHP eligibility; or any property, and its features, not yet evaluated to determine whether it is eligible for the NRHP, but that, for the purposes of this PA, may be assumed by the Forests to be NRHP eligible.
>
> J. At-Risk Historic Property is a property that the Forest Historic Program Manager identifies as susceptible to being adversely affected as a result of designating a motor vehicle route, or using or maintaining the designated motorized recreation system. An at-risk historic property is identified based on property characteristics and proximity to designated routes (e.g., trail corridor, trail head, vista point).

The PA (Section VII, Inadvertent Effects and Unanticipated Discoveries) provides protection to unknown historic resources that may be discovered in a project area. It requires national forests to notify the SHPO immediately if unanticipated discovery of at risk historic properties is made during project implementation and sites have been impacted by project activities:

> If undertakings have not been completed at the time effects are discovered, all activities in the vicinity of the affected historic properties shall cease and reasonable efforts shall

> be taken to avoid or minimize harm to the properties until the following consultations are completed. Forests shall consult with the SHPO for not more than 10 calendar days after discovery to agree on a mutually acceptable course of action regarding the historic properties.

With this measure in place, project impacts to unknown historic resources are less than significant.

Human Remains. Neither the EA nor PA addresses inadvertent discovery or recognition of any human remains during project activities. If human remains are inadvertently discovered, the SBNF will follow the procedures as outlined in California Health and Safety Code section 7050.5. All project activities at the find site must come to a complete stop and no further excavation or disturbance of the area or vicinity will occur. The county coroner will be contacted immediately, and if the corner determines or has reason to believe that the remains are Native American, the coroner will contact the Native American Heritage Commission (NAHC) within 24 hours of making this determination. Whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner the commission will follow the procedures as outlined in Public Resources Code section 5097.98.

The CEQA Guidelines (14 CCR §15064.5(e)) reference the appropriate state law (PRC §5097.98) that applies when human remains are accidentally discovered. That CEQA language is the standard text often used as a cultural resource mitigation measure in CEQA documents for OHMVR Division projects. This language states:

> In the event that human remains are accidently discovered, the project must come to a complete stop and no further excavation or disturbance of the area or vicinity will occur. The county coroner is to be called immediately to determine that the remains are of Native American ancestry. If the coroner confirms that the remains are Native American, within a 24 hours of the discovery the coroner is to contact the Native American Heritage Commission (NAHC). The NAHC will identify the person(s) believed to be the Most Likely Descendent (MLD), and the MLD will decide, along with the property owner, to appropriate treatment or disposal of the human remains and associated grave goods as provided in PRC § 5097.98. If the NAHC cannot identify the MLD, the MLD fails to make a recommendation, or the property owner rejects the MLD's recommendations, the property owner can rebury the remains and associated burial goods in an area not subject to ground disturbance (14 CCR 15064.5).

Existing state Public Resources Code and Health and Safety Code ensure that the NAHC would be notified upon discovery of Native American human remains and that proper treatment measures would be implemented. Therefore, with these protective state laws in place, the project impact on human remains is less than significant.

Associate State Archaeologist for the OHMVR Division, Sarah Wallace, has reviewed the EA, Historic Resources Report, and PA as part of the state's CEQA review process for this project and concurs with the findings that project impacts on cultural resources are less than significant. No further mitigation is warranted.

2.6 GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

The SBNF evaluated project impact to soils in the Baldy Mesa OHV Trails and Staging Area EA (pp. 27-28) supported by a Hydrologic - Soils Specialist Report (Wells 2013). The project incorporates design features (management measures) to minimize hydrologic effects on soils (EA, pp. 13-14). The EA concludes (p. 27):

> The proposed action will decrease the current level of impact by maintaining 23 miles of OHV trail that had previously been user-created or non-existent. In addition, existing unauthorized user-created trails that traversed in and throughout the ephemeral washes in the area providing a direct source and input of sediment will be rehabilitated.

Geology impacts related to seismicity, soil stability, and soil capabilities for septic use are not evaluated in the project NEPA documents (EA and FONSI). A discussion of these CEQA factors of consideration is presented below.

Environmental Setting:

The San Andreas Fault runs approximately three miles south - southeast of the approximate center of the project area (CDC 1974). The fault separates the San Gabriel Mountains from the San Bernardino Mountains along Lone Pine Canyon.

Discussion:

Seismicity. Rupture of a surface fault, seismic shaking, liquefaction, or landslides could occur in the project area due to the close proximity of the San Andreas Fault. Since there are no habitable structures proposed, none would be affected by seismic shaking. Due to the open nature of the project area and uses, people would not be exposed to potential substantial seismic adverse effects such as loss, injury, or death from fault rupture, ground shaking, ground failure, or landslides.

Soil Stability. Project activities do not involve building structures with the exception of installing fencing. Fencing would not create unstable soil or geologic risk.

Expansive Soils and Septic. The project does not propose habitable construction on expansive soils. Proposed project fencing would not create risk to life or property. The project does not propose use of soils for septic purposes.

2.7 GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions or greenhouse gases?	☐	☐	☒	☐

Greenhouse gas emissions are not evaluated in the project NEPA documents (EA and FONSI). A discussion of these CEQA factors of consideration is presented below.

Environmental Setting:

Gases that trap heat in the atmosphere and affect regulation of the earth's temperature are known as "greenhouse" gases (GHGs). Many chemical compounds found in the earth's atmosphere exhibit the GHG property. GHGs allow sunlight to enter the atmosphere freely. When sunlight strikes the earth's surface, some of it is reflected back towards space as infrared radiation (heat). GHGs absorb this infrared radiation and trap the heat in the earth's atmosphere. The six common GHGs are described below.

Carbon Dioxide (CO_2). CO_2 is released to the atmosphere when fossil fuels (oil, gasoline, diesel, natural gas, and coal), solid waste, and wood or wood products are burned.

Methane (CH_4). CH_4 is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from the decomposition of organic waste in municipal solid waste landfills and the raising of livestock.

Nitrous oxide (N_2O). N_2O is emitted during agricultural and industrial activities, as well as during combustion of solid waste and fossil fuels.

Sulfur hexafluoride (SF_6). SF_6 is commonly used as an electrical insulator in high voltage electrical transmission and distribution equipment such as circuit breakers, substations, and transmission switchgear. Releases of SF_6 occur during maintenance and servicing as well as from leaks of electrical equipment.

Hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs). HFCs and PFCs are generated in a variety of industrial processes. Although the amount of these gases emitted into the atmosphere is small in terms of their absolute mass, they are potent agents of climate change due to their high global warming potential.

Regulatory Setting:

The 1997 United Nations' Kyoto Protocol international treaty set targets for reductions in emissions of four specific GHGs – CO_2, CH_4, N_2O, and SF_6 -and two groups of gases – HFCs and PFCs. These GHGs are the primary GHGs emitted into the atmosphere by human activities. Water vapor is also a common GHG that regulates the earth's temperature; however, the amount of water vapor in the atmosphere can change substantially from day to day, whereas other GHG emissions remain in the atmosphere for longer periods of time. Black

carbon consists of particles emitted during combustion; although a particle and not a gas, black carbon also acts to trap heat in the Earth's atmosphere.

GHGs can remain in the atmosphere long after they are emitted. The potential for a particular GHG to absorb and trap heat in the atmosphere is considered its global warming potential (GWP). The reference gas for measuring GWP is CO_2, which has a GWP of one. By comparison, CH4 has a GWP of 25, which means that one molecule of CH_4 has 25 times the effect on global warming as one molecule of CO_2. Multiplying the estimated emissions for non-CO_2 GHG by their GWP determines their carbon dioxide equivalent (CO2e). This in turn enables a project's combined global warming potential to be expressed in terms of mass CO_2 emissions. Table 6 below presents the GWP values of the common GHGs.

Table 6. Global Warming Potential of Common Greenhouse Gases

GHG	GWP	GHG	GWP
Carbon Dioxide (CO_2)	1	Perfluorocarbons (PFCs)	
Methane (CH_4)	25	CF_4	6,500
Nitrous Oxide (N_2O)	298	C_2F_6	9,200
Hydrofluorocarbons (HFCs)		C_4F_{10}	7,000
HFC-23	14,800	C_6F_{14}	7,400
HFC-134a	1,430	Sulfur Hexafluoride (SF_6)	22,800
HFC-152a	140		
HCFC-22	1,700		

Source: CARB 2014b

In 2006, the California State Legislature adopted the California Global Warming Solutions Act of 2006, Assembly Bill (AB) 32, which required CARB to: 1) determine 1990 statewide GHG emissions, 2) approve a 2020 statewide GHG limit that is equal to the 1990 emissions level, 3) adopt a mandatory GHG reporting rule for significant GHG emission sources, 4) adopt a Scoping Plan to achieve the 2020 statewide GHG emissions limit, and 5) adopt regulations to achieve the maximum technologically feasible and cost-effective reductions.

In 2007, CARB approved a statewide 1990 emissions level and corresponding 2020 GHG emissions limit of 427 million metric tons of carbon dioxide equivalents ($MTCO_2e$) (CARB 2007). In 2008, CARB adopted its *Climate Change Scoping Plan*, which projects, absent regulation or under a "business as usual" (BAU) scenario, 2020 statewide GHG emissions levels of 596 million $MTCO_2e$ and identifies the numerous measures (i.e., mandatory rules and regulations and voluntary measures) that will achieve at least 174 million $MTCO_2e$ of reductions and reduce statewide GHG emissions to 1990 levels by 2020 (CARB 2009b). In 2011, CARB released a supplement to the 2008 *Scoping Plan Functional Equivalent Document* (FED) that included an updated 2020 BAU statewide GHG emissions level projection of 507 million $MTCO_2e$ (CARB 2011a), and in 2014 CARB adopted its First Update to the Climate Change Scoping Plan (CARB 2014b).

Discussion:

Global climate change is the result of GHG emissions worldwide; individual projects do not generate enough GHG emissions to influence global climate change. Thus, the analysis of GHG emissions is by nature a cumulative analysis focused on whether an individual project's contribution to global climate change is cumulatively considerable.

Greenhouse Gas Emissions. Based on OFFROAD 2007 emission factors, the project's off-road construction equipment would emit approximately 4.5 metric tons of CO_2 during the course of project construction activities. According to the 2011 CARB *GHG Inventory Data* for off-road construction sector, emissions of CH_4 and N_2O would add approximately 0.34 percent in CO_2 equivalent emissions. In the on-road transportation sector, emissions of CH_4 and N_2O from worker vehicles would add 1.4 percent in CO_2 equivalent emissions. Total GHG emissions related to project construction is 4.56 MTCO2e, as shown in Table 7.

Table 7. Project Construction GHG Emissions

	Project Emissions (Metric Tons)	
	CO_2	CO2e
Off-Road Construction	4.546[1]	4.562[2]
On-Road Equipment Transportation	0.001[3]	0.001[4]
Total GHG Emissions		4.563

Sources: CalEEMod 2013[1], CARB 2011b[2,4], EMFAC 2011[3], TRA 2014

[1] CalEEMod 2013.2.2. *Appendix D Default Data Table 3.4 Off Road Equipment Emission Factors*. Year 2014. 100 horsepower. Assumes 8 hours/day, 10 days operation.

[2] *GHG Inventory Data* for the off-road construction sector. Includes CH4 and N2O as 0.34% CO2 equivalent emissions based on CARB 2011b GHG Inventory Data for the off-road construction sector.

[3] EMFAC 2011 *On-road Vehicle database CO2 Emissions factors*. Statewide. Annual 2014. Heavy Duty Class 1 (HD1). CO2 running: 511.212 g/VMT. Assumes two 6.6 mile round trips, 1 day/year.

[4] *GHG Inventory Data* for the on-road transportation sector. Includes CH4 and N2O as 1.4% CO2 equivalent emissions based on CARB 2011b *GHG Inventory Data* for the off-road construction sector.

Little overall change in recreational activity is expected in the area; however, a five percent increase of OHV use on the Baldy Mesa trails was assumed for analysis purposes to reflect continuing and future demand for OHV recreation opportunities (USFS 2004). Table 8 summarizes the increase in annual emissions under the proposed project conditions.

Table 8. Annual Project Operational GHG Emissions

	Project Emissions (Metric Tons)	
	CO2	CO2e[1]
Off-Highway Motorcycle (OHMV), Two-stroke[2]	297.42	298.44
Off-Highway Motorcycle (OHMV),Four-stroke[2]	297.42	298.44
All-Terrain Vehicle (ATV), Two-strokeG2[3]	146.19	146.69
All-Terrain Vehicle (ATV), Four-stroke[3]	146.19	146.69
Total GHG Emissions	877.27	890.26
Significant CEQA Impact?	No	No

Sources: CARB 2011b[1], CARB 2013[2,3], TRA 2014

[1] *GHG Inventory Data* for the off-road construction sector. Includes CH4 and N2O as 0.34% CO2 equivalent emissions based on CARB 2011b GHG Inventory Data for the off-road construction sector.

[2] CARB 2013. *Table III-5 Exhaust Emission Factors for RV2013*. CO2 emissions OHMC (G2, G4) 79.58 g/VMT. Assumes 16,480 OHMC (G2, G4) VMT annually.

[3] CARB 2013. *Table III-5 Exhaust Emission Factors for RV2013*. CO2 emissions ATV (G2, G4) 109.63 g/VMT. Assumes 5,880 ATV (G2, G4) VMT annually.

In the 2011 CEQA Guidelines, MDAQMD specifies a significant emissions threshold for stationary sources of GHGs (CO2e) of 100,000 tons per year (MDAQMD 2011). As shown in Tables 7 and 8, the magnitude of the project's GHG emissions would be below MDAQMD CEQA significance thresholds for GHG and is considered a less than significant impact.

Plans, Policies and Regulations. The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Construction vehicle and equipment GHG emissions are identified and planned for in the CARB's GHG emissions inventory and Scoping Plan, which contains measures designed to achieve the state's GHG reduction goals outlined in AB32. Moreover, the project would not contain any stationary sources that are subject to state or federal GHG permitting or reporting regulations

2.8 HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Hazards, hazardous materials, airport related hazards, and emergency response are not evaluated in the project NEPA documents (EA and FONSI). A discussion of these CEQA factors of consideration is presented below. The EA (p. 10) discusses wildland fires stating, “the program will include fire prevention measures to be implemented by employees during project activities.” These measures include completion of a project specific Fire Plan. The Fire Plan outlines the channels of responsibility for fire prevention and suppression activities and

establishes procedures that will be implemented in the event that a fire occurs within the project area or in the near vicinity. The Fire Plan is developed by SBNF fire staff after they have reviewed and discussed activities that will occur with the project leader. The Fire Plan is approved by the District Ranger and discussed and signed by all equipment operators and contractors. Project workers review the Fire Plan daily to determine how to proceed that day, if operations will continue the following day or if restrictions are required.

Discussion:

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. Chemical and physical properties such as toxicity, ignitability, corrosivity, and reactivity, cause a substance to be considered hazardous. These properties are defined in the California Code of Regulations (CCR), Title 22, sections 66261.20-66261.24. A “hazardous waste” is any hazardous material that is discarded, abandoned, or to be recycled. The criteria that render a material hazardous also make a waste hazardous (California Health and Safety Code § 25117). According to this definition, fuels, motor oil, and lubricants in use at a typical construction site and airborne lead built up along roadways could be considered hazardous.

Hazardous Materials. The project area does not include any sites which are included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 (USFS 2014). No hazardous materials area planned to be brought to the project area, with the exception of fuel required to power the heavy equipment, including diesel fuel and gasoline. These materials would be contained within the vehicle fuel tanks, and no refilling of the fuels would be conducted on site. Therefore, these fuels would not cause an impact either through transport, use, or disposal of hazardous materials or by posing a risk of release of hazardous materials into the environment.

There are no schools within one-quarter mile of the project area (DeLorme 2011).

Airports. The nearest airports to the project are the Ontario Airport to the southwest and the Apple Valley Airport to the northeast; each is located more than 30 miles from the project area. No portions of the project area are located within the airport compatibility influence area of the Ontario International Airport (Mead and Hunt 2011). The project activities would not impact airport operations or create aviation related safety issues.

Emergency Plans. The proposed project would not change access roads into or out of SBNF or otherwise impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (USFS 2014)

2.9 HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Hydrology is addressed in the EA (p. 27-29). According to the EA, both the OHV trails and staging area would follow a full and complete set of BMPs including adherence to a written erosion control plan and all applicable State Water Board permit(s) as well as ongoing monitoring of the project area intended to address immediate and long-term natural resource issues. Since there are no wetlands or permanent waters in the project area the impacts on hydrology and water quality is less than significant. According to the EA (p. 21), the project "would improve riparian habitat conditions with the elimination of the OHV user-created route in Manzanita Wash and its relocation out of the riparian area to the upland area on the west."

The discussion below addresses hydrology and water quality CEQA factors of consideration that were not addressed in the EA.

Environmental Setting:

The following is taken from the Archaeological Investigation at Baldy Mesa-Cajon Divide for the Baldy Mesa OHV Recreation Trails Project (Milburn et. al. 2007, p. 8).

Currently there are no known permanent springs or perennial sources of water within the project area. The incidence of willows (*Salix* spp.) and elderberry trees (*Sambucus* spp.) near the head of Sanford Pass Wash, and in a few other drainages, indicates seasonal flows and/or limited amounts of subsurface water at these specific locations. Springs and seasonal water flows occur in West Cajon Valley, Central Cajon, and in Crowder Canyon. Perennial springs and surface flows of water occur several miles to the south of the study area in Cajon Canyon. These sources of water are greatly reduced in volume by early summer and, in any event, are not readily accessible from most of the Baldy Mesa project area.

Discussion:

Water Quality Violations. The project would not create new discharges or sources of runoff that would enter a waterway. No aspects of the project would violate water quality standards or conflict with waste discharge requirements.

Groundwater Supplies. The project would not increase water use, create a demand on groundwater supply, or otherwise interfere with groundwater volumes or recharge rates.

Drainage Patterns. The project activities would involve ground disturbance from formalization of existing unauthorized trails, construction of a new trail segment, and obliteration and restoration of user-created trails. These activities would not alter drainage patterns in the project area as all work would be done in accordance with an erosion control and drainage plan. The project would not increase erosion or flooding in the vicinity of the project.

Drainage Systems. The project would not add stormwater runoff to an existing or planned storm drainage system. No impervious surfaces are proposed that would increase runoff. The project would not create a source of polluted runoff.

Flood Hazards. The project does not place housing or other structures in a 100-year flood zone. The project sites are not located in an area which exposes people to flood risk such as a levee or dam failure.

Seiche, Tsunami, and Mudflow. The project is not located near a large body of water that would inundate the project area with water from a seiche or tsunami or near hills that would result in a mudflow.

2.10 LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Land use and planning impacts are not evaluated in the project NEPA documents (EA and FONSI). A discussion of these CEQA factors of consideration is presented below.

Discussion:

Established Community. The project has no components that would divide an established community. All project activities are contained within the National Forest boundary. Issues related to OHV trespass on private property north of the National Forest boundary are addressed in Section 2.14 Recreation below.

Land Use Plans and Policies. None of the proposed work would change the nature of any land use within the area or conflict with any land use plans. According to the FONSI (p. 3), the project implements the SBNF Land Management Plan (2006) by providing sustainable OHV recreation in the Cajon OHV area. The project was designed to implement the Program Strategies and Tactics outlined in the LMP for the Cajon Area. The project incorporates the Standards from the Forest Plan in the Design Features.

Habitat Plans. The project area is not located in an area covered by a habitat conservation plan or natural community conservation plan.

2.11 MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local -general plan, specific plan or other land use plan?	☐	☐	☐	☒

Mineral resource impacts are not evaluated in the project NEPA documents (EA and FONSI). A discussion of this CEQA factor of consideration is presented below.

Discussion:

No important mineral resources would be affected by the project, which is to improve the use and management of OHV and other recreational uses in the Baldy Mesa area. The availability of any mineral resources would not be affected by work in the project area. The project involves formalizing existing trails into a designated route, creating a segment of a new trail to join the existing trail route, and obliterating and restoring user-created trails.

2.12 NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Noise impacts are not specifically evaluated in the project NEPA documents (EA and FONSI). However, due to potential impacts of noise on residents north of the project area the loop trail was moved farther south, away from the boundary, as part of the design and planning process. A discussion of CEQA factors related to noise is presented below.

Environmental Setting:

The project area is characterized by an active noise environment including noise from traffic on nearby I-15 and SR 138, rail traffic on major railroads that pass through the lower portion of the project area, and OHV use within the designated use area. Weekend and holiday noise related to OHV recreation is higher due to higher use levels on weekends. Sensitive receptors related to noise are rural residences located north of the project boundary, which are more than ¼ mile from the proposed designated OHV route. Complicating the noise environment of the rural residences is the proliferation of OHV use on the many dirt trails located on private land north of the USFS boundary.

Discussion:

Noise Standards. Project activity would result in a temporary noise increase in the vicinity of work areas as described below. Noise levels generated by construction equipment or recreational vehicles in the project area are not subject to regulation by local general plan or

noise ordinance given the location on federal land in a national forest. National Forest Land Resource Management Plans do not have Standards and Guidelines that restrict noise levels of construction equipment or OHVs. Thus, noise associated with project activity would not occur in excess of established standards.

Groundborne Vibration. Localized ground vibrations may occur during implementation of the project at specific work areas due the use of heavy equipment. However, ground vibrations from heavy equipment would be limited to the hours between 7:00 a.m. and 5:00 p.m., Monday through Friday, and for a period of approximately 120 days. There are no sensitive receptors in the vicinity of the specific project areas that would be affected by vibrations caused by heavy equipment use.

Permanent Noise Increase. Once project work has been completed the heavy equipment used to conduct the work would be removed. The trail system would be subject to trail and other facility maintenance, which has been ongoing in the past. Noise associated with OHV use would be shifted to the new route, but generally there would be no new sources of permanent noise in the project area. Potential conflict between OHV users and adjoining private lands to the north was analyzed in the Cajon Pass Travel Analysis Process (TAP), FONSI (p. 4). In response to the TAP, the USFS placed the trail system farther south, away from the northern boundary, with route variations to reduce the effects of noise and dust to nearby homeowners (USFS 2013).

Temporary Noise Increase. Noise in the vicinity of work areas would temporarily increase with the use of heavy equipment needed to widen and surface grade the designated route, for formalizing the staging area, for installing gates, barriers, and fencing, and for restoring user-created trails. Noise from heavy equipment would be limited to the hours between 7:00 a.m. and 5:00 p.m., Monday through Friday, and for a period of approximately 120 days. Since sensitive receptors are, at a minimum, more than ¼ mile from specific sites that would be subject to heavy equipment use, they will not be affected by project-related noise.

Airport Noise. The nearest airports to the project are the Ontario Airport to the southwest and the Apple Valley Airport to the northeast; each are located more than thirty miles from the project site. No portions of the project area are located within the airport compatibility influence area of the Ontario International Airport (Mead and Hunt 2011). No portions of the project area are located within the 60 dBA CNEL zone of the airports. Implementation of the project would not affect or result in exposure of people to excessive noise levels from an airport.

2.13 POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Population and housing impacts are not evaluated in the project NEPA documents (EA and FONSI). A discussion of these CEQA factors of consideration is presented below.

Discussion:

The project is located in a national forest and would not induce population growth. The proposed project activities involve creating a designated trail system, defining recreational use boundaries, blocking access to areas closed to public use, formalizing an existing staging area, and rehabilitating user-created trails. The project would not introduce new land uses that would trigger population growth.

The project would not displace any existing houses as all activities would take place in the national forest. Additionally, there would be no displacement of people requiring the construction of replacement housing elsewhere.

2.14 PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☐	☒
ii) Police protection?	☐	☐	☐	☒
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☐	☐	☐	☒

Public service impacts are not evaluated in the project NEPA documents (EA and FONSI). A discussion of these CEQA factors of consideration is presented below.

Discussion:

The project would not increase the need for fire or police protection services or create an adverse impact on these protection services. The project area is monitored by USFS Law Enforcement Officers, which are assigned by the USFS on an as needed basis.

The project would not affect the number of students served by local schools, nor bring in new residents requiring the construction of additional schools.

The project would not result in an increased number of residents or visitors using nearby community parks. Although the USFS assumed a five percent increase of OHV use on the Baldy Mesa trails for analysis purposes, that assumption includes both continuing and future demand for OHV recreation opportunities (USFS 2004). The project itself is not expected to substantially increase visitor use within the national forest or OHV use of the Baldy Mesa OHV Trail System. Rather it is creating a more managed OHV opportunity and reducing potential conflicts with other users.

No other public facilities would be affected by the project.

2.15 RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

OHV recreation is addressed in the EA (pp. 17-20). Potential conflicts between user groups were analyzed in the EA and the Cajon Place TAP and documented in the Decision Notice & FONSI (p. 4).

The EA and resulting Decision Memo and FONSI conclude that there would be no significant change in recreation opportunities caused by the project. The discussion below addresses CEQA factors of consideration not included in the EA.

Private property trespass was addressed in the SCMF restoration grant, which includes the installation of five miles of fencing at the USFS's northern boundary (Figure 1.1). The fence would preclude OHVs from entering the SBNF from the private lands and would also prevent OHVs using the loop trail from entering private property. The fence along with the obliteration of unauthorized trails leading off the loop trail towards the private property would help reduce incursions onto private property.

In addition to the CEQA thresholds identified for recreation in the table above, the following additional threshold was used to evaluate the project's impact on trail recreation. Would the project:

- Create safety conflicts between motorized and non-motorized users of the trail system or quality of recreation experience conflicts for trail users such that additional facilities would need to be provided, the construction of which might have an adverse physical effect on the environment.

Discussion:

Increased Visitor Use/Changed Recreational Opportunities. The project would not increase visitor use at the national forest such that new recreational facilities would be needed, nor would it cause motorized recreationists to intensify uses on other facilities. No neighborhood or regional parks are located in the vicinity of the project site.

Expansion of Recreational Facilities. Little overall change in recreational use is anticipated; however, for analysis purposes use for the EA, the USFS assumed OHV use of the Baldy Mesa trails would increase roughly five percent (EA pg. 35). This assumed increase reflects continuing and future demand for OHV recreation opportunities (EA pg. 35). The project is meant to accommodate the existing and future users and would not require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

Conflicts between Motorized and Non-Motorized Use. At a public meeting held to obtain input for this CEQA document, several members of the public expressed concern about the proposed five mile property boundary fence to be located along the northern property boundary (Figure 1.1). These public members stated the new fence would remove existing access to national forest lands from the north used primarily by pedestrians and equestrians and for access to the Sanford-Mormon Trail for historical re-enactments and educational purposes. The USFS has no jurisdiction on lands that are outside of the forest boundary. USFS representatives indicated that they intend to design and place the fence with the specific purpose of preventing OHV trespass onto the lands north of the forest boundary. They further indicated that the fence is not intended to prevent pedestrian and equestrian access, nor it is intended to prevent non-OHV use of the Sanford-Mormon Trail. Given this, access points across the boundary fence will have to be provided at appropriate locations.

IMPACT REC-1: The proposed fencing may block existing access to USFS land from private lands to the north used by pedestrians, equestrians, and Sanford-Mormon Trail users. Although designation of access points from private lands is a local planning issue, and outside of USFS or OHMVR Division jurisdiction, Mitigation Measure REC-1 would ensure there is a collaborative effort among the interested parties on the fence installation to avoid unintentional impacts to user groups.

Mitigation Measure REC-1: Prior to the commencement of fence installation the USFS and Southern California Mountains Foundation (SCMF) shall to the extent feasible collaborate with the local land use agency and interested parties to discuss the placement of the fence, the design, and potential pedestrian and equestrian access points.

Implementation: SBNF

Effectiveness: Would ensure that non-OHV recreationists accessing the Baldy Mesa from the north can still access the non-OHV trails that occur in the area.

Feasibility: Feasible

Monitoring: A representative from the OHMVR Division shall participate in the collaborative effort between the local land use agency and USFS/SCMF to ensure there is reasonable consensus on fence placement and design and that gates installed at the north entrance to the Sanford-Mormon Trail will not prevent non-OHV use of the Trail.

2.16 TRANSPORTATION/TRAFFIC

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

Transportation/traffic impacts are not evaluated in the project NEPA documents (EA and FONSI). The discussion below addresses traffic and transportation impacts as CEQA factors of consideration which were not included in the EA.

Setting:

The following setting information is excerpted from the TAP, January 2013. The Baldy Mesa area may be the busiest OHV riding area on the SBNF with on average roughly 600 OHV vehicles per week (65% motorcycle, 25% ATV and 10% UTV) (USFS 2013). This high use is primarily attributed to the year-long availability of the area and the relative easy access from adjoining communities. The current use is not sustainable given the available miles of 3N21 and 3N24 that are open to OHV use. An additional temporary 24-inch trail that parallels 3N24 has also been opened for use, but has not been included in the National Forest Transportation

System. The lack of a loop to allow vehicles to return has caused accidents in the past due to poor line of sight, blind corners, and high vehicle speeds. The project was designed to ameliorate this problem. Although the project will create a loop trail, it is not intended to be a racetrack. In fact, the SBNF would ensure that by installing speed reducing features and through law enforcement patrols.

Numerous unauthorized OHV trails have proliferated in the Baldy Mesa area in the vicinity of 3N53, 3N24, and 3N45. Trail proliferation impacts archeological sites, disturbs wildlife, destroys habitat, causes severe erosion, and causes law enforcement difficulties. The trails begin on adjoining private lands to the north and connect to 3N24. There are unauthorized staging areas in various places along 3N45 and 3N53.

The Baldy Mesa OHV staging area, which was user-created, was formalized in the 1980s with the installation of a vault toilet, picnic table, and signing. The staging area is accessed by Route 3N21, a five mile dirt road that is considered to be a long haul for tow vehicles. The turn on to 3N21 from SR 138 is difficult given the on/off ramp to I-15 at that location. The turn is hidden by topography, signing, and the adjoining on ramp. Access from SR 138 on to 3N24 has also been an issue in the past with difficult turns across traffic and slow vehicles entering on to SR 138. A small user-created parking area has been used over time where 3N24 adjoins SR 138.

The staging area was impacted by the construction of a third rail line, which reduced the area for parking and unloading. It also exacerbated the conflicts between the OHV use and the railroad operation. There have been issues with OHV users driving on the railroad tracks and the associated risks with trains.

Discussion:

Conflict with Plans/Programs. Project activities would take place on SBNF lands near highly populated areas of San Bernardino County. The project would not increase vehicle trips to the project area or alter existing circulation systems. No traffic management plans are in effect in the project area.

Air Traffic Patterns. The project does not affect air traffic patterns.

Create Hazards. The project would not introduce any hazards and would eliminate conflicts between users and the rail line through the placement of barriers around the staging area to delineate its boundary. This would prevent OHVs from accessing the rail line easement. The project includes trail crossing and other caution signage and outreach.

Emergency Access. Emergency access to or from the project area would not be affected by the project.

Alternate Transportation. Modes of alternate transportation, other than for recreational purposes, are not present in the project area.

2.17 UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (RWQCB)?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Utilities and service system impacts are not evaluated in the project NEPA documents (EA and FONSI). The discussion below addresses utilities and service system impacts as CEQA factors of consideration that were not included in the EA.

Discussion:

Waste and Wastewater Systems. The only utility and service system issue pertaining to the project relates to the improvements proposed to formalize the existing user-created staging area. Within the staging area two trash receptacles, picnic tables, signs, and a loading ramp would be installed. The staging area improvements would be maintained by USFS staff or their volunteers. The project would not require or result in construction of new or expanded water or wastewater treatment facilities. No other uses or activities are proposed at the site that would result in wastewater that would exceed RWQCB treatment requirements.

Stormwater. Project activities via the use of BMPs would maintain and/or improve stormwater conveyance over existing trails and staging areas so as to prevent erosion and siltation of downstream water bodies. The project does not require construction of storm drainage facilities.

Water Supply. No new water supplies or entitlements would be needed to complete the project. The project is designed to serve existing visitor use levels. The project would not cause an increase in water use or require construction of new water infrastructure.

Solid Waste. The project has no solid waste disposal needs, other than collecting waste at the staging area, and thus would not violate any federal, state, or local statutes or regulations related to solid waste.

2.18 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means the incremental effects of past projects, the effects of other current projects, and the effects of probably future projects as defined in Section 15130.)	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion:

Degraded Environment. Project related work would employ Design Criteria (EA, pp 10-15) during implementation to preserve the quality of the environment and to protect sensitive habitats and species, and heritage resources. Mitigation measure BIO-1 is recommended to protect the coast horned lizard, a California special-status species, from significant harm. These actions, combined with the resource conservation measures, would prevent substantial degradation of the environment and loss of species below self sustaining levels.

Although an important example of a major period of California history (the Sanford-Mormon Trail and Sanford Trail) is present in the project area, Design Criteria in the EA (EA, pg 12) and adherence to the requirements of the Programmatic Agreement between the USFS and the California State Historic Preservation Office with regard to Compliance with Section 106 of the National Historic Preservation Act will ensure that the trails remain intact and protected from degradation by OHV and other recreational uses.

Cumulative Impacts. The project has no impacts related to Aesthetics, Agriculture/Forestry, Hazards/Hazardous Materials, Hydrology, Land Use and Planning, Mineral Resources, Population/Housing, Public Services, Transportation, and Utilities. Therefore, there are no cumulative impacts related to these environmental factors

The project is found to have less than significant impacts on Air Quality, Cultural Resources, Geology/Soils, GHG Emissions, and Noise. The potential for significant biological and recreation impacts have been reduced by mitigation. With the exception of GHG emissions, all project impacts are highly localized and do not contribute toward cumulative impacts. There are no

other activities or proposed projects in the SBNF that would contribute toward the site-specific project impacts.

Cumulative impacts related to climate change (GHG emissions) and air quality are not anticipated as the project activities would not expand recreational facilities or result in increased visitation at the SBNF.

Effects on Human Beings. The project is the formalization of an OHV route and staging area and restoration of user-created trails within an established OHV trail system to define public use areas, restore closed areas, and reduce erosion in the forest. Use of Design Criteria during project implementation would prevent significant environmental effects from occurring. No substantial unavoidable adverse effects, either direct or indirect, are identified in this Initial Study. Mitigation measure REC-1 requires that the USFS coordinate with interested parties prior to designing and installing the five-mile boundary fence to ensure some appropriate points of pedestrian and equestrian access are maintained. This action, combined with the resource conservation measures, would prevent significant impacts related to recreational access.

Chapter 3 REFERENCES

Austin, David, Biologist, 2014. Email response to question regarding grazing allotment in the Baldy Mesa Trails project area. October 27, 2014.

Austin, David, Biologist, 2013a. Wildlife Biological Evaluation and Management Indicator Species Evaluations for Baldy Mesa OHV Trail Project, Front Country Ranger District, San Bernardino National Forest, August 20, 2013.

Austin, David, Biologist, 2013b. Biological Assessment for Baldy Mesa OHV Trails Rehabilitation Project, Front Country Ranger District, San Bernardino National Forest, August 13, 2013.

California Air Resources Board (CARB). 2014a. Mohave Desert AQMD List of Current Rules. Updated January 03, 2014. Updated January 03, 2014. Updated January 03, 2014. Updated January 03, 2014. http://www.arb.ca.gov/drdb/moj/cur.htm. Accessed September 11, 2014.

California Air Resources Board (CARB). 2014b. Area Designation Maps – State and National. Accessed October 17, 2014. <http://www.arb.ca.gov/desig/adm/adm.htm>

California Air Resources Board (CARB). May 2013. Mobile Source Emissions Inventory. Attachment C: Emissions Estimation Methodology Off-Highway Recreational Vehicles. CARB Planning and Technical Support Division.

California Air Resources Board (CARB). 2011a. Final Supplement to the AB 32 Scoping Plan Functional Equivalent Document. Released August 19, 2011. Sacramento, CA. Approved August 24, 2011. <http://www.arb.ca.gov/cc/scopingplan/fed.htm>

California Air Resources Board (CARB). 2011b. GHG Inventory Data. <http://arb.ca.gov/cc/inventory/data.data.htm>

California Emissions Estimator Model (CalEEMod). February 2011. Appendix D Default Data Tables. ENVIRON International Corporation.

California Air Resources Board (CARB). May 11, 2009. Climate Change Scoping Plan – A Framework for Change. Endorsed by ARB December 2008.Sacramento, CA. May 11, 2009. Accessed October 17, 2014. <http://www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm>

California Air Resources Board (CARB). 2007. Staff Report California 1990 Greenhouse Gas Emissions Level and 2020 Emissions Limit. Sacramento, CA. November 16, 2007. http://www.arb.ca.gov/cc/inventory/pubs/reports/staff_report_1990_level.pdf2009.

California Department of Conservation, 2010. Important Farmland Map (San Bernardino County Southern Section)

California Department of Conservation, 1974. Special Studies Zones (Earthquake Faults), Cajon Quadrangle. Official Map July 1, 1974

California Department of Fish and Wildlife (CDFW). Biogeographic Branch. 2015. California Natural Diversity Database. Data from March 9, 2015.

California Dept. of Parks and Recreation, Office of Historic Preservation, May 15, 2014. Letter to Jody Noiron, Forest Supervisor, San Bernardino NF from Carol Roland-Nawi, Ph.D., State Historic Preservation Officer, RE: Section 106 Consultation on Baldy Mesa OHV Trails Project.

DeLorme Atlas & Gazetteer. 2011. California.

Dudek, IFC International (Dudek). March 2012. Draft Species Account, Coast Horned Lizard (Phrynosoma blainvillii).

Kopp, Deveree, Botanist, 2014a. Horned lizard observation forms from the Front Country Wildlife biologist Kim Boss. Front Country Ranger District, San Bernardino National Forest, July 7, 2014.

Kopp, Deveree, Botanist, 2014b. Email response to question regarding grazing allotment in the Baldy Mesa Trails project area, fence design, and wildlife guzzlers. Front Country Ranger District, San Bernardino National Forest, October 27, 2014.

Mead and Hunt, 2011. LA/Ontario International Airport Land Use Compatibility Plan.

Milburn, Douglas H., John D. Goodman II, and U. K. Doan, Angeles and San Bernardino National Forests, September 2007, Archaeological Investigation at Baldy Mesa-Cajon Divide for the Baldy Mesa OHV Recreation Trails Project, San Bernardino National Forest, San Bernardino County, California

Mojave Desert Air Quality Management District (MDAQMD). August 2011. California Environmental Quality Act (CEQA) and Federal Conformity Guidelines. Accessed October 17, 2014. <http://www.mdaqmd.ca.gov/Modules/ShowDocument.aspx?documentid=2910>

Mojave Desert Air Quality Management District (MDAQMD). 2008. Mojave Desert Air Quality Management District (MDAQMD) Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area). http://www.mdaqmd.ca.gov/Modules/ShowDocument.aspx?documentid=40. Accessed September 10, 2014.

Mojave Desert Air Quality Management District (MDAQMD). 2004. Mojave Desert Air Quality Management District (MDAQMD) 2004 Ozone Attainment Plan (State and Federal). http://www.mdaqmd.ca.gov/Modules/ShowDocument.aspx?documentid=41. Accessed September 10, 2014.

Mojave Desert Air Quality Management District (MDAQMD). July 22, 1996. Mojave Desert Air Quality Management District Final Mojave Desert Planning Area Federal Particulate Matter (PM10) Attainment Plan. http://www.mdaqmd.ca.gov/Modules/ShowDocument.aspx?documentid=42. Accessed September 10, 2014.

National Oceanic and Atmospheric Administration (NOAA). 2010. “Mauna Loa CO2 Monthly Mean Data.” Trends in Atmospheric Carbon Dioxide. NOAA, Earth System Research Laboratory, Global Monitoring Division. Accessed March 17, 2014. <http://www.esrl.noaa.gov/gmd/ccgg/trends/>

Nelson, Debra, District Botanist, 2013. Botany Report Biological Assessment/Biological Evaluation and Invasive Weed Risk Assessment for Baldy Mesa OHV Trails and Staging Area Project, Front Country Ranger District, San Bernardino National Forest, August 15, 2013.

Office of Historic Preservation (OHP), CDPR. 2006. Programmatic Agreement (PA) among the USDA Forest Service, Pacific Southwest Region (Region 5), California State Historic Preservation Officer, Nevada State Historic Preservation Officer, and the Advisory Council on Historic Preservation regarding the Processes for Compliance with Section 106 of the National Historic Preservation Act for Management of Historic Properties by the National Forests of the Pacific Southwest Region.

Roland-Nawi, Carol Ph.D., State Historic Preservation Officer. 2014. Letter to Jody Noiron, Forest Supervisor, San Bernardino National Forest. RE: Section 106 Consultation on Baldy Mesa OHV Trails Project. May 15, 2014.

San Bernardino County. 2007 2007 Final General Plan. Prepared by URS Corporation. April 12, 2007.

Southern Mountains Foundation, 2014. Project Description for Grants and Cooperative Agreements Program – 2013/2014, 6/18/2014, Application: Development – Baldy Mesa Restoration

U.S. Forest Service (USFS), Mountaintop and Front Country Ranger Districts. January 2013. San Bernardino National Forest, San Bernardino County, CA. Travel Analysis Process (TAP) Report, Cajon Place Off-Highway Vehicle Use

USFS, San Bernardino National Forest. 2014. Project Description for Grants and Cooperative Agreements Program – 2013/2014, 6/18/2014, Application: Development – Baldy Mesa OHV Trails and Staging Area

USFS. August 5, 2004. Conformity Analysis Baldy Mesa OHV Reconstruction Project. Mountain Top Ranger District San Bernardino National Forest. Prepared by Mike McCorison.

Wells, William E. San Bernardino National Forest, Front County Ranger District. August 2013. Baldy Mesa OHV Trails and Staging Area Hydrologic – Soils Specialist Report

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APPENDIX A -- USFS FONSI AND EA

Decision Notice and Finding of No Significant Impact

Baldy Mesa OHV Trails and Staging Area

San Bernardino National Forest
Front Country Ranger District
San Bernardino County, California

Township 3 North, Range 6 West, Sections 3, 4, 5, 6, 10, 11, 12, 13, and 23

United States
Department of
Agriculture

Forest
Service

September 2013

Responsible Official:

Jody Noiron, Forest Supervisor
San Bernardino National Forest
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San Bernardino, CA 92408

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Introduction

This Decision Notice documents my decision for the Baldy Mesa Off-Highway Vehicle (OHV) Trails and Staging Area project in San Bernardino County, California. It explains the alternative I have selected, the rationale for my decision, the public input, and analysis that I considered within the Baldy Mesa OHV Trails and Staging Area Environmental Assessment.

My Decision and Rationale

I have decided to implement Alternative 2b, the Proposed Action analyzed in the Baldy Mesa OHV Trails and Staging Area Environmental Assessment (EA). I base my decision on the analysis in the EA and the specialist reports that supported the EA which are contained in the project record. Baldy Mesa currently has an estimated total of 78 miles of OHV trails, of which 68.4 miles are unauthorized, unmanaged, and unmaintained user created trails, and 9.6 miles are temporarily authorized NFS trail 3W24. In addition, unauthorized users have created multiple entry points onto the Forest from private land creating resource damage and degradation. The total miles of designated trail will be 23, while eliminating 55 miles of user created trail. This effort will eliminate duplicate and redundant trails, close user created entry points onto the Forest, and enable the Forest to maintain the trails to standard.

This decision meets the Purpose and Need of this project by increasing opportunities for sustainable OHV recreation in the Baldy Mesa area of the Front Country Ranger District by constructing new 50 inch trails, designating some user created trails into the system, and rehabilitating portions of the area that have been decimated by unauthorized OHV activities, and providing a recreation facility that supports sustainable recreation use in the Baldy Mesa area by reducing the safety hazards at the current OHV staging area.

My decision implements the San Bernardino National Forest Land Management Plan (2006) (Forest Plan) by providing sustainable OHV recreation opportunities in the Cajon Place. This project is designed to implement Program Strategies and Tactics outlined in the Forest Plan. The Proposed Action Alternative incorporates the Standards from the Forest Plan in the Design Features.

My criteria for making a decision on this project was based on how well the management actions analyzed in the EA meet the purpose and need and objectives of the project, and address issues raised during the scoping process and the comment period. I considered direction within the Forest Plan for the project area, and took into account competing interests and values of the public.

This decision is for this project only and has no bearing on future decisions. Additional information regarding the management activities planned for the Proposed Action can be found in the project record.

The Selected Alternative

The Proposed Action (Alternative 2b) was modified to move NFS trail 3W26 to the west of Manzanita Wash for the purpose of resource protection and to leave the parking area in the current location to avoid additional ground disturbance. These modifications were made based on public comments submitted during the 30-day comment period and informal consultation with the United States Fish & Wildlife Service.

The selected alternative will establish two 50 inch OHV loop trails, approximately 13.4 miles (4 miles of new trail construction and 9.4 miles of user created trails brought up to Forest Service standard). As seen on the attached Figure 1, NFS trail 3W25 will loop from NFS road 3N24 in the west and reconnect with 3N24, and NFS trail 3W26 will loop from 3W25 and connect with 3N24. The existing 9.6 mile temporary NFS trail 3W24 that roughly parallels NFS road 3N24 will be designated as a 50 inch OHV trail. The most westerly section of NFS road 3N24, 1.2 miles that connects to private lands and State Highway 138 would be removed from the OHV system, but would remain open to other traffic.

The staging area would be designated as an Adventure Pass site and use restricted to designated areas. The parking area will be delineated with barriers while still providing for access to permitted uses. The existing restroom and facilities will remain the same and the existing sign will be moved to a location more easily accessed.

All other unauthorized routes off of the final designated NFS trails and roads will be rehabilitated, typically within 200 feet of center line. Rehabilitation may occur up to the line of sight in an attempt to dissuade the continuance of unauthorized OHV use in the area.

The Design Features as described in the EA (pp. 10-15) are included as a part of my decision.

Consideration of Public Comments and Concerns

I have considered all comments that have been received to date on this project in making my decision. We invited interested and affected parties to review and comment on our initial proposal (Proposed Action - Alternative 2a) and the Purpose and Need for the project. I have reviewed all the public and internal comments and find that all concerns and issues have been considered. The complete comment analysis is in the project record.

Issue 1: Conflicts with OHV Users

Potential conflict between user groups is analyzed in this EA and in the Cajon Place Travel Analysis Process (TAP). The Proposed Action Alternative was designed to mitigate the conflicts that have historically occurred between user groups in the Baldy Mesa area. The ability to enforce use on designated trails allows for greater opportunity of other types of recreation outside of the designated trails.

Potential conflict between OHV users and adjoining private lands to the north is analyzed in this EA and in the Cajon Place TAP. The Proposed Action Alternative was designed to reduce the conflicts that currently occur by proposing trails further away from the northern boundary with route variations to reduce the effects of noise and dust to homeowners.

Issue 2: Opposition to More OHV Trails

Comments submitted during and after the 30-day comment period identified a desire to maintain or reduce the miles of OHV trail in the Baldy Mesa area. Alternative 3, which would remove OHV use in the Baldy Mesa area, was developed in response to this issue. This alternative was considered but eliminated from detailed study because it does not meet the Purpose and Need. The No Action Alternative analyzes maintaining the current miles of designated trails and the effects are disclosed in the EA.

Issue 3: Impacts to Manzanita Wash

In response to comments received during the 30-day comment period the Proposed Action Alternative was modified by changing the proposed alignment of NFS trail 3W26 out of Manzanita Wash. This modification responds to the impacts to water quality and the potential for flood events that would cause damage. The effects on the hydrology and soils are disclosed below and in the Baldy Mesa OHV Trails and Staging Area Hydrology report (Wells 2013).

Issue 4: Increased Disturbed Area

In response to comments received during the 30-day comment period, the Proposed Action was modified to reduce the disturbed area by leaving the parking area in the existing location while updating the amenities. User created trails are not currently built to standard or maintained, which creates the need for new construction or updates to bring them up to standard. Although the analysis of new construction appears to be adding additional miles to the system, this effort will actually reduce the total footprint by converting user created trails to standard and rehabilitating redundant routes. The effects of construction, and designation and restoration of user created trails is disclosed below.

Issue 5: Impacts to Desert Tortoise

The project area occurs within modeled habitat for Desert Tortoise, an endangered species. In response to comments received during the 30-day comment period the Proposed Action Alternative was modified to reduce the disturbed area by leaving the parking area in the existing area thereby reducing the impact to Desert Tortoise habitat. The effects to Desert Tortoise are disclosed below and in the Baldy Mesa OHV Trails Rehabilitation Biological Assessment (Austin 2013).

Public Involvement

This proposal was listed in the San Bernardino National Forest's Schedule of Proposed Actions (available on the Forest's public web site) on April 1, 2010. The legal notice for the Baldy Mesa OHV Trails and Staging Area project was published in the *San Bernardino Sun* on February 14, 2013, beginning a 30-day comment period, which closed on March 18, 2013. A legal notice was also published in the *Victorville Daily Press* on February 20, 2013. A public meeting was held at the US Forest Service Mormon Rocks Fire Station on March 2, 2013 and 11 parties attended. Five comments were received by email during this time period. Two comments and a petition with 1,148 signatures were received after this time period and are included in this analysis. The comment analysis and record of public involvement may be found in the project record.

Alternatives Considered

Two alternatives were considered in detail, Alternative 1 – No Action and Alternative 2b – Proposed Action as described in the EA on pages 6-15. A comparison of these alternatives can be found in the EA beginning on page 16. Additionally, three alternatives were considered but eliminated from detailed study, Alternative 2a – Proposed Action, Alterative 3 – Increased Motorcycle Opportunity, and Alternative 4 – Connected OHV Access. I believe the range of alternatives is adequate for this NEPA analysis and for the complexity of the project.

Finding of No Significant Impact (FONSI)

The Council on Environmental Quality (CEQ) regulations note that when an Environmental Assessment (EA) has been prepared, the responsible official shall review that document and determine whether the Proposed Action (selected alternative) may have a significant effect on the quality of the human environment and if an Environmental Impact Statement (EIS) should be prepared (40 CFR 1508.13).

I have reviewed the direct, indirect, and cumulative effects of the proposed activities documented in the environmental assessment. I have also reviewed the project record and specialist reports for this analysis and the effects of the Proposed Action and alternatives as disclosed in the EA. Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significance of effects. Significant, as used in NEPA requires consideration of both context and intensity:

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance will usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR 1580.27).

The analysis in the EA and project record considered the context of the impacts associated with Alternative 2b – Proposed Action at multiple scales and across time.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action.

Criteria to determine significance were evaluated as follows:

1. *Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*

   My decision is not biased by the beneficial effects of the action. The Proposed Action Alternative would have some environmental impacts induced by ground disturbance, although limited to the surface as disclosed in the EA (pp. 20-38).

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

   The health and safety of the public will increase by managing the OHV activity in Baldy Mesa by establishing and designating OHV trails. This will reduce conflics with other user groups by identifying the specifc locations that OHV users can travel. OHV users currently interface other user groups creating a potentially dangerous situation. The updated and reorganized parking area will be easier to use and allow users to enter and exit the area in a safer manner.

3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

   There will be no significant effects on unique characteristics or ecologically senstive areas because cultural, biological, botanical, and hydrological reviews concluded insignificance (EA, pp. 20-34). No park lands, prime farmlands, wetlands, or wild and scenic rivers occur in

the project area or would be impacted from the actions being taken.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

   Issues were raised during scoping, including a petition to stop the project. Through the interdisciplinary process those issues were addressed to the extent possible so that multiple uses may continue to be achieved by different user groups in the Baldy Mesa area. The Proposed Action Alternative does not introduce new or unfamiliar management activities, but includes standard operating procedures used to construct and maintain trails forest wide. The methods being proposed for implementation are not controversial and are consistent with best management practices.

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

   We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk.

6. *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.*

   Travel analysis is an ongoing activity and part of National Forest management. The travel analysis process takes into consideration current and future needs for travel while balancing natural resource managent. Wilderness, roadless, and non-motorized locations are identified in the Forest Plan, for which travel does not take place. Authorizing travel within areas specifically identified as eligible for travel is consistent and does not represent a significant effect or future predidence. No precedent for future actions with significant effects is initiated through this decision.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*

   Cumulative impacts were analyzed for each resource area. The cumulative impacts are not significant (EA, pp. 20-38).

8. *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 Proposed Action Alternative will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. (EA, pg. 34). The Proposed Action Alternative will also not cause loss or destruction of significant scientific, cultural, or historical resources.

9. *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 Proposed Action Alternative 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, as described in the Biological Asessment and Evaluation for Plants and Animals

(EA, pp. 23 and 26).

A Biological Evaluation and Management Indicator Species Evaluation were conducted for this project to addresses the potential effects of the proposed project on Sensitive Species and Management Indicator Species and general vegetation and wildlife that are known or likely to occur in the project. A Biological Assessment (Austin 2013) for federally listed threatened and endangered species was prepared for this project. One Federally listed threatened animal, desert tortoise, is known to occur within the project area. Other listed species with modeled habitat but unknown occurrences within the project area are: arroyo toad, California condor, and southwest willow flycatcher. There is no designated Critical Habitat for any species within the project boundaries. There is no suitable breeding or roosting habitat for California condor in the project area, but potential foraging habitat does exist. The Proposed Action "May Affect – Not likely to Adversely Affect" desert tortoise, with possible beneficial effects from restoration activities and trail designations and closures. Critical habitat for the desert tortoise was designated on February 8, 1994 (59 FR 5820). The Forest is not within or near any designated or proposed Critical Habitat. The determination for all other listed species is No Effect. Informal consultation was initiated on August 13, 2013 with the U.S. Fish and Wildlife Service.

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

    The Proposed Action Alternative will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered. The Proposed Action Alternative is consistent with the San Bernardino National Forest Land Management Plan (2006).

Based upon the review of the test for significance and the environmental analysis conducted, I have determined that the selected alternative analyzed for the Baldy Mesa OHV Trails and Staging Area project will not significantly affect the quality of the human environment. Accordingly, I have determined that an environmental impact statement need not be prepared for this project.

Findings Required by Other Laws and Regulations

National Forest Management Act of 1976, as amended

All management practices and activities in the selected alternative are consistent with Forest Service management direction, including Forest-wide Direction and Management Area (Places) emphasis in the San Bernardino National Forest Land Management Plan. The Forest Plan complies with all resource integration and management requirements of 36 CFR 219.14 through 219.27 and conforms to requirements of the National Forest Management Act of 1976. Application of Forest Plan direction for the project ensures compliance at the project level. With the inclusion of Forest Plan direction, this proposed project will move the existing condition toward the proposed desired condition.

Endangered Species Act of 1973, as amended

A Biological Evaluation and Management Indicator Species Evaluation were conducted for this project to addresses the potential effects of the proposed project on Sensitive Species and

Management Indicator Species and general vegetation and wildlife that are known or likely to occur in the project. A Biological Assessment (Austin 2013) for federally listed threatened and endangered species was prepared for this project. One Federally listed threatened animal, desert tortoise, is known to occur within the project area. Other listed species with modeled habitat but unknown occurrences within the project area are: arroyo toad, California condor, and southwest willow flycatcher. There is no designated Critical Habitat for any species within the project boundaries. There is no suitable breeding or roosting habitat for California condor in the project area, but potential foraging habitat does exist. The Proposed Action "May Affect – Not likely to Adversely Affect" desert tortoise, with possible beneficial effects from restoration activities and trail designations and closures. Critical habitat for the desert tortoise was designated on February 8, 1994 (59 FR 5820). The Forest is not within or near any designated or proposed Critical Habitat. The determination for all other listed species is No Effect. Informal consultation was initiated on August 13, 2013 with the U.S. Fish and Wildlife Service. A letter of concurrence was received on September 27, 2013.

Federal Water Pollution Control Act (Clean Water Act) of 1972, as amended

The State Water Resources Control Board has (SWRCB) been designated regulatory authority to enforce provisions of the Clean Water Act by the Environmental Protection Area. In 1981, the SWRCB and Region 5 of the Forest Service executed a Management Area Agreement to designate the Forest Service in California as a Water Quality Management Agency. The Forest Service has agreed and is required to accept responsibility for the implementation and effectiveness of projects under the Clean Water Act for NFS lands in the State of California; and to provide periodic project site reviews to ascertain implementation of management practices and environmental constraints identified in the environmental document. All projects are reviewed by the applicable Regional Water Quality Control Board (RWQCB) and additional requirements or management activities are incorporated into the design through consultation with the RWQCB.

On August 19, 1999, the State Water Board reissued the General Construction Storm Water Permit (Water Quality Order 99-08-DWQ). On December 8, 1999, the State Water Board amended Order 99-08-DWQ to apply to sites as small as one acre. The Baldy Mesa project construction will disturb ground on greater than one acre, thus requiring the acquisition of a General Construction Permit prior to implementation.

The required Erosion Control Plan (per R5 FSH 2509.22 Ch. 10, BMP 2.13) will be incorporated into the General Construction Permit filing along with any other monitoring and reporting as directed by the State Water Board.

National Historic Preservation Act of 1966, as amended

The Proposed Action Alternative will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The Proposed Action Alternative will also not cause loss or destruction of significant scientific, cultural, or historical resources, (EA, Heritage Resources, pp. 29-33).

The San Bernardino National Forest has complied with the section 106 process by conducting a pedestrian survey, documented in Archaeological Reconnaissance Report 05-12-CA-091, dated 2007, and the recommendation of project redesign to avoid archaeological sites, the proposed implementation of standard resource protection measures for at risk sites, and ongoing

consultation with the San Manuel Band of Mission Indians and representatives of several local historical societies.

Clean Air Act of 1970 (as amended)

Based on the above data the project is considered to conform to the federally approved attainment plan and is assumed to not constitute a significant impact to the air quality of the Mojave Desert Air Quality Management District. A Conformity Determination is not required for this project. The project also complies with the Class I Wilderness requirements of the Clean Air Act. Fugitive dust is expected to be the major pollutant from this project, a majority of which will quickly disperse and fall out of the air column, causing no significant Air Quality Related Values impacts to the Class I wildernesses. No further air quality analysis is required.

Executive Order 11988, Clean Water

This project is fully consistent with this executive order.

Executive Order 12898, Environmental Justice

This executive order insures that, to the greatest extent practicable and permitted by law, all populations are provided the opportunity to comment before decisions are rendered on, are allowed to share in the benefits of, are not excluded from, and are not affected in a disproportionately high and adverse manner by, government programs and activities affecting human health or the environment. Implementation of any project activity is not anticipated to cause disproportionate adverse human health or environmental impacts to minority or low-income populations.

Executive Order 13112, Invasive Species

Implementation of the selected alternative will create conditions for the introduction and establishment of certain non-native plant species. As part of the Proposed Action Alternative, restoration action may be taken if new infestations of noxious weeds are detected to minimize spread.

Executive Order 13186, Migratory Birds

Management objectives of this executive order will be met. No significant impacts on migratory bird species are expected (Wildlife Report).

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 Code of Federal Regulations (CFR) Part 215. Notices of Appeal that do not meet the content requirements of 36 CFR 215.14 will be dismissed.

To be eligible to appeal this decision under 36 CFR Part 215.11, an individual or group must have provided a comment or otherwise expressed interest in this project by the close of the 30 day comment period that began on March 7, 2013. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14. Appeals must be submitted to:

Regional Forester
Attn: Appeals
USDA Forest Service
1323 Club Drive
Vallejo, CA 94592

Email: appeals-pacificsouthwest-regional-office@fs.fed.us

Their official hours are 8am to 4pm, Monday – Friday. The Appeal Deciding Officer must receive appeals within 45 days following the publication date of the legal notice of decision in the *San Bernardino Sun*. The publication date of the legal notice is the exclusive means for calculating the time to file an appeal. An appeal can be dismissed if it fails to meet the minimum content requirements of 36 CFR 215.14.

Implementation Date

As per 36 CFR 215.9, if no appeal is received within the legal appeal period, implementation of this decision may occur on, but not before, the fifth business day following the close of the appeal-filing period (36 CFR 215.15). If an appeal is filed, implementation may occur on, but not before the 15th business day following the date of appeal disposition (36 CFR 215.2).

Jody Noiron September 27, 2013

Jody Noiron Date
Forest Supervisor
San Bernardino National Forest

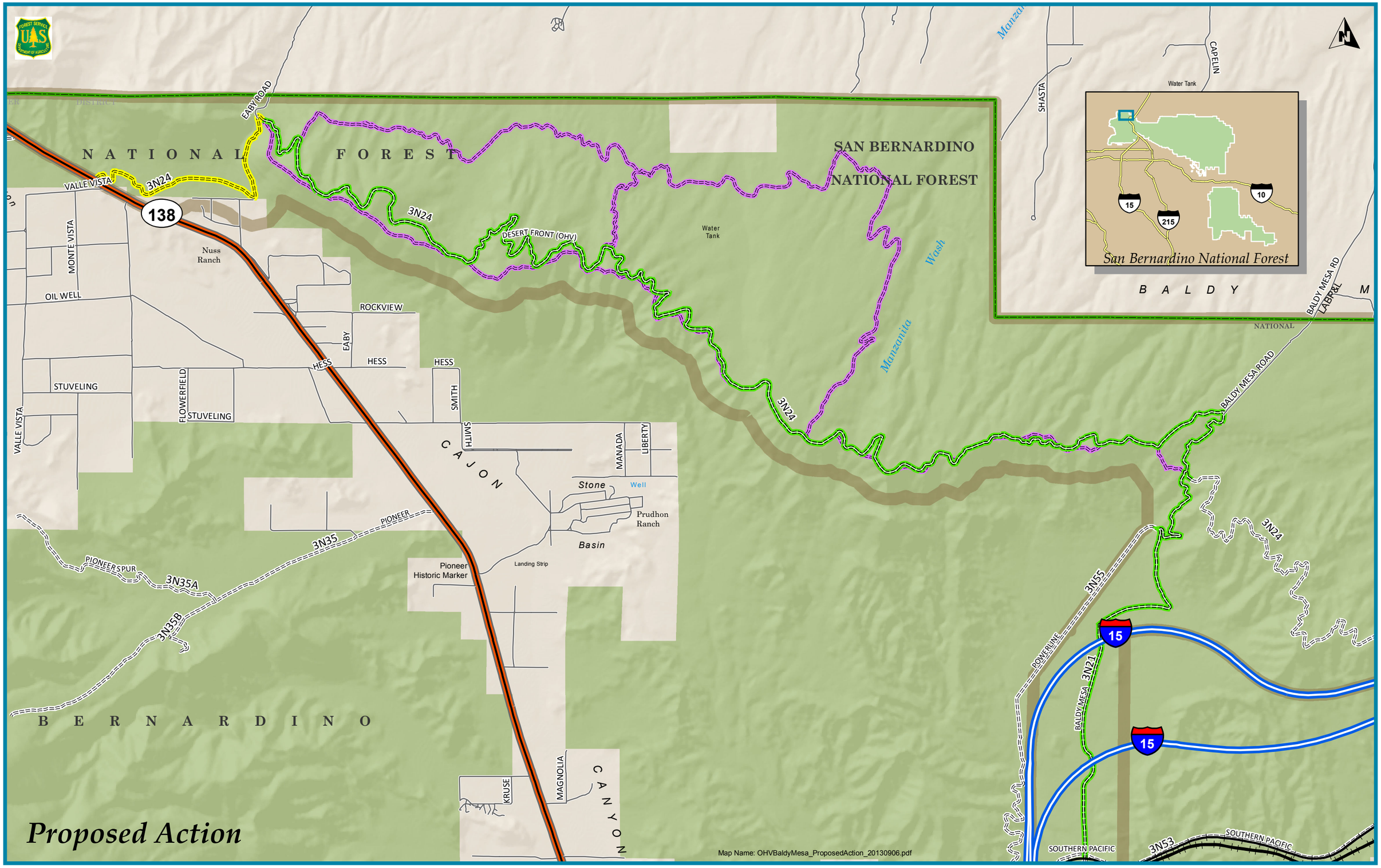
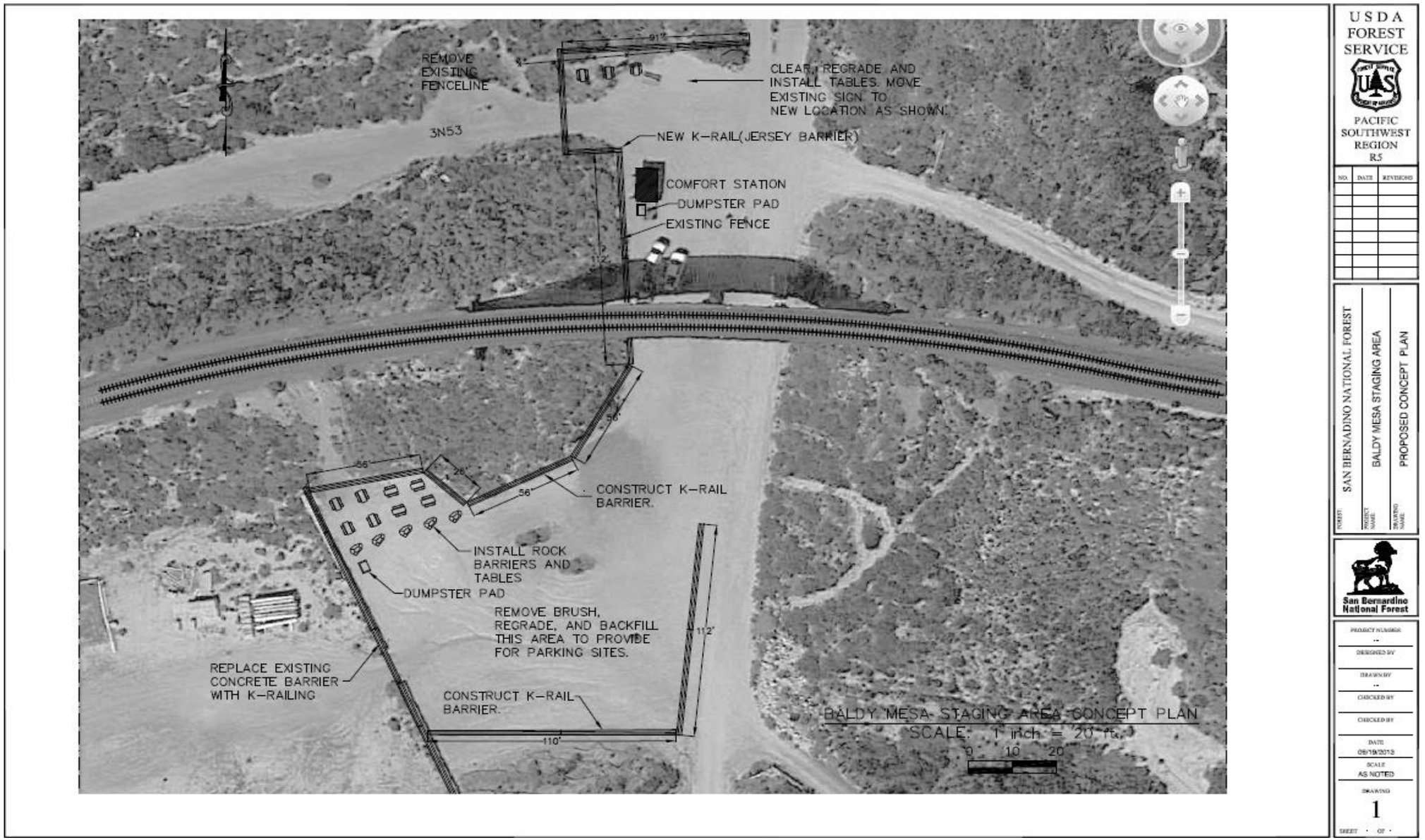

NATIONAL FOREST
SAN BERNARDINO NATIONAL FOREST
EABY ROAD
3N24
VALLE VISTA
138
MONTE VISTA
Nuss Ranch
OIL WELL
ROCKVIEW
EABY
HESS
HESS
HESS
STUVELING
FLOWERFIELD
STUVELING
SMITH
SMITH
VALLE VISTA
CAJON
MANADA
LIBERTY
Stone
Well
Prudhon Ranch
Basin
Landing Strip
Pioneer Historic Marker
PIONEER
3N35
PIONEER SPUR
3N35A
3N35B
BERNARDINO
KRUSE
MAGNOLIA
CANYON
DESERT FRONT (OHV)
Water Tank
Wash
Manzanita
3N24
Manzanita
SHASTA
CAPELIN
Water Tank
15
215
10
San Bernardino National Forest
BALDY
BALDY MESA RD
LABRAL
NATIONAL
BALDY MESA ROAD
3N24
3N55
POWERLINE
3N21
BALDY MESA
15
15
SOUTHERN PACIFIC
3N53
SOUTHERN PACIFIC
Proposed Action
Map Name: OHVBaldyMesa_ProposedAction_20130906.pdf
Baldy Mesa Project Boundary
Administrative Forest Boundary
Proposed OHV Route
Forest Road, Remove OHV Access
Forest Road, Open to OHV Use
Forest Road, Open to Highway Legal Vehicles Only
Interstate
State Highway
Local Road
Railroad
Forest Land
Miles
0 0.2 0.4 0.6 0.8 1
Author: T. Tennant, San Bernardino National Forest. Map Date: 9/6/2013

Figure 2: Baldy Mesa OHV Trails and Staging Area – Proposed Action Staging Area



USDA

United States
Department of
Agriculture

Forest
Service

September 2013

Environmental Assessment

Baldy Mesa OHV Trails and Staging Area

Front Country Ranger District, San Bernardino National Forest
San Bernardino County, California

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San Bernardino, CA 92408
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SUMMARY

The San Bernardino National Forest proposes to designate existing, user created trails, and also construct new trails in Baldy Mesa. New amenities will also be added to the Baldy Mesa Staging Area and the parking area will be reorganized to be more user friendly. The project area is located in the Cajon Pass and Baldy Mesa area of the San Bernardino National Forest (Forest) on the Front Country Ranger District (District), north of California Highway 138, near Interstate Highway 15 where it crosses the summit of Cajon Pass. The legal description for the project area is Township 3 North, Range 6 West, Sections 3, 4, 5, 6, 10, 11, 12, 13, and 23. This action is needed, because Human populations are increasing dramatically in the vicinity of the Forest, while opportunities for OHV use on both public and private lands is decreasing due to urbanization and requirements for environmental protection. This has increased pressures for OHV recreation at Baldy Mesa. The existing designated road and trail system for OHV use does not provide an adequate alternative to illegal use, which is currently causing unacceptable resource damage and is degrading the natural environment.

The existing staging area for Baldy Mesa is at the junction of NFS roads 3N21 and 3N53. Facilities include a restroom, signage, and a picnic table. The signage and picnic table are across NFS road 3N53 from the parking area and restroom. The staging area is primarily used in the winter months, November through May. On average over a week there is anywhere from 10 to 25 vehicles parked at the staging area and 10 to 30 OHVs on the trail (3N21). On weekends there can be more vehicles both at the staging area and on the trail, and on holiday weekends those numbers can triple. There is a need to provide a recreation facility that supports sustainable recreation use in the Baldy Mesa area by providing parking, restrooms, trash receptacles, and signage for OHV and other recreation uses. The natural surface parking area runs along a railroad track and under a railroad trestle. The area between the railroad tracks where some parking occurs is also part of Burlington Northern Santa Fe's permit as a storage area.

The Forest Service evaluated two alternatives in this Environmental Assessment (EA). Alternative 1: The Proposed Action would construct and maintain 13.4 miles of 50 inch OHV trails; designate and maintain 9.6 miles of NFS Trail 3W24 that are temporarily designated for OHV use; remove OHV use on 1.2 miles of NFS Road 3N24; reorganize the existing staging area to include additional amenities; and rehabilitate existing unauthorized routes within the project area. The proposed action may affect individual plants and animals, including some soil disturbance and erosion. Heritage resources will be flagged and avoided to the fullest extent, including the capping and protection of some sites. Alternative 2: The No Action would leave the current staging area the same and no new trails will be designated or constructed.

Based upon the effects of the alternatives, the responsible official will decide whether to implement the proposed action, modify the proposed action, or take no action at this time.

INTRODUCTION

Document Structure

The Forest Service has prepared this Environmental Assessment (EA) in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations. This Environmental Assessment discloses the direct, indirect, and cumulative environmental impacts that would result from the proposed action and alternatives. The document is organized into four parts:

- Introduction: The section includes information on the history of the project proposal, the purpose of and need for the project, and the agency's proposal for achieving that purpose and need. This section also details how the Forest Service informed the public of the proposal and how the public responded.
- Comparison of Alternatives: This section provides a more detailed description of the agency's proposed action as well as alternative methods for achieving the stated purpose. These alternatives were developed based on significant issues raised by the public and other agencies. This discussion also includes possible mitigation measures. Finally, this section provides a summary table of the environmental consequences associated with each alternative.
- Environmental Consequences: This section describes the environmental effects of implementing the proposed action and other alternatives. Within each section, the affected environment is described first, followed by the effects of the No Action Alternative that provides a baseline for evaluation and comparison of the other alternatives that follow.
- Agencies and Persons Consulted: This section provides a list of preparers and agencies consulted during the development of the environmental assessment.
- Appendices: The appendices provide more detailed information to support the analyses presented in the environmental assessment.

Additional documentation, including more detailed analyses of project-area resources, may be found in the project planning record located at the Forest Supervisor's Office.

Background

The project area is located in the Cajon Pass and Baldy Mesa area of the San Bernardino National Forest (Forest) on the Front Country Ranger District (District), north of California Highway 138, and near Interstate Highway 15 where it crosses the summit of Cajon Pass. The legal description for the project area is Township 3 North, Range 6 West, Sections 3, 4, 5, 6, 10, 11, 12, 13, and 23. Baldy Mesa is the District's "hot spot" for Off-Highway Vehicle (OHV) use (Figure 1). Baldy Mesa is very popular for OHV use due to its isolation, terrain, and historic use. OHV use on Baldy Mesa includes four wheeled vehicle, quad, and dirt-bike use on 14.84 miles of National Forest System (NFS) roads 3N21 and 3N24. (Figure 1)

The project area is located in and near Baldy Mesa, north of the communities of San Bernardino and Wrightwood, South and East of Phelan, and West of Oak Hills. This range is composed primarily of fractured and faulted granitic and metamorphic rocks. The

topography is mostly flat with some rolling hills to steep fissures. The soils are young and loose with a rapid rate of erosion. This area is a high desert climate, with little to any precipitation in most years, with most of the precipitation falling between November and April. The vegetative cover is primarily grasses and chaparral with limited pine and juniper on the slopes, although there is not a distinguished canopy cover.

A Travel Analysis Process (TAP) was completed for the Cajon Place of the San Bernardino National Forest, which includes the project area. The TAP analyzed the capacity of the existing road and motorized trail system and helps to identify some of the associated issues. From the TAP, recommendations were made based on the risks and benefits in the area. This process helped to inform the recreational use and management capability needs for this project.

Purpose and Need for Action

Human populations are increasing dramatically in the vicinity of the Forest, while opportunities for OHV use on both public and private lands is decreasing due to urbanization and requirements for environmental protection. This has increased pressures for OHV recreation at Baldy Mesa. At the present time, NFS roads 3N24 and 3N21, north of the existing staging area, are the only designated OHV "green sticker" routes on Baldy Mesa. However, there is a single track trail that roughly parallels 3N24 that is user created and has been temporarily authorized for green sticker vehicle use. The existing designated road and trail system for OHV use does not provide an adequate alternative to illegal use, which is currently causing unacceptable resource damage and is degrading the natural environment. The west end of 3N24 connects with State Highway 138. Riders can ride back and forth on 3N24 but cannot complete a loop route on designated system trails. The OHV system is accessed by NFS road 3N21 from State Highway 138 at Interstate Highway 15. All trail user groups including hikers, mountain bikers, and equestrians can use the OHV trails. Baldy Mesa adjoins private lands to the north, towards the town of Phelan. Riders entering NFS lands from the private lands do not encounter legal trails in much of the area, and have created their own trails. Many user created trails have also turned up on other parts of the mesa where riders have sought a "better ride" and disregarded the regulation that OHVs are allowed only on designated routes. Some of these user created trails are in suitable locations for OHV trails, but many are not. The Forest has been doing the routine maintenance of closing these trails and rehabilitating the land on an on-going basis as funding allows, but that maintenance has always lagged behind. There is a need to increase opportunities for sustainable OHV recreation in the Baldy Mesa area, where compatible with resource protection.

The existing staging area for Baldy Mesa is at the junction of NFS roads 3N21 and 3N53. Facilities include a restroom, signage, and a picnic table. The signage and picnic table are across NFS road 3N53 from the parking area and restroom. The staging area is primarily used in the winter months, November through May. On average over a week there is anywhere from 10 to 25 vehicles parked at the staging area and 10 to 30 OHVs on the trail (3N21). On weekends there can be more vehicles both at the staging area and on the trail, and on holiday weekends those numbers can triple. There is a need to provide a recreation facility that supports sustainable recreation use in the Baldy Mesa area by providing parking, restrooms, trash receptacles, and signage for OHV and other recreation uses.

The natural surface parking area runs along a railroad track and under a railroad trestle. The area between the railroad tracks where some parking occurs is also part of Burlington Northern Santa Fe's permit as a storage area. The proximity to the railroad track creates some conflict with railroad management since some recreationists drive their vehicles along and onto the tracks, and pedestrians also walk onto the tracks, which is a hazard. There is a need to reduce the safety hazards associated with the current staging area.

Proposed Action

The Front Country Ranger District, San Bernardino National Forest proposes to construct and maintain 13.4 miles of 50 inch OHV trails for use; designate and maintain 9.6 miles of NFS trail 3W24 that are temporarily designated for OHV use; remove OHV use on 1.2 miles of NFS road 3N24; reorganize the existing staging area to include additional amenities; and rehabilitate existing unauthorized routes within the project area.

Decision Framework

Given the purpose and need, the Forest Supervisor as the Responsible Official will review the proposed action, the other alternatives, and the environmental consequences in order to make the following decisions:

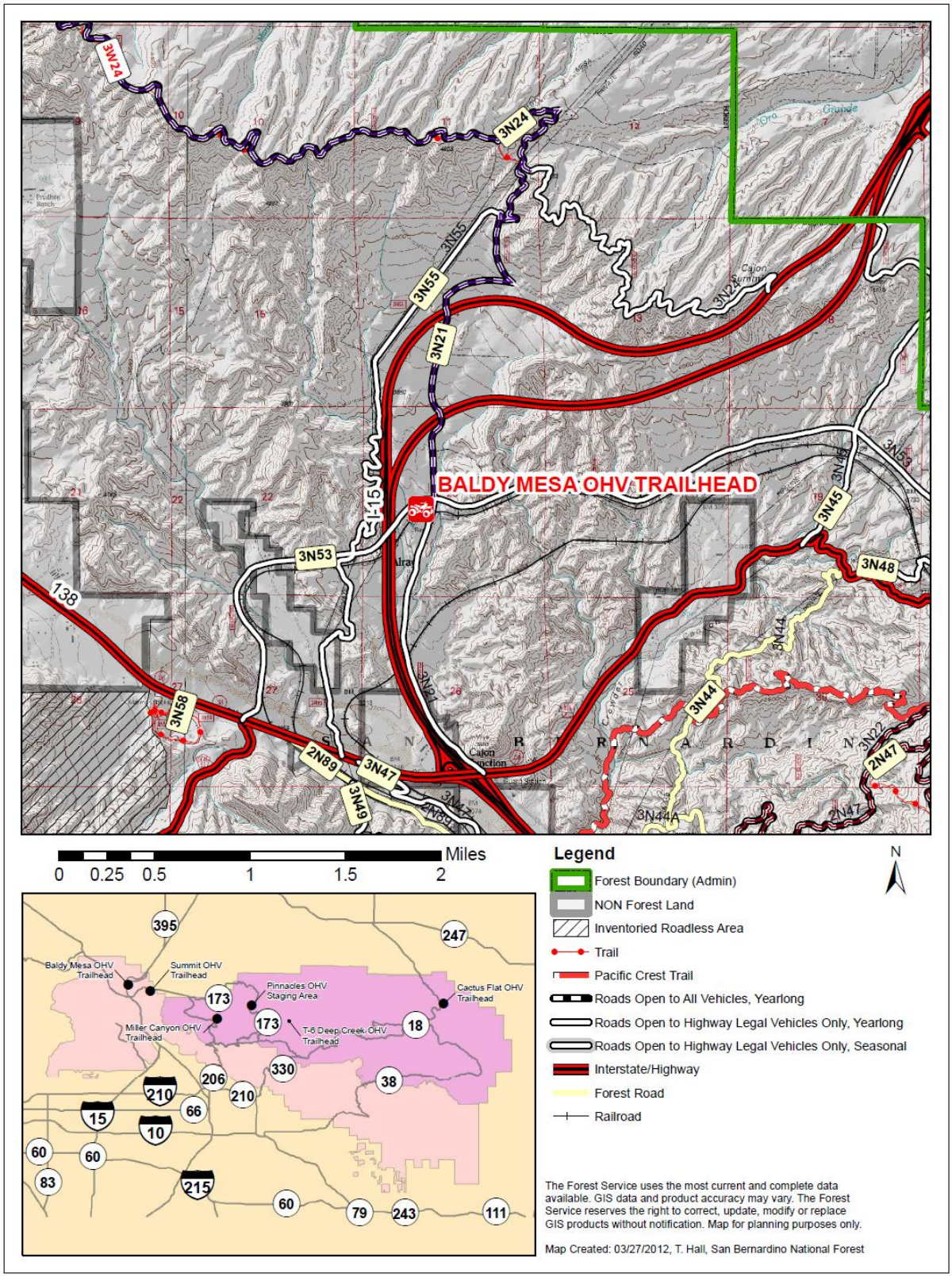
1. Will the proposed action proceed as proposed, be modified, an alternative be selected, or no action will be taken at this time?
2. What design features and monitoring requirements will the Forest Service implement with the approved actions?

Public Involvement

A project proposal to manage OHV use in the Baldy Mesa area has been worked on with varying degrees of public involvement since 2001. On October 1, 2001, public scoping was initiated with scoping letters mailed to interested and affected parties. Two letters of comment were received during the comment period. The project was first listed in the Schedule of Proposed Actions (SOPA) on April 1, 2010.

The legal notice for the Baldy Mesa OHV Trails and Staging Area project was published in the *San Bernardino Sun* on February 14, 2013, beginning a 30-day comment period, which closed on March 18, 2013. A legal notice was also published in the *Victorville Daily Press* on February 20, 2013. A public meeting was held at the US Forest Service Mormon Rocks Fire Station on March 2, 2013 and 11 parties attended. Five comments were received by email during this time period. Two comments and a petition with 1,148 signatures were received after this time period and are included in this analysis.

Figure 1: Baldy Mesa OHV Location Map



Issues

Since issues are phrased as cause-effect relationships, the concept of describing a specific action and the environmental effect(s) expected to result from that action applies whether one is using an EA or an EIS. Issues (cause-effect relationships) serve to highlight effects or unintended consequences that may occur from the proposed action, providing opportunities during the analysis to explore alternative ways to meet the purpose and need for the proposal while reducing adverse effects. The Forest Service identified five topics raised during scoping. These issues include:

Issue 1: Conflicts with OHV Users

Potential conflict between user groups is analyzed in this EA and in the Cajon Place TAP. The Proposed Action was designed to mitigate the conflicts that have historically occurred between user groups in the Baldy Mesa area. The ability to enforce use on designated trails allows for greater opportunity of other types of recreation outside of the designated trails.

Potential conflict between OHV users and adjoining private lands to the north is analyzed in this EA and in the Cajon Place TAP. The Proposed Action was designed to reduce the conflicts that currently occur by proposing trails further away from the northern boundary with route variations to reduce the effects of noise and dust to homeowners.

Issue 2: Opposition to More OHV Trails

Comments submitted during and after the 30-day comment period identified a desire to maintain or reduce the miles of OHV trail in the Baldy Mesa area. Alternative 3, which would remove OHV use in the Baldy Mesa area, was developed in response to this issue. This alternative was considered but eliminated from detailed study because it does not meet the Purpose and Need. The No Action analyzes maintaining the current miles of trails and the effects are disclosed below.

Issue 3: Impacts to Manzanita Wash

In response to comments received during the 30-day comment period the Proposed Action was modified by changing the proposed alignment of NFS trail 3W26 out of Manzanita Wash. This modification responds to the impacts to water quality and the potential for flood events that would cause damage. The effects on the hydrology and soils are disclosed below and in the Baldy Mesa OHV Trails and Staging Area Hydrology report (Wells 2013).

Issue 4: Increased Disturbed Area

In response to comments received during the 30-day comment period the Proposed Action was modified to reduce the disturbed area by leaving the parking area in the existing area. The Proposed Action also includes the construction of new trails rather than just using user created trails, which is needed because user created trails are not built to standard or maintained. The effects of construction, and designation and restoration of user created trails is disclosed below.

Issue 5: Impacts to Desert Tortoise

The project area occurs within modeled habitat for Desert Tortoise, an endangered species. In response to comments received during the 30-day comment period the Proposed Action was

modified to reduce the disturbed area by leaving the parking area in the existing area thereby reducing the impact to Desert Tortoise habitat. The effects to Desert Tortoise are disclosed below and in the Baldy Mesa OHV Trails Rehabilitation Biological Assessment (Austin 2013).

ALTERNATIVES, INCLUDING THE PROPOSED ACTION

This section describes and compares the alternatives considered for the Baldy Mesa OHV Trails and Staging Area project. This section also presents the alternatives in comparative form, defining the differences between each alternative and providing a basis for choice among options by the decision maker. Some of the information used to compare the alternatives is based upon the design of the alternative and some of the information is based upon the environmental, social, and economic effects of implementing each alternative.

Alternatives

Alternative 1 - No Action

Under the No Action alternative, the area would be managed status quo. User created routes would not be designated and no new construction would take place; rehabilitation would not take place. Continued efforts would be made by Forest Protection Officers and Law Enforcement to minimize the effects of unauthorized uses.

Alternative 2b - Proposed Action

The Proposed Action was modified to move NFS trail 3W26 to the west of Manzanita Wash and to leave the parking area in the current location. These modifications were made based on public comments submitted during the 30-day comment period.

The Front Country Ranger District, San Bernardino National Forest proposes to construct and maintain 13.4 miles of 50 inch OHV trails for use; designate and maintain 9.6 miles of NFS trail 3W24 that are temporarily designated for OHV use; remove OHV use on 1.2 miles of NFS road 3N24; reorganize the existing staging area to include additional amenities; and rehabilitate existing unauthorized routes within the project area (Figure 2).

Two 50 inch OHV loop trails, approximately 13.4 miles, will be constructed (new construction and user created trails). NFS trail 3W25 would loop from NFS road 3N24 in the west and connect back with 3N24, and the second, 3W26 would connect 3W25 with 3N24 and NFS trail 3W24.

The existing 9.6 mile temporary NFS trail 3W24 that roughly parallels NFS road 3N24 would be designated as a 50 inch OHV trail along the entire length of 3N24.

The most westerly section of NFS road 3N24, 1.2 miles that connects to private lands and State Highway 138 would be removed from the OHV system, but would remain open to other traffic.

The staging area would be designated as an Adventure Pass site and use limited to designated areas. The parking area will be delimited with barriers while still providing for access to permitted uses. The existing restroom and trash will remain, and the existing sign will be moved. Picnic areas will be designated.

All other existing unauthorized routes within the project area will be rehabilitated. Actions will typically occur within 200’ of center line of the final designated routes and along the northern boundary. Rehabilitation may occur to the line of sight in an attempt to dissuade the continuance of unauthorized OHV use in the area.

Figure 2: Baldy Mesa OHV Trails and Staging Area – Proposed Action Trails

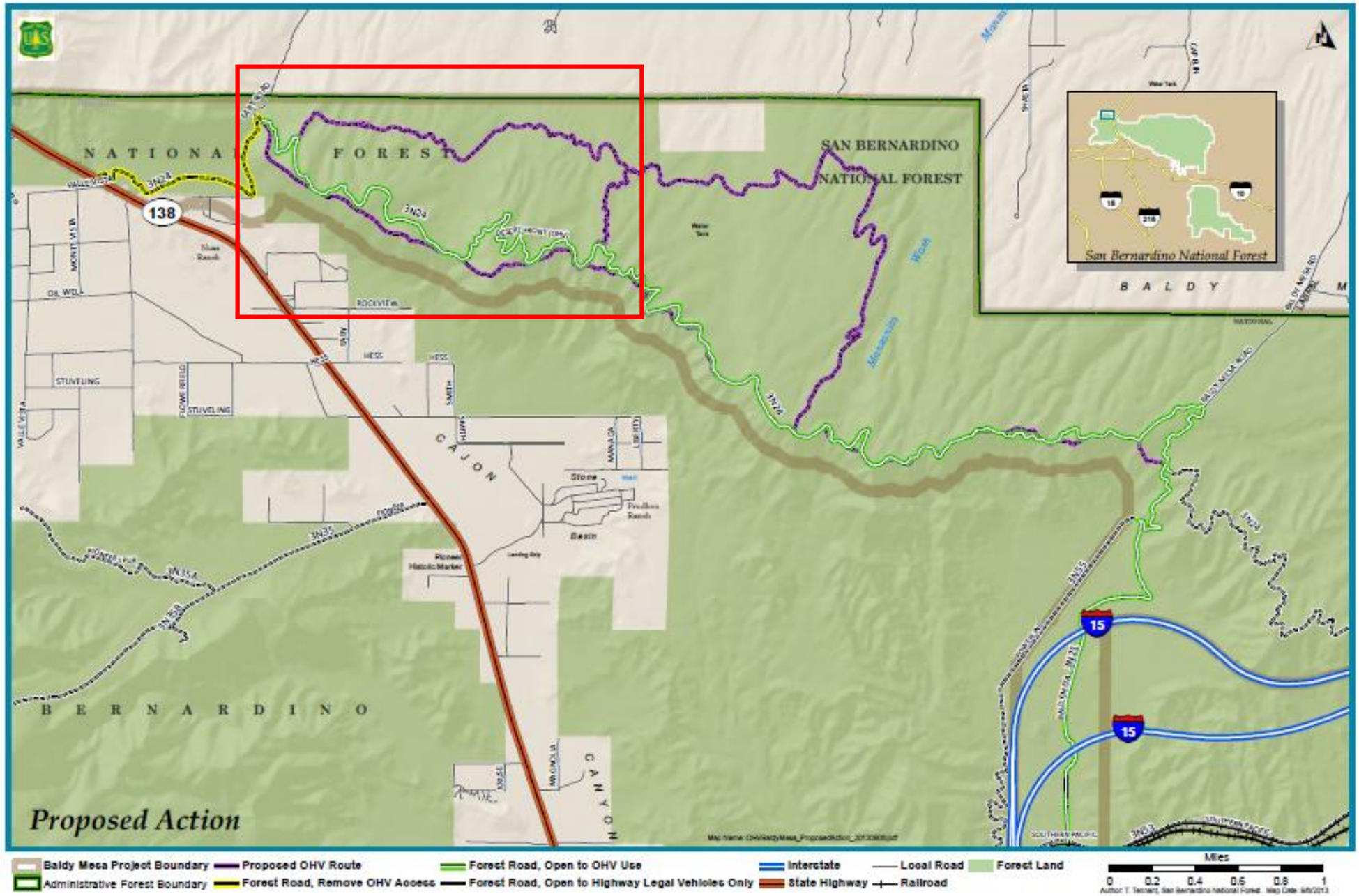
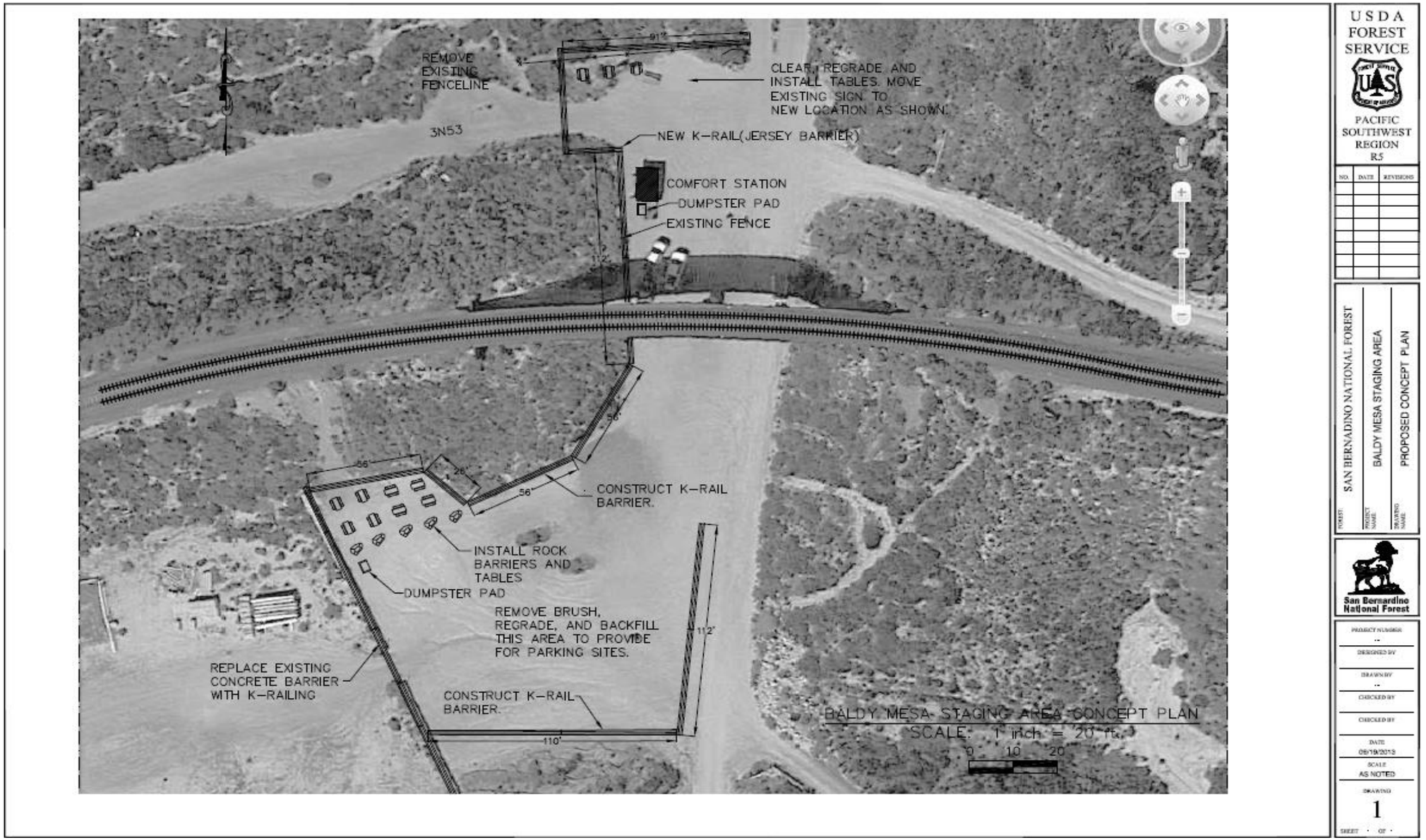


Figure 3: Baldy Mesa OHV Trails and Staging Area – Proposed Action Staging Area



Proposed Action Design Features

Type	Design Feature
Staging Area - 1	Layout parking area following guidelines, design to most efficiently accommodate design vehicle. Match the size of the trailhead facility to the carrying capacity of the area to be served. Other considerations include pull-through parking for vehicles with trailers, space for unloading trailers and stock trucks, and safety of vehicles while unattended (FSH 2309.18,2).
Staging Area - 2	When designing the staging area to dissipate rather than concentrate runoff, also design to reduce the risk that weed seed from existing infestations will be directed toward currently un-infested areas (FSM 2903.3).
Staging Area - 3	The area of disturbance shall be confined to the smallest practical area. All parking and equipment storage shall be confined to existing dirt access roads and previously disturbed areas.
Wildlife - 1	Temporary overburden and material/supplies storage piles would be stored in road bed or other previously disturbed site/clearing. No side-casting of materials.
Wildlife - 2	Work leaders and/or crew would receive information from a wildlife biologist and botanist to educate workers on special status species. Do not leave any trash behind. Crew members will not bring pets to the work sites. Crews would not intentionally injure or kill wildlife species (including snakes). Instead, animals would be allowed to leave the work area before work resumes. Project administrators, inspectors, and crews would be provided information on rare animals, rare plants, and weeds within project areas and provided direction for what to do if those species are encountered (including notification of a qualified biologist or botanist).
Wildlife - 3	No work after dusk or before dawn allowed (including lighting of work areas).
Wildlife - 4	Only vegetation encroaching in the road would be trimmed or removed. This includes riparian (e.g., willows) vegetation. If exceptions are needed for work outside the roadbeds, a biologist would need to do pre-work surveys. Flagging of avoidance areas and a monitor may be needed, depending on the survey findings.
Wildlife - 5	Modeled habitat for T/E species is considered to be suitable unless surveys indicate otherwise. Suitable habitat is considered to be occupied unless protocol level surveys are conducted and results are negative.
Wildlife - 6	The project manager would coordinate with the biologist to minimize disturbance of existing downed logs and rock outcrops that are suitable for rare species. If disturbance is unavoidable, a biologist may need to be present to monitor for sensitive species during disturbance of the habitat.
Wildlife - 7	If water from NFS sources is needed for project activities, the project manager would coordinate with a qualified biologist and botanist in advance of the work to ensure that no impacts occur.
Wildlife - 8	A biological monitor would be present immediately before and during implementation at stream crossings (e.g., low water crossings, culverts, and trenches), including all perennial streams and intermittent streams with water present, and meadows and springs to ensure protection of stream banks, water quality, and aquatic species. For stream crossings with water present and only road blading is occurring, no biological monitor or pre-surveys would be needed if the blade is lifted at the crossing. For stream crossings where the work is entirely within the roadbed and where no water is present on the road (e.g., culverted crossings), the biological monitor would not be necessary. Do not leave cut materials in drainage crossings. Crews are not permitted to loiter within riparian zones.
Wildlife - 9	The Forest Service and/or contractor(s) should develop a Water Pollution Control Plan. This plan should specify details related to sediment and hazardous materials control, dewatering or diversion structures, fueling and equipment management practices, and other factors determined by the forest project engineer and earth scientist or biologist.
Wildlife - 10	Refueling should not occur within RCAs. Fuel and other hazardous materials would also not be staged/stored in RCAs.
Desert Tortoise - 1	Prior to implementation of projects within desert tortoise habitat, a sensitive resource education program will be presented to all personnel who will be on-site, including surveyors, construction engineers, employees, contractors, employees, supervisors, inspectors, and all visitors. The program will include briefing sessions and handouts, both of which will be developed by biologists familiar with the biological requirements of the desert tortoise. At a minimum, the program will cover the distribution of desert tortoises, general behavior and ecology, sensitivity to human activities, legal protection, penalties for violation of State and Federal laws, reporting requirements, and project minimization measures. In addition, the program will include fire prevention measures to be implemented by employees during project activities.

Type	Design Feature
Desert Tortoise - 2	An authorized biologist shall conduct focused surveys for desert tortoise no earlier than 30 days prior to projects or activities that are in or within 300 feet of suitable habitat. Focused surveys shall follow the USFWS's desert tortoise survey protocol.
Desert Tortoise - 3	All important habitat features (*e.g*., desert tortoise burrows, vegetation with recent signs of foraging, etc.) within the project area and within 300 feet of the project area will be flagged to alert biological and work crews to their presence. Prior to the onset of work every day, all personnel will be briefed on locations of the flagged avoidance areas. Personnel will not be enter flagged areas, with the exception of the authorized biologist.
Desert Tortoise - 4	Identification/flagging of burrows or other habitat features will be done at least 10' away from the feature and in such a way as to minimize impacts (*e.g.*, trampling, creating trails, leaving sign that predators could follow) to the feature. Flagging will be removed at the end of each day in order to reduce the risk of poaching and predation.
Desert Tortoise - 5	To the extent possible, when working in desert tortoise habitat, previously-disturbed areas within the project site will be used for the stockpiling of excavated materials, storage of equipment, and parking of vehicles. The authorized biologist will review and survey any area to be used for stockpiling of material and parking prior to use. The authorized biologist will work with the field contact representative to select appropriate sites that minimize affect. The area of disturbance will be confined to the smallest practical area, considering topography, placement of facilities, and location of burrows. Work area boundaries will be delineated with flagging to avoid surface disturbance associated with vehicle straying.
Desert Tortoise - 6	Equipment and vehicle operators will watch for desert tortoise when driving. Vehicle speeds will not exceed 20 miles per hour to allow for adequate visibility.
Desert Tortoise - 7	All project vehicles in desert tortoise habitat will only use existing roads and trails. An authorized biologist will conduct desert tortoise surveys immediately prior to the onset of system road or trail maintenance in desert tortoise habitat.
Desert Tortoise - 8	Trenches or other excavations will be fenced with temporary desert tortoise-proof fencing, or covered at the close of each working day, or provided with tortoise escape ramps. All excavations will be inspected for desert tortoises prior to backfilling.
Desert Tortoise - 9	Dust control watering within desert tortoise habitat will be conducted in a manner that does not result in the pooling of water. If pooling occurs, these areas will be checked on a regular basis for the presence of desert tortoise. If a desert tortoise is attracted to the water, an authorized biologist will capture and relocate the animal, and the individual will be monitored to ensure it does not return to the pooled water.
Desert Tortoise - 10	Springs and wildlife drinkers in desert tortoise habitat will be retrofitted in such a way as to minimize the risk of drowning of desert tortoises, based on input by USFWS.
Desert Tortoise - 11	Immediately prior to moving any project-associated vehicle/equipment parked in desert tortoise habitat drivers must look underneath the vehicle/equipment and around all tires to ensure desert tortoises are not resting under the vehicle. If a desert tortoise is found under a vehicle and does not leave on its own within 15 minutes, then an authorized biologist may be called to relocate the animal out of harm's way. Relocated tortoises will be moved no more than 1000 feet from its original location unless USFWS provides different direction.
Desert Tortoise - 12	If a desert tortoise or burrow is found during project activities, all work will cease in the vicinity until the situation can be evaluated. The District Wildlife Biologist or if not available, the Assistant District Wildlife Biologist or Forest Biologist should be notified immediately of the finding and will make the determination on how to proceed. The District Ranger will also be notified. The biologist will make contact with U.S. Fish and Wildlife Service if necessary.
Desert Tortoise - 13	If no desert tortoise is detected within the project area or zone of influence during clearance surveys for the project, but desert tortoise sign is detected, an authorized biologist will inspect the affected site and zone of influence before the project activities begin.
Desert Tortoise - 14	For work or activities occurring in or within 1000' of occupied desert tortoise habitat (as evidenced by burrows, tortoise sign, or tortoises), an authorized biologist must be on site for the duration of the work/activities. Prior to the onset of work each day, the biologist (s) will survey the work site for tortoises. If tortoises are located, the biologist will determine how to proceed in such a way as to ensure that there are no impacts to individual tortoises and their habitat.
Desert Tortoise - 15	Observations of desert tortoises and their sign during project activities will be conveyed to the field contact representative or authorized biologist immediately.

Type	Design Feature
Desert Tortoise - 16	If determined necessary by the biologist, silt fences or other temporary barriers may be installed to prevent desert tortoise from wandering into open trenches or work areas. Areas to be fenced may be determined by evidence found during pre-work surveys and implementation monitoring. Fencing would avoid damage to burrows and foraging sites.
Desert Tortoise - 17	If a desert tortoise enters a work area during project activities, all project activities that could cause harm or injury will cease immediately. The authorized biologist will remove the desert tortoise from the work site, if they determine it is necessary. Desert Tortoise Handling Guidelines (Appendix 1 will be followed).
Desert Tortoise - 18	The SBNF will continue to monitor system roads/trails for development of unauthorized routes. Disguise/slash routes, install and maintain barriers and signs, restore with native plants, etc. The objectives are to correct the incursion as soon as possible to prevent continued use and to encourage users to stay on designated routes (including roads, hiking trails, and OHV trails). Methods should minimize ground disturbance and impacts. Where unauthorized routes occur in desert tortoise habitat, closure and restoration efforts will follow all applicable Design Criteria.
Desert Tortoise - 19	All ditch slopes and berm slopes will, to the extent possible, not exceed 30 percent except in mountainous areas. In level areas of desert tortoise habitat where the roadbed is significantly incised with a berm along both sides of the road, construct periodic "breaks" in existing road berms to provide additional low points that are intended to facilitate desert tortoise to safely exit the roadway. In suitable habitat and areas with known desert tortoise activity, the breaks should occur approximately every 500 feet (consistent with the distance for escape ramps and other devices for desert wildlife protection measures). Spacing will take into account location of washes, erosion control concerns, and function of the berm to reduce to potential for vehicles to egress the road. In areas of frequent off-road-vehicle use and little or no desert tortoise activity, the breaks will not be installed.
Desert Tortoise - 20	Where culverts or other drainage structures are needed, only those that allow safe passage of tortoises will be used.
Desert Tortoise - 21	Within desert tortoise habitat, any construction pipe, culverts, or similar structures with a diameter of 3 to 12 inches that are stored on the construction site for one or more nights will be inspected for tortoises before the material is moved, buried, or capped. As an alternative, all such structures may be capped before being stored on the construction site; alternatively, uncapped pipes will be stored within fenced areas or elevated so that desert tortoises cannot gain access to them
Desert Tortoise - 22	Avoid road/trail maintenance activities during the active tortoise season (March 1- Nov 1) in areas considered occupied by desert tortoise. If individuals are located, a Forest Service biologist may take actions (*e.g.*, temporary suspend work) to protect the species and habitat.
Desert Tortoise - 23	Signs directing the public to keep motorized and non-motorized vehicles on designated routes will be maintained on system roads and trails in desert tortoise habitat.
Desert Tortoise - 24	Decommissioned roads in desert tortoise habitat will remain decommissioned. They will be restored, barricaded, and monitored as necessary.
Desert Tortoise - 25	Occupied desert tortoise habitat will be monitored, to the greatest extent possible, for the development of activities that could negatively affect tortoises and habitat quality (*e.g.*, unauthorized bike or motorcycle trails, target shooting, illegal drug activities, squatting, etc.). Remedies will be developed as quickly as possible and USFWS coordination will occur as appropriate.
Heritage - 1	Heritage sites, both archaeological sites and living history sites (buildings, roads, etc) located within the analysis area will be protected from all adverse project actions as provided by the terms of the interim protocol to the Regional Programmatic Agreement.
Heritage - 2	Some heritage sites are archaeological sites that are within or adjacent to trails or roads. These archaeological sites will have their boundaries identified and flagged prior to any maintenance that may damage the sites. No maintenance will occur in any archaeological site that has not had the site components identified or recorded for appropriate avoidance and for monitoring.
Heritage - 3	Monitoring will follow the standards of the Forest Plan and as provided by the interim protocol to the Regional Programmatic Agreement. Monitoring requirements are at the discretion of the Heritage staff and may occur during or after project implementation.
Heritage - 4	If additional heritage resources are identified during project activities all work will stop in that area until the Heritage staff has been notified and the resource assessed.

Type	Design Feature
Hydrology - 1	Apply appropriate Best Management Practices (BMPs) to all design, construction, and reconstruction, including appropriate erosion control measures (USDA FS 2011b). • BMP 1.8 Streamside Management Zone (SMZ) Designation - Minimize potential for adverse effects from adjacent management activities along riparian areas, streams, and wetlands. • BMP 1.19 Streamcourse and aquatic protection - Conduct management actions within these areas in a manner that maintains or improves riparian and aquatic values by providing unobstructed passage of stormflows, controlling sediment and other pollutants entering streamcourses, and restoring the natural course of any stream as soon as practicable, where diversion of the stream has resulted from OHV activities. • BMP 2.2 General Guidelines for the Location and Design of Roads - Minimize risks to water, aquatic, and riparian resources. • BMP 2.4 Road Maintenance and Operations - Ensure water-quality protection by providing adequate and appropriate maintenance and by controlling road use and operations. • BMP 2.10 Parking and Staging Areas - Construct, install, and maintain an appropriate level of drainage and runoff treatment for parking and staging areas to protect water, aquatic, and riparian resources. • BMP 2.13 Erosion Control Plan - Effectively limit and mitigate erosion and sedimentation from any ground-disturbing activities, through planning prior to commencement of project activity, and through project management and administration during project implementation. • BMP 4.4 Control of Sanitation Facilities - Protect surface and subsurface water from bacteria, nutrients, and chemical pollutants resulting from the collection, transmission, treatment, and disposal of sewage. • BMP 4.5 Control of Solid Waste Disposal - Protect water from nutrients, bacteria, and chemicals associated with solid waste disposal. • BMP 4.7 Best management practices for OHV facilities and use (BMP 4.7.1 thru 4.7.9, except 4.7.8) o BMP 4.7.1 Planning - Use the travel management planning processes, including travel analysis, to develop measures to avoid, minimize, and mitigate adverse impacts to water, aquatic, and riparian resources during OHV management activities, and to identify restoration for OHV-damaged areas and trails not designated for use. o BMP 4.7.2 Location and design - Reduce the risk that sediment originating from designated OHV trails and OHV areas will enter watercourses and water bodies by locating OHV trails to minimize hydrologic connectivity, and by incorporating drainage structures into trail design to disperse concentrated runoff. o BMP 4.7.3 Watercourse crossings - Prevent or minimize the discharge of sediment into water bodies when locating, designing, constructing, reconstructing, and maintaining watercourse crossings. o BMP 4.7.4 Construction, reconstruction - Prevent or minimize the discharge of sediment into water bodies during construction, reconstruction, and realignment of OHV trails o BMP 4.7.5 Monitoring – Reduce the risk of sediment delivery to water, aquatic, and riparian resources by identifying watercourse crossings and OHV trail segments in need of maintenance, by setting priorities for maintenance, and by identifying OHV areas and trails that require closure and restoration. o BMP 4.7.6 Maintenance and Operations – Prevent or minimize discharges of sediment into watercourses and water bodies by maintaining OHV trails and associated drainage structures. o BMP 4.7.7 Wet-weather operation – Prevent or minimize the discharge of sediment into water bodies by closing OHV trails to traffic when soil strength is low and trail treads and drainage structures are susceptible to damage. o BMP 4.7.8 Restoration of off-highway vehicle-damage areas – Prevent or minimize the discharge of sediment into watercourses and water bodies by permanently restoring OHV-damaged areas, watercourse crossings, and OHV trails no longer designated for use. o BMP 4.7.9 Concentrated-use area management – Prevent or minimize the discharge of sediment, petroleum, and chemical products, or human waste into water bodies and the contamination of groundwater by infiltration through soils by planning, constructing, installing and maintaining drainage and runoff treatments at OHV staging areas, and by managing the risk of pollution at high-use and high-risk OHV areas.

Type	Design Feature
Hydrology - 2	Riparian Conservation Areas (RCAs) will be defined through the 5-step process identified in Appendix E of the Forest Plan (S-47, LMP Part 3, p. 11), and will generally be 100 meters (328 feet) on perennial streams, or 30 meters (98 feet) on intermittent streams, measured as the slope distance from either bank of the channel. Other special aquatic criteria, such as wetlands, seeps and springs, also have 100-meter RCAs.
Hydrology - 3	Trails and roads would be constructed outside of RCAs whenever possible, unless limited by topography. Where channel/riparian crossings are necessary, the crossing sites will be determined in coordination with a wildlife biologist/botanist and hydrologist/soil scientist. Crossings must be engineered to limit damage to streambeds and riparian zones.
Hydrology - 4	Any development within the RCA will be hardened with road base, gravel, pavement, or other appropriate material to reduce erosion from wind/water from the site.
Hydrology - 5	Barriers of sufficient size and strength to prevent tampering will be placed around the staging site to prevent un-authorized expansion of the staging area.
Hydrology - 6	Prior to the project implementation, the Forest Service OHV manager, restoration specialist, and earth scientist will be invited to the pre-construction meeting or an on-site meeting with the contractor to discuss erosion control requirements. The Forest Service earth scientist will provide periodic project site reviews to ascertain implementation of management practices and environmental constraints identified in the environmental document and/or contract and permit documents.
Botany - 1	Sensitive plant occurrences will be identified for avoidance prior to the onset of work. A botanical monitor or their representative will be on site during work in these areas to ensure that impacts to Sensitive plants are avoided or minimized. The project leader will coordinate with the qualified botanist or their representative.
Botany - 2	Known occurrences of Opuntia basilaris v. brachyclada will be avoided to the greatest extent possible during new trail creation and restoration of unauthorized trails. If avoidance is not possible mitigation will be conducted as determined by coordination with a qualified botanist.
Botany - 3	If other sensitive plant species are located during trail construction or trail restoration consultation with a qualified botanist will occur to determine mitigation requirements.
Botany - 4	While no threatened or endangered plant species are known from or expected to occur in the project area, if any are located over the life of the project, work will stop immediately and a qualified botanist will be consulted.
Botany - 5	The extent of allowable ground disturbance during construction will be clearly marked (with flagging or other visible means), and is subject to Forest Service approval with input from appropriate specialists. A qualified monitor will assure disturbance is limited to designated area.
Invasive Plants - 1	Every effort will be made to prevent the accidental spread of invasive species carried by contaminated vehicles, equipment, personnel, or materials (including plants, wood, plant/wood products, water, soil, rock, sand, gravel, mulch, seeds, grain, hay, straw, or other materials)(FSM 2903.7b). Any off-site materials, used for erosion control or restoration on the project, will be certified weed-free. No material from off-site sources (fill, gravel, or erosion control materials) will be permitted except as subject to approval by Forest Service Line Officer with input from appropriate resource specialists.
Invasive Plants - 2	The invasive plant species assessment included in the Biological Evaluation will be used to identify weed issues and locations where disturbance from equipment and project-related weed vectors will be mitigated (FSM 2903.4).
Invasive Plants - 3	All equipment used during project implementation will be cleaned to be free from invasive weeds before entering the San Bernardino National Forest. If equipment is moved from the project area, used on a project elsewhere and returned to the project area, cleaning is also required before returning. Cleaning should include wheels, tires, buckets, stabilizers, undercarriages and bumpers. Visual inspection of the equipment shall not show plant material, seeds, dirt clods, or other such debris on any part of the vehicle. All washing must take place where rinse water is handled according to BMPs to prevent seeds and fragments of invasive species from washing into un-infested areas (FSM 2903.7a).
Invasive Plants - 4	Weed inspection of the equipment will be coordinated near the project site prior to use off road on NFS lands. A Forest Service approved form that requires a signature from the person performing the inspection for documentation of cleaning of all equipment will be used.
Invasive Plants - 5	If work is contracted, agreement clauses will be used to require contractors or permittees to meet Forest Service-approved vehicle and equipment cleaning requirements/standards prior to using the vehicle or equipment in the NFS (FSM 2903.6). A Forest Service approved form that requires a signature from the person performing the inspection for documentation of cleaning of all equipment will be used.

Type	Design Feature
Invasive Plants - 6	All equipment used off road in the project area will also be cleaned of dirt clods and plant fragments to the extent possible before leaving the construction site to prevent the spread of invasive species known to be present on the site (FSM2903.3)
Invasive Plants - 7	Mapped occurrences of highly invasive plants that are not already ubiquitous throughout the project area, such as bull thistle, will be flagged for avoidance prior to ground disturbance to the greatest extent possible. Ground disturbance or staging in all areas containing these invasive species should be avoided to the greatest extent possible. If avoidance is not possible, the weed seed containing soil should either be removed from the site and legally disposed off-site, or replaced in the original location with erosion control measures to prevent weed contaminated soil from leaving the original location. All equipment used in these areas should be field cleaned of all dirt and vegetation debris within the infested area prior to moving into un-infested area of the project.
Invasive Plants - 8	An interpretive message about reducing the risk of weed introduction will be designed for display at the OHV staging area. It will include guidelines for the public (e.g., thoroughly washing OHVs before coming to the staging area).
Restoration - 1	Decompaction (e.g., ripping, chunking, subsoiling) would be used where necessary. Chipped material or other mulches may be incorporated into the soil during subsoiling or used to reduce the potential for erosion and non-native plant establishment. Water bars may be constructed and straw wattles and jute netting may be used to stabilize sites and reduce sedimentation. Horizontal and vertical slash may be installed to stabilize sites and promote revegetation.
Restoration - 2	Existing non-native plants would be removed, to the extent possible, before ground disturbance and during the restoration effort.
Restoration - 3	Barriers (e.g., boulders, fencing, etc.) would be used to exclude vehicle access on restored sites. Signing would be installed as needed.
Restoration - 4	Seeding and/or planting of native species representative of the site would be done where needed. Plantings would be weeded, watered, and maintained as necessary to promote survival.
Restoration - 5	Closed and restored sites would be patrolled periodically and maintained to ensure that barriers are intact. Photo points would be used to help with assessing restoration success and need for supplemental actions.
Restoration - 6	Information regarding restoration activities and necessity to remain on designated routes would be would be displayed on bulletin boards at the staging area.
Monitoring - 1	Botanical or biological monitoring will be conducted, as needed, during implementation to ensure that protection measures and objectives are met. Post-implementation monitoring of special treatment areas will also be conducted as needed.
Monitoring - 2	Selected locations within the project area will be monitored at least quarterly (4 times/year) under the Habitat Management Program (HMP) under the San Bernardino National Forest's California State Parks Off-Highway Motor Vehicle Recreation Division Ground Operations grant. Funds for this monitoring have been secured for Fiscal Year 2014. Problems identified during HMP monitoring will trigger immediate action (e.g., barrier repair, disguise of unauthorized routes, revegetation, etc.).
Monitoring - 3	Weed monitoring will be conducted as part of the HMP monitoring (M-2). When located, weeds will be mapped using GPS and removed immediately if possible. In some cases where immediate removal is not possible or effective, a plan will be developed for future treatment.

Alternatives Considered but Not Analyzed in Detail

Alternative 2a: Proposed Action

This alternative was modified to address issues raised in scoping, including the integrity of manzanita wash, sensitivity to homeowners near the Forest boundary, and modeled habitat for desert tortoise.

The proposal to relocate the existing staging area to the west side of NFS road 3N21 immediately north of the NFS road 3N53 intersection was eliminated from detailed study because the impacts to resources would not have met the Purpose and Need.

Alternative 3: Increased Motorcycle Opportunity Alternative

An alternative to increase the availability of 24 inch motorcycle trails was considered but eliminated from detailed study because the only major change in the alternative from the proposed action was to modify portions of the route from 50 inch, which provides opportunity to more users, to 24 inch, which limits the number of users. This alternative would not have met the entire purpose and need.

Alternative 4: Connected OHV Access Alternative

A Connected OHV Access Alternative was considered but eliminated from detailed study because the OHV trail system on NFS lands would not connect to an existing OHV system off of NFS lands. This alternative has high potential to increase disturbance to private properties that adjoin NFS lands to the north.

Comparison of Alternatives

This section provides a summary of the anticipated effects of implementing each alternative. Information is focused on activities and effects where different levels of effects or outputs can be distinguished among alternatives.

Resource Area	Alternative 1 – No Action	Alternative 2 – Proposed Action
Soils and Hydrology	Alternative 1 would have indirect effects to soils and hydrology given trails will not be constructed and maintained to standard. Rehabilitation of unauthorized trails will not take place, which would reduce the volume of erosion and run off and manzanita wash will not be restored.	Alternative 2 would have minor, short-term direct effects to soils and hydrology due to ground disturbing activities, although this will not lead to long-term adverse effects.
Plants and Wildlife	Alternative 1 would have long-term adverse indirect effects on plants and animals due to the lack of control in the area.	Alternative 2 enhances the condition by designating routes and rehabilitating the area. Rehabilitation will allow native plants to begin regenerating in the surrounding area, while concentrating surface disturbance to designated routes.

Resource Area	Alternative 1 – No Action	Alternative 2 – Proposed Action
Recreation	Alternative 1 would reduce the recreational opportunities for OHV users, while encouraging the continuance of user created trails systems by multiple users, including OHV and equestrian users.	Alternative 2 would increase the recreational opportunities for OHV users, while also indirectly identifying locations to be proposed by equestrians in congruent locations with the existing use.
Heritage Resources	Alternative 1 would have direct and indirect effects to Heritage Resources given user created trails will continue to impact historical artifacts and properties.	Alternative 2 would reduce the impacts to Heritage Resources by designating routes in avoidance of known resources in the area. For those resources that cannot be avoided, appropriate counter measures have been designed to protect and minimize ongoing impacts, including the capping of thermal features within existing road beds.

ENVIRONMENTAL CONSEQUENCES

This section summarizes the physical, biological, social and economic environments of the affected project area and the potential changes to those environments due to implementation of the alternatives. It also presents the scientific and analytical basis for comparison of alternatives presented in the previous section.

Recreation

The San Bernardino National Forest is one of the most heavily used forests by recreationists in the United States. Housing and industrial developments across Southern California have increased the demand for open space and visitation to a forest environment. Baldy Mesa and the high desert are part of the growing urban interface, providing visitors short driving times and a convenient location to recreate. Recreation activities in the project area include OHV use and equestrian.

Baldy Mesa has been a popular area for OHV and equestrian use for many years. The area is also used by hunters seeking rabbits, quail and deer. Very few, if any, hikers use the trails. This may be because the terrain offers few points of interest and little variety of scenery within the range of day hikes, and there are no sites that would be particularly attractive for camping. There is no surface water in the area. Also, hikers may wish to avoid the disturbance of OHV use. Mountain bike use is also rare. Trails laid out for OHV use have many steep sections that are unsuitable for bicycles, and there are many sandy spots.

Use on Baldy Mesa was monitored from October, 2001 to February, 2005. Patrollers kept a log of contacts they made on weekends and holidays. From this sampling, the percentage of types of use on the roads and trails was determined:

Table 1: Recreational Use on Baldy Mesa Roads & Trails

Type	%
Motorcycle (CA off-road license)	44.0
Dual Sport Motorcycle (licensed for highway use)	5.5
OHV (CA off-road license)	17.8
4 Wheel Drive Vehicle (licensed for highway use)	32.4
Mountain Bike	<0.1
Equestrian	0.2*
Hunters	<0.1
Hikers	0.0

* Estimate: equestrians were not logged, and often ride off trails

Use on Baldy Mesa by OHVs has been steadily increasing, due to implementation of restrictions on other lands, population increase in the local area, and an apparent increase in the popularity of OHVs. While restricting OHV use on Baldy Mesa would reduce impacts on the natural resources, the goal of providing recreational opportunities would not be well accomplished. National direction is to "better manage OHV use," not reduce it. From a recreational standpoint, Alternative 1 would implement better management than Alternative 2 by improving the likelihood of successful management. Visitors would most likely cooperate with regulations when an attractive trail system is established in locations where resource damage would be minimal. From experience, Alternative 2 would not provide an adequate trail system to inspire cooperation.

The routes that are currently designated for OHV (non-street legal motorcycle and ATV, which are small 4 wheel, all-terrain vehicles) use are 11.3 miles on NFS roads 3N21 and 3N24, and 9.6 miles of trails that have a temporary designation as motorized trails. All of the existing and proposed "single track" trails have 50" width to accommodate ATVs. A portion of a temporarily designated trail in the northwest corner of the area loops up onto private land. The temporarily designations were made to provide connections for riders that access the system from off-forest, and to improve the recreational experience for them. The temporarily designated trail that parallels 3N24 provides proficient riders with an alternative to the beginner level ride along the road.

However, connecting to off-forest access points is problematic, in that there are no designated legal trails on most of the private land, and in that the private lands may be developed in the future, cutting off access. Alternative 1 would allow construction of a new segment of trail that would avoid encroachment on private land, and would complete a trail system that would not depend on access from private land.

There are currently many access points to Baldy Mesa from private lands along the boundary that are used by motorcycle and ATV riders, and equestrians. These points are continually changing as private landowners erect fences and other barriers on their land, and new trails are created by riders. Equestrians have been observed cutting brush to allow access, and motorcycles and ATVs then start using these new trails.

Conflicts between user groups on Baldy Mesa consist mainly of being between equestrians and OHVs, since there is very little other type of use there. OHVs that rapidly approach equestrians will cause horses to "spook," but the noise of approaching OHVs does not induce the "startle factor" caused by the quiet approach of mountain bikes and hikers. In most areas

of Baldy Mesa there are opportunities for equestrians to ride off the trail when OHVs approach. From observation, the soils on Baldy Mesa do not generate much dust from OHV traffic, so there is little problem with that for equestrians.

The Forest manages an extensive system of roads and trails designated for OHV use. This system consists of 42 miles of 24-50" trails with an additional 166 miles of forest roads available for legally designated OHV use. In addition there are 903 miles of level 2 roads open to SUV/4WD use - 104 miles of which are 4WD routes. The system offers ample opportunity for enthusiasts of all experience levels including novice, intermediate, and expert. Due to the mild climate, OHV opportunities are available year round. A wide variety of vehicle types including dual sport motorcycles, dirt bikes, ATVs, and 4WD/SUVs use the road and designated OHV route system.

A National Visitor Use Monitoring (NVUM) report, completed June, 2004, indicates the Forest hosts around 171,000 OHV users annually. This number increased to 266,265 OHV users annually in the 2009 NVUM. An increase in family oriented back road travel has also occurred over the last few years resulting in an increase in the numbers of all types of vehicles using not only the designated OHV system but all forest roads and support facilities.

Direct and Indirect Effects

Adoption of Alternative 2 would establish a legal trail along the Forest boundary that would intercept recreation traffic immediately as it enters the Forest. Traffic would be confined to the established trail with highly visible directional signing, regulatory signing, route maps, a strong law enforcement presence, highly visible volunteer patrols for information and education, and by eliminating the non system trails by blocking them, restoring the land, and allowing it to revegetate.

Adoption of Alternative 1 would not provide a legal and attractive alternative to illegal use. Patrollers would not have legal access for efficient law enforcement and education to the problem areas.

There would be no significant difference between the alternatives regarding user conflicts. Mitigation would consist of cautioning OHV riders to approach horses slowly, or to idle or shut down when approached by horses. This would be done by inclusions in the trail guide brochures and trailhead signing, and should be included in informational contacts by Forest Service or volunteer patrollers.

From scoping for the proposed action, the safety of motorcycle and ATV riders is an issue, concerning the possibility of head on collisions in areas with a limited line of sight. Alternative 2 provides the opportunity to design trails to avoid this problem. In instances where a good line of sight cannot be obtained, caution signs should be installed. Also, with the establishment of two loops, there is an opportunity to sign them for one way travel. This would also be denoted on a map at the staging area and on trail guide brochures.

Cumulative Effects

Between the Front Country and Mountaintop Districts there are 114 miles of roads and trails designated for OHV use.

The existing 9.6 miles of temporarily designated OHV trails on Baldy mesa account for 23% of the Forest total, and the 11.3 miles of designated OHV roads account for 7% of the Forest total. Adoption of the proposed action would not change the percentage of the road total, and would change the percentage of OHV trails to 32% of the Forest total.

The OHV route designation process, which is still in the early stages, does not contemplate connecting the Baldy Mesa trails to any other part of the OHV trail system, nor does the San Bernardino National Forest Land Management Plan. Therefore, since the Baldy Mesa trails will remain isolated from other Forest system trails, there would be no significant cumulative effects on the recreational environment.

Wildlife

Applicable requirements and direction may be found in the Endangered Species Act of 1973, National Forest Management Act of 1976, Department of Agriculture 9500-4 Regulations, Forest Service Manual, and the San Bernardino National Forest Land Management Plan (2006) (Forest Plan), as well as from species-specific guidance, including the Desert Tortoise Recovery Plan.

A Biological Evaluation and Management Indicator Species Evaluation were conducted for this project to addresses the potential effects of the proposed project on Sensitive Species and Management Indicator Species and general vegetation and wildlife that are known or likely to occur in the project. A Biological Assessment (Austin 2013) for federally listed threatened and endangered species was prepared for this project. One Federally listed threatened animal, desert tortoise, is known to occur within the project area. Other listed species with modeled habitat but unknown occurrences within the project area are: arroyo toad, California condor, and southwest willow flycatcher. There is no designated Critical Habitat for any species within the project boundaries. There is no suitable breeding or roosting habitat for California condor in the project area, but potential foraging habitat does exist. The Proposed Action "May Affect – Not likely to Adversely Affect" desert tortoise, with possible beneficial effects from restoration activities and route designations and closures. Critical habitat for the desert tortoise was designated on February 8, 1994 (59 FR 5820). The Forest is not within or near any designated or proposed Critical Habitat. The determination for all other listed species is No Effect. Informal consultation was initiated on August 13, 2013 with the U.S. Fish and Wildlife Service.

Implementation of the Proposed Action may result in unintentional impacts to individual migratory birds. However, the project complies with the Migratory Bird Executive Order (January 11, 2001), because the analysis meets direction defined under the 2008 Memorandum of Understanding between the USDA Forest Service and U.S. Fish and Wildlife Service (USFWS; USDA Forest Service and USDI Fish and Wildlife Service 2008). Specifically, this is because this project incorporated Design Criteria and conservation features as directed in the MOU.

The Proposed Action complies with the Endangered Species Act, National Forest Management Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and SBNF LMP. It also complies with direction/guidance from applicable Biological Opinions, the Southern California Spotted Owl Conservation Strategy, and Migratory Bird Treaty Act.

Direct and Indirect Effects

Under No Action Alternative, there would be no immediate change in habitat conditions until a disturbance, such as wildfire, drought, or insects, affects the habitat. OHV use in the area is expected to increase, thus likely is impacts to species as discussed earlier in this report. Conditions are expected to worsen with continued trends in use and developments of user-created unauthorized trails. No restoration activities would occur. Road and trail patrols would remain limited, not increased as proposed in the proposed action. There is a potential for increased long-term negative impacts with the implementation of the No Action alternative.

The Proposed Action would result in little changes in vegetative structure; with the exception of restoration activities having the ability to reduce fragmentation caused by un-authorized OHV use. The project is expected to have beneficial impacts to vegetation and wildlife habitat:

- OHV use in the area would be restricted to authorized routes; which by the project actions, total miles of currently open trails would be greatly reduce to specific routes.
- Barriers and restricting access to restored sites.
- Maintenance of trails and roads would reduce widths; stopping or eliminating the needs to go around ruts, washouts, etc.

The Proposed Action would improve riparian habitat conditions with the elimination of the OHV user created route in Manzanita Wash and it's relocation out of the riparian area to the upland area on the west. Refer to the Hydrology report for more details. Routine maintenance of NFS road 3N21 will also benefit riparian habitat found prior to the staging area by reducing the width of the road that has been widened due to traffic going around washboard, ruts, etc.

During project activities, there would be some short-term negative effects on some forest-associated species. Use of heavy equipment, small machinery, helicopters, and presence of crews would result in higher noise levels and may locally displace animals that are foraging, denning, or breeding in the area. These effects vary by species, but Limited Operating Periods have been incorporated where needed and would reduce the potential for disturbance during key periods for some species. Because of the Limited Operated Periods and the fact that not all of the treatments would be implemented concurrently, there would portions of the project area without disturbance at any given time.

Disturbance impacts on wildlife species have been fairly well-documented for a number of species including deer, small mammals, reptiles, and nesting and perching birds. Most species exhibit a "flight" response to disturbance resulting in temporary, or if disturbance is constant, permanent displacement. Flight responses and/or disturbances can negatively affect animal health by requiring increased energy expenditures.

Since some of the project area is already heavily disturbed (urban interface, recreational use of roads, and vehicle use, railroad tracks, etc.), these effects have likely already occurred or are occurring in some portions of the project area. The proposed project would increase the amount of activity occurring in certain parts of the project area on a short-term basis. Those activities may further displace animals from the area on a temporary basis.

Some losses of individual animals are possible due to activities associated with the use of heavy equipment during restoration activities. The potential for this to occur depends on time of year, behaviors of the individuals, and activities near occupied areas. In the long-term, injury or mortality of animals during implementation is expected to be minimal, with the overall effects being beneficial from restriction access, restoring habitats, and proper law enforcement and maintenance of designated trails. In addition, for desert tortoise, pre-implementation surveys as well as a bio-monitor in place during equipment activities, should reduce or avoid any potential for injury or mortality to occur.

The Proposed Action will result in an overall reduction in the footprint of OHV trails on the landscape. It will include restoration or habitat, installation of barriers and signs, maintenance of trails and roads, and increases in patrols which all are contributing beneficially to the area.

The Proposed Action is expected to improve the habitat in the project area for mule deer and mountain lions by improving habitat conditions for the primary prey species, mule deer, and for forage and refuge conditions, for mule deer. The proposed project is not expected to further fragment populations through corridor alteration. This project would be neutral relative to the desired condition for fragmentation on the Forest and in the National Forest Southern Province.

None of the data suggest that the project would negatively affect the Management Indicator Species (MIS) or the habitats/conditions for which they were selected as MIS. The Design Features, RCAs, BMPs, and treatment prescriptions are expected to effectively reduce potential impacts to the MIS habitats present in the project area. The scope of this project is too small relative to the landscape to make a real loss or improvement to MIS populations across the Forest, or even in the project vicinity. Project completion may reduce the risk of wildfire as a result of human-increases. The potential impacts to MIS habitat associated with implementation of the project may be mitigated to some degree by increased protection from crown fires in the territories in the project area.

Several Forest Service listed Sensitive wildlife species are known or expected in the project area. The determinations of effects for all of the Sensitive wildlife species with potential to occur in the project area are "may affect individuals but not likely to lead in a trend toward federal listing".

Table 2: Summary of Effects Determinations for Sensitive Species in the Baldy Mesa Project Area

Common Name	**Occurrence Information[1]**	**Determinations [2]**
Forest Service Sensitive Animals		
San Bernardino ringneck snake	P	MAI
San Bernardino mountain kingsnake	P	MAI
California legless lizard	P	MAI
San Diego cactus wren	P	MAI
Pallid bat	P	MAI
San Gabriel bighorn sheep	Y	MAI
[1]Occurrence Codes: Y = Species is known to occur. P = Occurrence of the species is possible; suitable habitat exists and it is within the distribution of the species. H=Historic record. [2]Determination Codes: MAI = may affect individuals but not likely to lead to a trend to Federal listing for Sensitive species.		

The number of desert tortoises present is likely low because of the elevation of most NFS lands is higher than the range of suitable habitat and occupied areas with tortoise. Consequently, few individuals are likely to be killed or injured. Additionally, these areas are outside of designated critical habitat for the desert tortoise and were not considered essential for the recovery of the species in its recovery plan (USFWS 1994/2009). For the purposes of this evaluation, all known occurrences of desert tortoise within the District boundary are included in the following discussions. Due to the lack of survey and population data, it is not possible to quantify effects of ongoing activities. As such, the analysis is descriptive and qualitative.

No negative effects to desert tortoise are expected as a result of this project. With the design criteria listed above all impacts to desert tortoise will be avoided. Although closing unauthorized trails will likely result in beneficial impacts to wildlife in general, the fact that desert tortoises occur at such a low density, confirmed by scattered and mostly dated sightings, along with no new detections (not even sign) along unauthorized OHV routes, it is extremely unlikely that tortoises will benefit from restoration work at Baldy Mesa. If a tortoise is discovered during restoration work, work will cease until the situation can be re-evaluated and consultation will be initiated.

Cumulative Effects

Greater human populations are likely to result in a number of effects to desert tortoises including more risk of poaching, increased raven populations (drawn to more trash and water sources) resulting in more predation, more harassment by pets on the urban interface and with recreating public, more harassment by feral dogs being "dumped" in the desert, greater risk of collision/injury from vehicles, etc.

Botany

Applicable requirements and direction may be found in the Forest Plan, Endangered Species Act, National Forest Management Act, Department of Agriculture 9500-4 Regulations, Forest Service Manual, and the Southern California Conservation Strategy. Appendix A contains more details of jurisdictions, legal requirements, management direction, and BMPs that are applicable to this project.

A Biological Evaluation was conducted for this project to addresses the potential effects of the proposed project on Sensitive Species and general plants that are known or likely to occur in the project.

Direct and Indirect Effects

Under the No Action alternative, the vegetation in the project area would experience increasing levels of disturbance from continued unauthorized OHV use. This can lead to direct impacts from the vehicles including destruction of mature plants, disturbance to plant root structure, and disruptions to reproduction from direct damage to plants during reproductive stages. There would also be indirect effects to plants and vegetation via impacts to soils and hydrology. Soil structure could be significantly altered by repeated OHV use in

areas of highly erodible soils, resulting in loss of topsoil, exposure of plant roots, sediment accumulation burying vegetation, and reduced soil/slope stability. These impacts have already occurred from this activity and have left large areas of bare soils in steep terrain where erosion exacerbates the problem. The resulting loss of vegetative cover which acts as a natural barrier to unauthorized OHV use also increases the probability of damage and loss of botanical resources from continued and increased illegal off-road vehicle use.

No Action may also lead to degradation of the plant community from increased invasive plant infestation. Due to the presence of non-native annual grasses, non-native mustards and other invasive plant species in the vicinity, OHVs can serve as vectors for these invasive species spreading them from current locations to additional locations via the network of unauthorized trails. Disturbed soil is particularly vulnerable to invasive species establishment. Invasive plant species can outcompete native plants forming monocultures that change plant community structure, degrade wildlife habitat, displace rare plant species. As more acreage is infested by non-native species, future control efforts would become more difficult and more expensive. If no action is taken, it is likely that more acres of native vegetation, rare plant and wildlife habitats would be degraded in quality.

Under the Proposed Action, a variety of direct and indirect project related impacts to plants and general vegetation would occur, however most of the project related activities will occur in areas that are already devoid of vegetation due to on-going OHV damage and related erosion.

Where ground disturbance such as re-contouring, water bar installation, and chunking will occur, if vegetation is present, these activities would directly impact plants leading to death and injury of individual plants from crushing, uprooting, and burying of plants in the localized areas where these activities occur. Where these impacts to existing vegetation are unavoidable, they would interrupt and retard vegetation processes, including germination, re-sprouting, and establishment. Such impacts will be minimal due to the fact that in most cases this activity is proposed in areas already devoid of vegetation and would be minimized with regard to rare plants and within Riparian Conservation Areas through implementation of Design Criteria and BMPs (Part I-3 of this document). Indirect impacts are discussed below in section II-3.2.3

The Proposed Action is expected to have an over-all beneficial effect on the native plant community by more clearly defining the authorized OHV trails and limiting the activity and disturbance from OHV use to those areas (only) by closing and restoring unauthorized, user-created trails. This will reduce the damage currently being caused by an expanding network of unauthorized OHV trail use, the effects of which are discussed in the section of this document called “Impacts of No Action”(Part II-4).

Indirect effects may occur due to ground disturbing activities such as ripping and chunking where heavy equipment is used to implement restoration and maintenance activities. These may include soil compaction and erosion that might inhibit germination, re-sprouting, and establishment of plants, but this activity is limited to areas generally devoid of vegetation already. There may be changes in plant community composition and structure, as activities can also reduce the amount of canopy cover in the immediate vicinity and may cause short-term shifts in the plant community composition favoring sun loving species until the canopy

recovers. This is expected to be a short-term impact due to native plant community restoration efforts that will follow.

The restoration prescriptions will help prevent continued OHV damage and improve the conditions for re-establishment of native vegetation in the long term. To protect and improve soil, water, and other resources, BMPs would be included in road maintenance and improvements.

Any ground-disturbing activity can facilitate the establishment and spread of noxious or invasive weed species. The ground disturbance associated with the use of heavy equipment used for chunking and preparing the soil for restoration is expected to create open soil which may leave the disturbed area vulnerable to invasion by cheatgrass (Bromus tectorum) and other invasive annual grasses which readily establish after ground disturbance. Annual grasses can out-compete native plant species and develop a monoculture groundcover of a grass that can suppress native forb species by out-competing native plant species including special status species for available water and nutrients.

Once established, these invasive non-native species can eliminate native vegetation and associated plant and wildlife habitats. Exotic plant species such as cheat grass and other opportunistic invasive plant species could occupy the open areas during successional shifts or longer if their presence alters the fire return interval and increases the fire risk as can be the case when annual grasses invade (Brooks et al. 2004). For example, cheatgrass dries early in the summer creating a flashy continuous fuel that carries fire in unnatural fire patterns introducing the risk of increasingly frequent fire within treated areas. Studies have shown that burns in intervals of less than 5 years can greatly facilitate the increase in alien species and increase the risk conversion to alien dominated annual grasslands. Too-frequent fire can ultimately lead to type conversion (Keeley et al. 2012). Cheatgrass and other non-native annual grasses, while present in much of the project area, are not currently present in a continuous coverage. While it is unlikely that they can be eradicated from the SBNF, it is critical to ecosystem health to limit their spread into currently unoccupied areas.

Pre-arrival washing of equipment, stockpiling/re-spreading duff (or slash) layers after completion of disturbance, restoration of native plants, and minimizing soil disturbance to the extent practical should all help reduce this impact, but to an unknown extent that depends on a complex interaction of canopy cover, pre-existing weed seedbanks, temperatures, rainfall, soil types, and patterns and types of ground disturbance.

This project will reduce the incidence of unauthorized vehicle use, and design criteria that will minimize the introduction and spread of invasive plant species during and after project implementation. Potential adverse effects would be minimized but not eliminated, through the implementation of Design Criteria included in the Proposed Action

No currently-listed threatened or endangered plant species or designated Critical Habitat are known to occur within in the project area.

Table 3: Summary of Effects Determinations for TESW Plant Species

Scientific Name	Occurrence Information[1]	Determinations [2]
Threatened & Endangered Plants		
None		
Forest Service Sensitive Plants		
Astragalus bernardinus	P	MAI
Canbya candida	P	MAI
Chorizanthe parryi var. *parryi*	P	MAI
Chorizanthe xanti var. *leucotheca*	P	MAI
Dienandra mohavensis	P	MAI
Opuntia basilaris var. *brachyclada*	Y	MAI
Orobanche valida supsp. *valida*	P	MAI
Saltugilia latimeri	P	MAI
Forest Watch list Plants		
Calochortus plummerae	P	NA
Forest MIS Plants		
None		

[1]Occurrence Codes:
MH = Modeled habitat exists
Y = Species is known to occur.
P = Occurrence of the species is possible; suitable habitat exists and it is within the distribution of the species.
H = Historic record.
[2]Determination Codes:
NA = No affect expected
NLAA = not likely to adversely affect for T/E species;
MAI = may affect individuals but not likely to lead to a trend to Federal listing for Sensitive species.
n/a =Not Applicable. Determinations are not made for Watch species – this is simply documentation of an occurrence.

Cumulative Effects

Cumulative effects analyses consider the effects of present and future actions that may combine with the predicted effects of the Proposed Action. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. The analysis area for cumulative effects analysis depends on the distribution, life history, and ecology of the species. The cumulative effects analysis area for some species is small (project area), but larger for some species where local effects can be extended to a larger area because of pollination ecology or seed dispersal.

The baseline used for cumulative effects analysis is the current condition. The cumulative effects analysis does not attempt to quantify effects of past human actions by adding up all prior actions on an action-by-action basis. There are several reasons for not taking this approach. First, a catalog and analysis of all past actions would be impractical to compile and unduly costly to obtain. Current conditions have been impacted by innumerable actions over the last century (and beyond), and trying to isolate individual actions that continue to have residual impacts would be nearly impossible. Second, providing details of past actions on an individual basis would not be useful to predict cumulative effects of the proposed action or alternatives. By looking at current conditions, all residual effects of past human actions and natural events will be captured, regardless of which particular action or event contributed those effects. The cumulative effects analysis in this document is consistent with Forest

Service National Environmental Policy Act (NEPA) Regulations (36 CFR 220.4(f). For these reasons, the analysis of past actions in this section is based on current environmental conditions.

Ongoing activities are recurring activities that have occurred over time and will continue to occur (*e.g.*, road maintenance, trail maintenance, recreational use of the SBNF, hazard tree removal along SCE power lines and State/County highways, SCE periodic replacement of deteriorated poles, etc.). The LMP and supporting EIS contain also contain discussions of various past influences on the SBNF.

The potential impacts of the proposed project are limited to short-term disturbance impacts, minimal habitat alterations, and long-term beneficial effects of reduced threat of damage resulting from unauthorized vehicle use. The potential short-term disturbance impacts are minimal and would not be expected to contribute to the cumulative effects of other projects/actions in the foreseeable future. For additional information and complete analysis of species please refer to the Botany Report, Biological Assessment/Biological Evaluation and Invasive Weed Risk assessment for this project.

Hydrology and Soils

Applicable requirements and direction may be found in the Federal Water Pollution Control Act of 1972, as amended (Clean Water Act), Watershed Protection and Flood Prevention Act of 1954, Executive Orders 11988 Floodplain Management (1977) and 11990 Protection of Wetlands (1977), Porter-Cologne Water Quality Control Act, Forest Service Manual, Forest Service Handbook 2509, and the Forest Plan, as well as from specific guidance, including the Regional Water Quality Control Board Basin Plan, Water Quality Management Handbook, and Management Agency Agreement.

A Hydrologic - Soils Specialist Report was conducted for this project to addresses the potential effects of the proposed project on erosion and water quality.

Direct and Indirect Effects

Sediment leaving the trail network and staging area under existing conditions were modeled and would continue at this rate or greater should additional unauthorized trails increase along with an expansion of the staging area. The potential for water quality issues from the unmanaged staging area will continue without proper sanitation and refuse disposal facilities along with an increase in sediment delivery due to loss of vegetation and soil compaction. Tracking the progression of bare area in the project area from 1994 through 2013 via aerial photos indicates that without active management, the amount of bare area will continue to grow with the demand for OHV recreation. These changes may create impacts that are more lasting when precipitation is low and vegetation is slow to recover.

The proposed action will decrease the current level of impact by maintaining 23 miles of OHV trail that had previously been user-created or non-existent. In addition, existing unauthorized user-created trails that traversed in and throughout the ephemeral washes in the area providing a direct source and input of sediment will be rehabilitated.

Sanitation and refuse disposal facilities will be installed or upgraded to adequately address the carry capacity of the staging area along with appropriate signage and barrier controls

advising and controlling access and parking to designated areas only. Both the OHV trails and staging area will follow a full and complete set of BMPs including adherence to a written erosion control plan and all applicable State Water Board permit(s) as well as ongoing monitoring of the project area intended to address immediate and long-term natural resource issues.

Sediment leaving the OHV trail network and buffer area(s) will increase by 34 to 29 percent, respectively, but is less than the findings of one recent study completed by the San Dimas Technology and Design Center. The sediment increase may be less than modeled as the rehabilitation of unauthorized, user-created trails were not taken into consideration during erosion modeling since exact locations and lengths of these trails was not provided in the proposed action.

Simulations were conducted for the proposed trail system with results shown in Table 4. The average annual amount of sediment leaving the trail increased by 34 percent and the average amount leaving the vegetated buffer increased by 29 percent. In a study conducted by the San Dimas Technology & Design Center, it was noted that runoff and sediment generated on ATV trails increased by 56 percent and 625 percent, respectively (Meadows et al. 2008). Erosion rates are highly variable and present only a single value.

Table 4. Average annual sediment yield for OHV trails using FS WEPP: Road Batch modeling software.

	Average Annual Sediment Leaving the Trails (lbs.)	**Average Annual Sediment Leaving the Buffer (lbs.)**
Existing Trails	1144	670
New Trails	393	196
Total Sediment	1537	866
Percent Increase	34.3	29.2

The staging area will not change in size and not provide any noticeable increase or decrease in current average amount of sediment leaving the area and the buffer area(s). Simulations using FS WEPP: Road indicate that the staging area averages annually 23,900 lbs. of sediment leaving the area of which over 19,000 lbs. leaves the buffer.

Water quality effects upon 303(d) listed water bodies, e.g., Mojave River, Lytle Creek, Santa Ana River are limited or non-existent due to the distance between the project area and water bodies. All water bodies near the OHV trails, with the exception of Fremont Wash, which may only capture a very small, if any, percentage of sediment, are not connected to the Mojave River. The ephemeral channel in and along the staging area while connected to Lytle Creek via Cajon Canyon or Wash is over 10 miles away with more common or shorter recurrence interval flood flows unable to reach perennial waters. It is possible that pollution and other contaminants can be carried into Lytle Creek or other water bodies during larger flood flows or over the course of time with successive smaller floods.

Cumulative Effects

Analysis was based on the ERA method and 7th-field HUC watersheds. Table 5 shows the present and proposed percent ERA for the subwatersheds. Watershed recovery to baseline condition was assumed within 10 years of treatment based upon fire history in the area.

Transportation routes and power transmission lines are ongoing activities with no recovery time associated with them. The cumulative impact from the proposed activities in addition to other past, present and ongoing activities would not exceed watershed thresholds. The following past, present and reasonably foreseeable activities were considered:

- Fire history
- Transportation routes (FS roads and trails, interstate, and railroad tracks)
- Power transmission lines

Table 5. Percent ERA for the Baldy Mesa OHV trails and staging area project.

Watershed	Watershed Acres	Treatment Acres	TOC (ERA %)	Pre-treatment (ERA %)	Post-treatment (ERA %)
Mountain Top	768	0.32	10 to12	0.25	0.29
Phelan	1088	0.61	10 to 12	0.18	0.22
Section 5	576	1.43	10 to 12	1.29	1.49
Section 4	512	0.49	14 to 16	0.07	0.14
Water Tank	1472	1.75	10 to 12	0.34	0.43
Manzanita Wash	640	2.15	10 to 12	0.59	0.86
Staging Area	2176	2.00	14 to 16	4.34	4.34

The proposed action will increase the amount of bare ground and affected areas up to 6.75 acres. Other user created paths in the area will recover as existing unauthorized routes within 200 feet of centerline of the final designated route are rehabilitated.

Heritage

Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, requires that "the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking." The regulations that govern the implementation of section 106 are documented in 36 CFR 800.

In Region 5 of the US Forest Service, the section 106 process is delegated to individual national forests through the *Programmatic Agreement Among The U.S.D.A. Forest Service, Pacific Southwest Region (Region 5), California State Historic Preservation Officer, Nevada State Historic Preservation Officer, And The Advisory Council On Historic Preservation Regarding The Processes For Compliance With Section 106 Of The National Historic Preservation Act For Management Of Historic Properties By The National Forests Of The Pacific Southwest Region (Regional PA),* providing that a finding of no adverse effect, pursuant to 36 CFR 800.5(b), can be achieved, whether through a determination that no historic properties potentially eligible for the National Register of Historic Properties (NRHP)are found in the project's area of potential effect (APE) or through the

implementation of standard resource protection measures described in Appendix E of the Regional PA.

Consultation with the appropriate Indian tribes (36 CFR 800.2[c][2][ii]) and other parties with a demonstrated interest (36 CFR 800.2[c][5]) in the historic properties found in the APE is required. If a finding of no adverse effect cannot be achieved, then consultation with the State Historic Preservation Officer is also required (36 CFR 800.2[c][1][i]), in addition to consultation with the appropriate Indian tribes (36 CFR 800.2[c][2][ii]) and other parties with a demonstrated interest (36 CFR 800.2[c][5]).

The San Bernardino National Forest (SBNF) has complied with the section 106 process by conducting a pedestrian survey, documented in Archaeological Reconnaissance Report 05-12-CA-091, dated 2007, and the recommendation of project redesign to avoid archaeological sites, the proposed implementation of standard resource protection measures for at risk sites, and ongoing consultation with the San Manuel Band of Mission Indians and representatives of several local historical societies.

Affected Environment

The San Bernardino National Forest, Front Country Ranger District has developed two options for the Off-Highway Vehicle (OHV) trails system located at Baldy Mesa. Alternative 1 (no action) involves leaving the current OHV trails system "as is". Alternative 2 (proposed action) consists of constructing and maintaining approximately 24 miles of 50 inch OHV trails. These locations make up the study area which will ensure that both direct and indirect effects to cultural resources are considered for the proposed project treatment and activities.

For the purposes of this analysis the affected environment includes all areas within the proposed project area as well as areas located in the surrounding area (adjacent or down slope of the proposed project area), also known as the cultural area of potential effect (APE). These areas make up the project study area that ensures both direct and indirect effects to cultural resources are considered for each of the proposed project treatments and activities.

This report will focus on the specific portion of the project area containing cultural resources as well as, all archaeologically sensitive areas that have no known cultural sites but have the potential for subsurface deposits that have yet to be identified. In addition, the affected environment for cultural resources also includes sites located in the surrounding vicinity such as, any adjacent or down slope of the proposed treatments) that may be indirectly affected by project activities.

Fifteen cultural resources have been recorded within this APE. All were previously recorded or updated during the archaeological survey conducted for the 2007 Baldy Mesa-Cajon Divide OHV Project (Milburn, Goodman, and Doan 2007). All resources are considered eligible or potentially eligible for the National Register.

Environmental Consequences

Effects to cultural resources are usually determined by the effects on its eligibility for listing on the NRHP. Determinations of NRHP eligibility for historic properties, per 36 CFR 60.4, require establishing integrity in terms of location, design, setting, materials, workmanship,

feeling, and association as well as meeting at least one of the significance criteria listed below:

a. Association with events that have made significant contributions to the broad pattern of our history; or,
b. Association with lives of persons significant in our past; or,
c. Distinctive characteristics of type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant distinguishable entity whose components may lack individual distinction; or,
d. Yielding, or likely to yield, information important in prehistory or history.

Sites that have not been evaluated for eligibility must also be treated as potentially eligible property and be given the same protection as NRHP listed/eligible properties. This project has been analyzed in terms of how it will affect any cultural resource located within the proposed project locations. Eleven cultural resources within Alternative 2, have not been evaluated for NRHP eligibility therefore, for the purpose of this analysis and in absence of a formal evaluation and determination of eligibility through concurrence with the State Historic Preservation Office (SHPO) or the Keeper of the NRHP these sites will be treated the as eligible.

Cultural resources (including ethnographic and traditional cultural properties and landscapes) have been lost or damaged in the national forests through past and current land management activities (including the development of facilities and infrastructure), visitor use, and natural processes. Many of the activities that have affected or are currently affecting cultural resources were initiated prior to the implementation of NHPA of 1966. For some resources such as historic structures, the lack of maintenance or modern upgrades can alter the historic characteristics of the structure. For other resources such as trails and roads, modern use and maintenance can result in long-term impacts. The destruction or damage of cultural resources on the national forests means the loss of information important to the understanding of the past (including information that is lost before the development of better research techniques), loss of interpretive opportunities, and the incremental loss of the cultural resource base.

(40 CFR § 1508.8) Direct Effects "are caused by the action and occur at the same time and place."

(40 CFR § 1508.8) Indirect Effects "are caused by the projects actions but occur later in time or further removed in distance, but are still reasonably foreseeable."

Direct and indirect effects to cultural resources can occur as a result of both natural processes and human activities. Oftentimes, as a result of a direct or indirect effect, previously, unknown cultural resource sites are discovered. For example, during a prescribed fire, artifacts or features can be directly damaged or destroyed by the heat of the fire, which can cause cultural materials to discolor, melt, facture, or fall apart. Artifacts and features can also be directly affected by construction of control lines through a site or indirectly affected by inadequate drainage caused by control lines that resulted in debris flows onto a site.

Vandalism is another common effect that can lead to the destruction of sites and irretrievable loss of information. For instance; the removal of the recognizable and diagnostic artifacts,

can hinder the research of past cultures, thus resulting in the misinterpretation of sites. Vandalism can be both intentional for example, looters collecting artifacts and unintentional, for instance, the casual recreationist collecting a 'pretty' rock for their personal collection without knowing its cultural importance, but the resulting effect is the same.

Other types of effects include unauthorized off road activity and unmanaged land administration activities. Off road activity tends to increase after fires because the vegetation density has been lowered thus leaving the landscape open for illegal use. Unmanaged lands have the highest potential to adversely affect cultural resources because there is no pre-planning that is, identification, protection measures, or mitigation, and therefore no knowledge of the impact.

(40 CFR § 1508.7) Cumulative Effects are "impacts on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individual minor but collectively significant actions taken place over a period of time"

Adverse cumulative affects result from natural processes occurring over time, inadequate or inappropriate maintenance or management, outright destruction, and the steady loss of cultural resources through repeated mitigation of adverse effects rather than intact preservation. These effects may lead to loss of certain types of cultural sites prior to comprehensive scientific studies and could further lead to misinterpretation of past use of this area.

The intensity, extent or level of impacts on cultural resources can be described as negligible, minor, moderate, or major.

- Negligible impacts are those that result in barely perceptible changes in the important properties of a cultural resource or landscape.
- Minor impacts are obvious and noticeable.
- Moderate impacts are sufficient to cause a noticeable but not substantial change in the important characteristics of cultural resources.
- Major impacts result in substantial and highly noticeable changes in the important characteristics of cultural resources.

The duration of an impact plays a key role in the overall effect; impacts of minor intensity over a long period of time may have the same effect on the characteristics of cultural resources as would impacts of moderate intensity over short periods of time. Short-term effects can be categorized as those that are temporary or reversible; while long-term effects are those that are ongoing or permanent damage or changes.

Measures that reduce the level of impacts are appropriate under the requirements of National Environmental Protection Act (NEPA); however, under NHPA, as defined by the implementing regulations for section 106, the effects remain adverse. Therefore, measures to address impacts under NEPA may not be sufficient to address the effects under NHPA. The Secretary of Interior has published regulations designed for the preservation, restoration, and rehabilitation of cultural resources. The Regional PA provides a list of standard protection measures that can be used in project analysis to reach a finding of no adverse effects without conducting separate project specific consultation with SHPO.

Commonly used mitigation measures would always be in compliance with the vast array of historic preservation legislation and mandates. These mitigation measures for effects include pre-planning survey of all proposed activities and sites; survey of all existing structures not previously surveyed for cultural resources; and use of standard protection measures such as project redesign, relocation, and monitoring to protect the affected cultural resources. Education of project workers, national forest users, recreationists, and the general public in regards to the importance of cultural resources, site damage or vandalism can also be one form of mitigation measure.

Direct and Indirect Effects

Alternative 1 (no action):

If "No Action" were taken to address the purpose and need or to achieve project objectives, no direct, immediate changes would occur to existing cultural resources sites. However, cumulative effects would result, including the potential for cultural resource site disturbance and destruction.

Over time cultural resources can be affected by natural erosion, inadequate or inappropriate maintenance, destruction, and ongoing recurring loss of cultural sites through continual vandalism, looting, and unauthorized off-highway vehicle activity, or repeated mitigation of adverse effects instead of preservation in-situ.

If Alternative 1 (no action) is chosen there would be a major direct effect to the cultural resources identified. By choosing this option, site projection measures would not be implemented thus resulting in complete destruction of the sites and loss of information of past use of this area.

Alternative 2 (proposed action):

To prevent further surface and subsurface impacts caused by OHV vehicle site protection measures would be used. Sensitive cultural areas within the APE will be monitored by an archaeologist during project implementation to ensure no disturbance to cultural resources. Additionally, an archaeologist should conduct post project monitoring in certain areas to determine the effectiveness of treatments implemented to protect the site.

If Alternative 2 (proposed action) is chosen there would be moderate direct effects to the cultural resource identified because special site protection measures would be used to avoid impacts to cultural resources such as, placing a foreign, non-archaeological material (e.g., padding or filter cloth) over all affected archaeological deposits with in the APE, monitoring by an archaeologist during and post project implementation and throughout all subsequent long term maintenance activities to determine the effectiveness of the protection measures.

Effects on Tribal and Native American interests are not expected as a result of the Proposed Action. However, consultation with tribes whose ancestral lands are within the project area will take place and their concerns will be addressed in the final decision through standard resource protection measures, re-design, or data recovery.

Pursuant to section 106, the San Bernardino National Forest has reached a conclusion of no adverse effects and will issue a clearance memo for this project.

Air Quality

Applicable requirements and direction may be found in the Clean Air Act (CAA), the State Implementation Plan (SIP) and the requirements of Air District Levels of Significance. The SIP outlines the steps the State and Air Districts will follow to improve the ambient air quality in meeting the National Standards. The proposed action lies within the Mojave Desert Air Quality Management District (MDAQMD), a serious non-attainment area for the National Ambient Air Quality Standard (NAAQS) for particulate matter less than 10 microns (PM_{10}). This air quality management district is also in extreme non-attainment of the NAAQS for ozone, a secondary pollutant formed by complex photochemical reactions of nitrogen oxides (NO_X) and reactive organic compounds (ROC) in the presence of sunlight. Carbon Monoxide (CO) currently exceeds the 8-hour NAAQS in one of the urban areas south of the city of Los Angeles. The concerns are the effects to the MDAQMD ambient air quality from changes created by equipment usage and fugitive dust emitted by this project.

Fugitive road dust is produced in part by the force of a vehicle's wheels on the road pulverizing of the surface material, which is then entrained into the air flowing around the vehicle. The amount of road dust emissions vary by the roadway type, vehicle and speed. Dust from OHV activity can create ground level reductions in visibility causing traffic hazards; it can directly reduce photosynthesis by coating needles and leaves and where very small particles (10 micros or less in size) are generated, impacts to human health can occur. Particles less than 10 micros are small enough to lodge deeply in the lungs and can also be transport long distances effecting visibility in nearby Class I wilderness areas. Class I areas are large wilderness areas in existence prior to August 1977 and recognized in the clean air act. Visibility in Class I areas is one of the required Air Quality Related Values (AQRVs) mandated by the Clean Air for protection by the Federal Land Managers (FLMs). The smaller the particles the more impact dust can have of visibility, particles near the wavelength of light, 4 microns, having the greatest effect. The same is true for human health, the smaller the particle the more impact it can have. Recently the NAAQS have been modified to include new standards for particulate matter less than 2.5 micros. Only a very, very small portion of the dust generated by OHVs and wind scour over barren ground falls into these size classes.

Actions taken or supported by Federal Agencies must be consistent with efforts pursuant to achievement of the NAAQS. Within a non-attainment area, Federal Agencies are required to determine if their project emissions conform to the SIP. In cases where a permit or condition of use is being renewed or modified, it is the change in total project emissions from the initial or existing condition to the new or modified conditions that requires conformity to SIP. This is the case here where a condition is being modified, the area used by OHVs is being reduced in over all total area and trails are being improved to enhance riding. Consistency with the CAA is usually accomplished through the use of a Conformity Analysis (CA). If the total project emissions are less than the established de minimus levels for that air quality management district and the emissions are not regionally significant, the project is considered to conform to the federally approved attainment plan (SIP). Federal actions that exceed these values usually require further analysis in the form of a Conformity Determination (CD). The de minimus levels are in part based on the magnitude of the non-attainment status; areas with the worst air quality are assigned the lowest de minimus levels. Regional significance levels for this analysis are established at 10% of the South Coast Air

Quality Management District's (SCAQMD) annual emission levels. SCAQMD annual emissions are assumed to be more representative of this region than the total annual emissions from San Bernardino County. If the total emissions from the project are found to be less than de minimis and below the air districts established significance thresholds, the project can be considered to have a non-significant impact on local air quality.

The expected differences in non-attainment criteria pollutant emissions between the present and the most "active" alternative are displayed in Table 6 below. While little overall change in OHV use of the Baldy Mesa area is anticipated, an increase of 5% between the no action and proposed action alternatives was used in this analysis to reflect the future and continuing high demand for OHV recreation opportunities.

Table 6: Comparison of Daily Existing and Proposed Emissions

Emission Sources	**Estimated Emission (pounds/day)**			
	PM_{10}	**CO**	**ROC**	**NO_X**
Proposed Action				
Light Truck and Autos	1.6	38.0	1.9	6.0
Heavy Transport Trucks	0.0	1.4	0.1	0.2
OHV	0.8	487.9	359.6	2.0
Reconstruction & Rehabilitation	0.0	15.2	0.0	0.6
Fugitive Dust	970.7			
Existing Use				
Light Truck and Autos	1.5	36.2	1.8	5.8
Heavy Transport Trucks	0.0	0.0	0.0	0.0
OHV	0.8	464.7	342.8	1.9
Reconstruction & Rehabilitation	0.0	0.0	0.0	0.0
Fugitive Dust	924.0			
Estimated Change in Emissions				
Light Truck and Autos	0.08	2.14	0.12	0.30
Heavy Transport Trucks	0.02	1.38	0.15	0.23
OHV	0.04	23.23	17.12	0.10
Reconstruction & Rehabilitation	0.00	15.20	0.05	0.55
Fugitive Dust	46.34			

Planned project emissions are based on the estimated change in use of the 20 miles of OHV trail system being developed within San Bernardino County and the MDAQMD.

Each air pollution management district establishes the maximum total daily emissions that can be derived from a project without a detailed air quality analysis being required. These levels are often called air quality significance thresholds. Table 7 below compares this project's emissions to the significance thresholds. If daily project emissions fall below the thresholds established for this air quality management district no further state required air quality analysis is needed.

Table 7: Daily Project Emissions – APCD Significance Analysis

Emission Sources	**Estimated Emission (pounds/day)**			
	PM_{10}	**CO**	**ROC**	**NO_X**
Light Truck and Autos	0.1	2.5	0.1	0.4
Heavy Transport Trucks	0.0	1.4	0.2	0.2
OHV	0.1	29.0	21.4	0.1
Reconstruction & Rehabilitation	0.0	15.2	0.1	0.6
Fugitive Dust	56.1			
Total Daily Emissions (lbs/day)	56.2	48.1	21.7	1.2
Applicability Threshold	**150**	**550**	**55**	**55**
Project Less Than Threshold	***YES***	***YES***	***YES***	***YES***

The 1990 Clean Air Act amendment requires federal agencies to determine if emissions from their projects may have a detrimental effect on the attainment status of the air quality management districts in which those activities occur.

The data in Table 8 represents a part of the require conformity analysis for this project. All emissions are found to be below the de minimus levels.

Table 8: Annual Project Emissions – De minimus Analysis

Emission Sources	**Estimated Emission (tons/year)**			
	PM_{10}	**CO**	**ROC**	**NO_X**
Light Truck and Autos	$3.34x10^{-2}$	$9.05x10^{-1}$	$5.15x10^{-2}$	$1.29x10^{-1}$
Heavy Transport Trucks	$1.96x10^{-5}$	$1.00x10^{0}$	$1.48x10^{-4}$	$2.26x10^{-4}$
OHV	$9.09\ x10^{-3}$	$5.30x10^{0}$	$3.91x10^{0}$	$2.21x10^{-2}$
Reconstruction & Rehabilitation	$1.03\ x10^{-7}$	$7.60x10^{-2}$	$2.40x10^{-4}$	$2.75x10^{-3}$
Fugitive Dust	$1.02\ x10^{1}$			
Total Annual Emissions (tons)	10.3	7.3	4.0	0.2
Applicability Threshold as per CFR 51.853(b)(1)	**70**	**100**	**10**	**10**
Project Less Than Threshold	***YES***	***YES***	***YES***	***YES***

If annual project emissions are found to be less than the established de minimus levels, their regional significance must also be established before they can be determined to conform to the SIP. Comparison of the total project emissions to the regional thresholds is provided below in Table 9. All project emissions are found to be less than regional thresholds levels.

Table 9: Daily Project Emissions – Regional Thresholds Analysis

Emission Sources	Estimated Emission (average annual tons/day)			
	PM_{10}	CO	ROC	NO_X
Light Truck and Autos	$3.86x10^{-5}$	$1.07x10^{-3}$	$6.20x10^{-5}$	$1.50x10^{-4}$
Heavy Transport Trucks	$9.78x10^{-6}$	$6.88x10^{-4}$	$7.38x10^{-5}$	$1.13x10^{-4}$
OHV	$1.99x10^{-5}$	$1.16x10^{-2}$	$8.56x10^{-3}$	$4.85x10^{-5}$
Reconstruction & Rehabilitation	$1.03x10^{-8}$	$7.60x10^{-3}$	$2.40x10^{-5}$	$2.75x10^{-4}$
Fugitive Dust	$2.31x10^{-2}$			
Total Daily Emissions (tons/day)	0.02	0.02	0.01	0.00
Threshold [1]	**8**	**80**	**16**	**16**
Project Less Than Threshold	***YES***	***YES***	***YES***	***YES***

[1)] Thresholds established as 10% of regional daily emissions for 2000

Four Class I wilderness areas lie with the standard 100 km air quality modeling zone of this project, San Gabriel, Cucamonga, San Jacinto and San Gorgonio: 32 km, 10 km, 85 km and 54 km respectively. Air Quality Related Values, which include visibility, are not expected to be adversely impacted by the small potential increases in emissions produced by construction, rehabilitation and any additional OHV use this project may attract. Total overall emissions, including fugitive dust, are actually expected to be reduced by this project. The rehabilitation of the area provided for by this project will reduce the total amount of open ground exposed to unauthorized OHV use and wind erosion, hence reducing fugitive dust emissions. Any changes in regional haze values experienced by even the closest Class I area associated with this project are expected to be completely masked by the local conditions, see Table 9.

Based on the above data the project is considered to conform to the SIP and is assumed to not constitute a significant impact to the air quality of the Mojave Desert Air Quality Management District. A CD is not required for this project. The project also complies with the Class I Wilderness requirements of the CAA. Fugitive dust is expected to be the major pollutant from this project, a majority of which will quickly disperse and fall out of the air column, causing no significant AQRV impacts to the Class I wildernesses. No further air quality analysis is required.

Alternative 2 will result in an increase in short-term particulate matter emissions (dust) from new trail construction and reconstruction. Fugitive dust emissions from travel on unpaved roads will also be generated during the construction and reconstruction phases. Emissions from the gasoline and diesel engines used in the trail construction process will result in tailpipe emissions of carbon monoxide, ozone and oxides of nitrogen.

Given the emission requirements for vehicles in the South Coast Air Basin and the short duration and small-scale nature of this alternative, no violations of existing air quality standards are expected to occur.

Alternative 1 would not increase particulate matter concentrations from trail construction and reconstruction.

Increased use of the trails on Baldy Mesa is expected with either alternative, which will produce additional dust and engine emissions, but not in amounts that would exceed air quality standards, considering the small portion of the Forest affected and short duration of dust suspension.

CONSULTATION AND COORDINATION

The Forest Service consulted the following individuals, Federal, State, and local agencies, tribes and non-Forest Service persons during the development of this environmental assessment:

ID TEAM MEMBERS:

Front Country District Ranger:	Gabe Garcia
Director of Public Services:	Al Colby
Off Highway Vehicle Manager:	Gregg Hoffman
Off Highway Vehicles:	Travis Mason
Forest Wildlife Biologist:	Dave Austin
Forest Archeologist:	Bill Sapp
Archeologist:	Hila Nelson
District Botanist:	Deb Nelson
Forest Hydrologist:	Rob Taylor
Hydrologist:	William Wells
District Recreation Officer:	Melinda Lyon
Engineering:	Josh Direen
Engineering:	Pete Hubbard
Lands & Recreation:	Jason Collier

FEDERAL, STATE, AND LOCAL AGENCIES:

Bureau of Land Management

U.S. Fish & Wildlife Service

Lahontan Regional Water Quality Control Board

Santa Ana Regional Water Quality Control Board

Mojave Desert Air Quality Management District

California Department of Forestry and Fire Protection

TRIBES:

San Manuel Band of Serrano Indians

Morongo Band of Mission Indians

OTHERS:

Trails Unlimited

LITERATURE CITED

National Visitor Use Management, San Bernardino National Forest, 2004

National Visitor Use Management, San Bernardino National Forest, 2009

Memorandum of Understanding between the USDA Forest Service and U.S. Fish and Wildlife Service, 2008

Migratory Bird Executive Order, January 11, 2001

Wildlife Biological Evaluation and Management Indicator Species Evaluations, for Baldy Mesa OHV Trail Project, Front Country District, San Bernardino National Forest, David A. Austin, August 20, 2013

San Bernardino National Forest Land Management Plan (2006)

Brooks et al. 2004

Keeley, J.E., T.J. Brennan. 2012. Fire-driven alien invasion in a fire-adapted ecosystem. Oecologia 169(4): 1043-1052.

Meadows, D.; Foltz, R.B.; Geehan, N. 2008. Effects of all-terrain vehicles on forested lands and grasslands. 0823 1811P. San Dimas, CA: U.S. Department of Agriculture, Forest Service, San Dimas Technology and Development Center. 124 p.

Milburn, Goodman, and Doan 2007

Wendland, L., H. Balbach, M. Brown, J. D. Berish, R. Littell, and M. Clark. 2009. Handbook on gopher tortoise (Gopherus polyphemus). Health evaluation procedures for use by land managers and reseachers. U.S. Army Corps of Engineers, Engineer Research and Development. ERCD/CERL TR-09-1. January 2009.

Zimmerman, L.C., M.P. O'Connor, S.J. Bulova, J.R. Spotila, S.J. Kemp, and C.J. Salice. 1994. Thermal ecology of desert tortoise in the Eastern Mojave Desert: seasonal patterns of operative and body temperatures, and microhabitat utilization. Herpetological Monographs 8:45-59.

APPENDIX B -- USFS APPEAL DECISION

United States Department of Agriculture | **Forest Service** | **Pacific Southwest Region** | **Regional Office, R5**
1323 Club Drive
Vallejo, CA 94592
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File Code: 1570-1 Date: January 8, 2013

Subject: Baldy Mesa OHV Trails and Staging Area
Appeal No. 14-05-00-0004, 0005, 0010, 0015, 0016, & 0017-A215
San Bernardino National Forest

To: Appeal Deciding Officer

I am the designated Appeal Reviewing Officer for this appeal. This is my recommendation on disposition of the appeal filed by Joseph Sestay, Markley Chaffin, Jenny Wilder, James & Cathie Cota, Don Fischer, and Kenneth Vernon, appealing the Decision Notice (DN) for the Baldy Mesa OHV Trails and Staging Area Project Final Environmental Assessment (EA) signed by Forest Supervisor Jody Noiron on the San Bernardino National Forest. The decision was signed on September 27, 2013 and the legal notice of the decision was published on October 4, 2013.

The San Bernardino National Forest proposed to designate existing, user created trails, and also construct new trails in Baldy Mesa. New amenities will also be added to the Baldy Mesa Staging Area and the parking area will be reorganized to be more user friendly. The project area is located in the Cajon Pass and Baldy Mesa area of the San Bernardino National Forest (Forest) on the Front Country Ranger District (District), north of California Highway 138, near Interstate Highway 15 where it crosses the summit of Cajon Pass. The legal description for the project area is Township 3 North, Range 6 West, Sections 3, 4, 5, 6, 10, 11, 12, 13, and 23. This action is needed, because human populations are increasing dramatically in the vicinity of the Forest, while opportunities for OHV use on both public and private lands is decreasing due to urbanization and requirements for environmental protection. This has increased pressures for OHV recreation at Baldy Mesa. The existing designated road and trail system for OHV use does not provide an adequate alternative to illegal use, which is currently causing unacceptable resource damage and is degrading the natural environment.

The existing staging area for Baldy Mesa is at the junction of NFS roads 3N21 and 3N53. Facilities include a restroom, signage, and a picnic table. The signage and picnic table are across NFS road 3N53 from the parking area and restroom. The staging area is primarily used in the winter months, November through May. On average, over a week there is anywhere from 10 to 25 vehicles parked at the staging area and 10 to 30 OHVs on the trail (3N21). On weekends there can be more vehicles both at the staging area and on the trail, and on holiday weekends those numbers can triple. There is a need to provide a recreation facility that supports sustainable recreation use in the Baldy Mesa area by providing parking, restrooms, trash receptacles, and signage for OHV and other recreation uses. The natural surface parking area runs along a railroad track and under a railroad trestle. The area between the railroad tracks where some parking occurs is also part of Burlington Northern Santa Fe's permit as a storage area.

The Forest Service evaluated two alternatives in their Environmental Assessment (EA). Alternative 1: The Proposed Action would construct and maintain 13.4 miles of 50 inch OHV

trails; designate and maintain 9.6 miles of NFS Trail 3W24 that are temporarily designated for OHV use; remove OHV use on 1.2 miles of NFS Road 3N24; reorganize the existing staging area to include additional amenities; and rehabilitate existing unauthorized routes within the project area. The proposed action may affect individual plants and animals, including some soil disturbance and erosion. Heritage resources will be flagged and avoided to the fullest extent, including the capping and protection of some sites. Alternative 2: The No Action would leave the current staging area the same and no new trails will be designated or constructed.

Based upon the effects of the alternatives, the responsible official will decide whether to implement the proposed action, modify the proposed action, or take no action at this time.

<u>Issue 1</u>: Consideration of Public Comments and Concerns (page 4 of Decision Notice). There is no acknowledgement whatsoever as to the substantial opposition to the proposal, nor any attempt to consider the needs of non-OHV users, not to mention the damage that will be done to the soils, hydrology, historic trails and other heritage resources. (Sestay, pg. 2; Chaffin, pg. 1)

36 CFR 215.6(b) states: "*Consideration of comments.* (1) The Responsible Official shall consider all substantive written and oral comments submitted in compliance with paragraph (a)."

36 CFR 220.7 (b)(3)(i) states that "The EA shall briefly provide sufficient evidence and analysis, including the environmental impacts of the proposed action and alternative(s), to determine whether to prepare either an EIS or a FONSI.

The DN/FONSI identified issues that were brought forward in public comments. The issues included: conflicts with OHV users, opposition to more OHV trails, impacts to Manzanita Wash, increased disturbed area, and impacts to desert tortoise (DN/FONSI, pp. 4-5). The Decision Maker came to the conclusion in the DN/FONSI that all concerns and issues were considered in the analysis and comment analysis process (DN/FONSI, pg. 4).

The EA addressed conflicts with OHV users and opposition to more OHV trails by more deliberately managing OHV use of the area. The trail system will be reduced from approximately 78 miles of trails to 23 miles of trails (DN/FONSI, pg. 3). All unauthorized trails (55 miles) would be rehabilitated and blocked to discourage use by OHVs (DN/FONSI, pg. 4); therefore, the project would reduce the number of trails, not increase the number. Keeping the rehabilitated routes closed would be facilitated with highly visible directional signing for the designated trail system, regulatory signing, route maps, a strong law enforcement presence, and highly visible volunteer patrols for information and education (EA, pg. 19). The selected alternative trail system includes two 50-inch OHV loop trails (DN/FONSI, pg. 4), whereas riders currently cannot complete a loop on designated system trails (EA, pg. 2). Visitors are more likely to cooperate with regulations when an attractive and legal trail system is in place (DN/FONSI, pg. 18).

Impacts to Manzanita Wash were addressed in alternative 2b (the selected alternative) by moving a section of trail to avoid negative impacts to Manzanita Wash (EA, pg. 6). Impacts to desert tortoise are addressed in the wildlife section of the EA (EA, pp. 20-23) and through the development of protective design features (EA, pp. 10-12).

Impacts to soils, hydrology, historic trails and other heritage resources are all analyzed and disclosed in the Environmental Consequences section of the EA. Impacts to these resources were found to be less than significant (EA, pg. 29; EA, pg. 33).

I find that the EA adequately considered public comments and concerns, consistent with 36 CFR 215.6(b). I find that the EA contained appropriate analysis of proposed action impacts consistent with 36 CFR 220.7 (b)(3)(i).

<u>Issue 2</u>: Conflicts with OHV users (page 4 of Decision Notice). Ms. Noiron states that the proposal was "designed to mitigate the conflicts that have historically occurred between user groups in the Baldy Mesa Area." This statement is misleading and false: the only extent to which this proposal will "mitigate conflicts" is that it will completely prevent use of the area by non-OHV "user groups." She then states the proposal allows for "greater opportunity of other types of recreation outside of the designated trails." How is an OHV "racetrack" going to encourage non-OHV use. (Sestay, pg. 3)

The Appellant asserts that the proposed action does not adequately address conflict between motorized and non-motorized users in the Baldy Mesa area. However, the Appellant did not allege that the Forest Service violated any law, regulation, or policy.

Under 36 CFR 212.51(a) the Forest Service may designate trails suitable for motor vehicle use in accordance with a number of criteria outlined in 36 CFR 251.55(a) and (b). The criteria that are relevant to this issue include the provision of recreational opportunities, access needs, and conflicts between motor vehicle use and other recreation uses. Agency directives in Forest Service Manual (FSM) 7710, sec. 7715.5 suggest that the agency address conflict between recreation users by considering combinations of motorized and non-motorized use. The Place-Based Program Emphasis for the Cajon Place in Part 2 of the LMP states that sustainable motorized trails will be developed to enhance motorized recreation opportunities, and that there will be an emphasis on OHV management in Baldy Mesa (LMP Part 2, pg. 61).

The Forest Service stated in the EA that opportunities for OHV use on both public and private lands are decreasing despite increasing levels of OHV use on the San Bernardino National Forest, including at Baldy Mesa, and therefore there is a need to increase OHV opportunities in the Baldy Mesa area (EA, pp. 2 and 18-19). In addition to OHV use at Baldy Mesa, the Forest Service points out that all user groups, including hikers, mountain bikers, and equestrians are authorized to use the OHV trails (EA, pg. 2). However, despite the trails at Baldy Mesa being open to all user groups, monitoring of use on official trails at Baldy Mesa on weekends and holidays between October, 2001 and February, 2005 showed that nearly one-hundred percent of use during this period was by motorized recreationists. The high proportion of motorized use on the official trails at Baldy Mesa can be explained in part by the observation in the EA that equestrians at Baldy Mesa typically ride off of the area's official trail system (EA, pp. 17-18). And while Baldy Mesa has historically been popular for both motorized and equestrian users, hiking and mountain bike use in the area has been very limited, likely due to the terrain and layout of the trail system (EA, pg. 17). Currently Baldy Mesa has 78 miles of OHV trails, of which 68.4 miles are unauthorized, unmanaged, and unmaintained user created trails, and 9.6 miles are temporarily authorized as trails. Under the selected alternative, 23 miles of trail would be designated, rehabilitated, or maintained, and 55 miles of user-created trail would be eliminated (DN/FONSI, pg. 3). As such, the footprint of OHV use under the proposed action would be reduced substantially. Conflict would be addressed in accordance with the proposed action by limiting OHV use to a smaller area than is currently being used, as well as the improved ability to educate motorized users about area regulations and provide enforcement to ensure that OHV use remains on designated trails (EA, pg. 19). Together, these outcomes would

allow for greater opportunity for other types of non-motorized recreation outside of the designated trail system, and therefore less conflict between user groups (DN/FONSI, pg. 4).

I find that the Forest adequately addressed issues related to conflict between user groups at Baldy Mesa. This area has historically been heavily used by motorized recreationists, and this use is increasing. Historic equestrian use of the area has typically occurred off of designated trails. Other user groups have not used the area in the past in high numbers. By confining what is currently predominately unauthorized OHV use to a more limited, legal trail system, equestrian users will have access to a greater proportion of the Baldy Mesa area that is free from OHV use. This action is in compliance with relevant sections of the *Code of Federal Regulations*, agency directives in the Forest Service Manual, and the LMP.

<u>Issue 3</u>: Opposition to More OHV Trails (page 4 of Decision Notice). This issue references the fact that many local residents oppose OHV use in the Baldy Mesa area (illegal and legal) as it is rural residential area, and such use is a nuisance, safety risk, dust, pollution and noise problem. Ms. Noiron dismisses this publicly supported option by stating: "This alternative was considered but eliminated from detailed study because it does not meet the Purpose and Need (in the EA). This option was not even seriously considered. And Why? Because the only "Purpose and Need" discussed in the EA is for more OHV trails. Everything else is ignored. It is clear that the Purpose and Need of the local residential residents and the 1,200+ petitioners who oppose the proposal were not considered. Why were other less intrusive alternatives not considered? Why present this false choice of all or nothing? (Sestay, pp. 3-4; Chaffin, pg. 1; Wilder, pg. 2; Cota, pg. 1)

36 CFR 215.6(b) states: "*Consideration of comments.* (1) The Responsible Official shall consider all substantive written and oral comments submitted in compliance with paragraph (a)."

Regarding the Purpose and Need statement, Forest Service Handbook 1909.15 Chapter 10 part 11.21 states that "the need for action discusses the relationship between the desired condition and the existing condition in order to answer the question, 'why consider taking any action?'."

The desired conditions are described in the San Bernardino National Forest Land Management Plan. The desired condition for the roads and trail system is:

> The transportation system of roads and trails is safe, affordable, and environmentally sound; responds to public needs; and is efficient to manage. The system provides public access for recreation, special uses and fire protection activities, and supports forest-management objectives… Roads and trails determined to be unnecessary through Roads Analysis and the analysis required by the National Environmental Policy Act (NEPA), are removed and the landscape is restored… the number of inventoried unclassified roads and trails are reduced, and the development and proliferation of new unclassified facilities is minimized (San Bernardino National Forest Land Management Plan, pg. 35).

The San Bernardino Land Management Plan also has direction for OHV trail management in the Program Emphasis and Objectives section, where it states that the trail program will "emphasize improving the national forest OHV system by designating OHV road and trail routes and effectively managing inappropriate use." It goes on to state that staff are expected to make recommendations for decommissioning where conflicts with natural resources occur, and for including routes in the trail system (San Bernardino National Forest Land Management Plan, Part 2, pg. 35).

The Land Management Plan also contains guidance for the management of the Cajon Pass Place, which contains the Baldy Mesa area, and for the Baldy Mesa area itself. The Desired Condition for the Cajon Pass Place includes an improved OHV route system, with unauthorized use directed to roads and trails that are designated for this use (San Bernardino National Forest Land Management Plan, Part 2, pg. 60).

Program emphasis for the Cajon Pass Place states that:

> Motorized and non-motorized trails that are sustainable to the environment will be developed to improve existing trail opportunities. Off-highway vehicle trails will be established in areas of low environmental sensitivity to provide an attractive alternative to unlawful use and to promote user cooperation in avoiding sensitive areas. (San Bernardino National Forest Land Management Plan, Part 2, pg. 61).

Program emphasis goes on to specify an emphasis for OHV management in the Baldy Mesa area (San Bernardino National Forest Land Management Plan, Part 2, pg. 61).

The Purpose and Need as identified in the EA states that the existing designated road and trail system for OHV use in the Baldy Mesa area "does not provide an adequate alternative to illegal use" (EA, pg. 2); and that "There is a need to increase opportunities for sustainable OHV recreation in the Baldy Mesa area, where compatible with resource protection" (EA, pg. 2).

The project would reduce the trail system from approximately 78 miles of trails to 23 miles of trails (DN/FONSI, pg. 3). All unauthorized trails (55 miles) would be rehabilitated and blocked to discourage use by OHVs (DN/FONSI, pg. 4); therefore, the project would reduce the number and mileage of trails, in an effort to balance the desire for OHV recreation opportunities with the desire to reduce the area of use to areas that are appropriate for such use, and more effectively manage OHV use of the area. The result of the project would be OHV use in the Baldy Mesa area that is less intrusive than the current level of use.

The Appellants specific concerns about safety are addressed in Issue 6b (below), concerns about dust and noise are addressed in Issue 6d (below), and concerns about the pollution are addressed in the EA (EA, pp. 10, 13, 27-28, and 35).

I find that the purpose and need for the project was appropriately developed based on direction in the San Bernardino National Forest Land Management Plan, and that the Forest appropriately dismissed alternatives that would eliminate OHV use in the area for not meeting the purpose and need for the project, and therefore would also not have met the direction established in the Forest Plan to facilitate OHV use in the area.

<u>Issue 4</u>: Increased Disturbed Area (page 5 of Decision Notice). Ms. Noiron comes to the illogical conclusion that by "converting [illegal] user created trails" into a NF sponsored racetrack, and admittedly "adding additional miles" to the system, somehow, magically, "this effort will actually reduce the total footprint" of OHV use. What facts does she have to support this conclusion? It is obvious that the proposal will significantly increase the disturbed area. Also, the proposal is totally silent as to how the NF intends to prevent OHV users from illegally entering the new NF proposed racetrack from Phelan public roads and adjacent private property. This is a major concern of the local Phelan population as expressed in the petition signed by over 1,200 local residents. (Sestay, pg. 4; Cota, pg. 1; Vernon, pg. 2)

What is going to be done to stop the riders from Phelan crossing private property to access Baldy Mesa Trail system and to stop the hill climb activity off 3N24. (Wilder, pg. 3)

The Appellant has not alleged a violation of law, regulation, or policy. However, the comment is important as one of the primary intents of the Baldy Mesa OHV Trails and Staging Area project is to reduce the resource damage associated with more than 60 miles of unauthorized and redundant user-created trails (DN/FONSI, pg. 3).

The selected alternative includes 13.4 miles of new trail construction and designation of an existing 9.6 miles of temporary, existing trail (DN/FONSI, pg. 4). While this appears to be adding substantial ground disturbance to the project area, roughly 19 miles of the trails to be designated already exist on the ground (*Id.*). All unauthorized routes which intersect the 23-mile designated trail system would be rehabilitated within 200 feet of the trail system, including blocking the routes to dissuade continued OHV use (*Id.*). The unauthorized routes would be ripped to a depth of 2.5 feet to obliterate the trail surface and restore soil infiltration [Baldy Existing Staging Area (and Unauthorized Route) Restoration Plan, pg. 3]. Pipe rail or pipe and cable fence would be installed at several of the route intersections with the designated trail system (*Id.*). Removing traffic from these routes would allow native plants to begin regenerating along the routes (EA, pg. 16). The rehabilitated unauthorized route sites would be seeded and mulched and waterbars installed as needed [Baldy Existing Staging Area (and Unauthorized Route) Restoration Plan, pg. 3]. Roughly 68 miles of unauthorized routes are known to exist within the project area (DN/FONSI, pg. 3).

Disturbance at the existing staging area appears to have increased substantially since 1994, although the area disturbed may have stabilized since approximately 2002 (Hydrology-Soils Specialist Report, pp. 10-11). Under the selected alternative, the staging area would be reorganized to include additional amenities and use would be limited to designated areas (EA, pg. 7). Barriers of sufficient size and strength to prevent tampering would be placed around the staging area to prevent unauthorized expansion of the staging area (Hydrology-Soils Specialist Report, pg. 6).

The selected alternative enables more successful management of the OHV trail system in the project area by confining traffic and use to a designated trail system. Effective law enforcement and maintenance of proper drainage are much more feasible for a 23-mile designated trail system than for the 78 miles or more of OHV trails that currently exist in the project area. Keeping the rehabilitated routes closed will be facilitated with highly visible directional signing for the designated trail system, regulatory signing, route maps, a strong law enforcement presence, and highly visible volunteer patrols for information and education (EA, pg. 19). Frequent patrols by Forest Service and OHV volunteers would be performed to ensure that barriers to unauthorized routes are kept in place [Baldy Existing Staging Area (and Unauthorized Route) Restoration Plan, pg. 4]. The selected alternative trail system includes two 50-inch OHV loop trails (DN/FONSI, pg. 4), whereas riders currently cannot complete a loop on designated system trails (EA, pg. 2). Visitors are more likely to cooperate with regulations when an attractive and legal trail system is in place (DN/FONSI, pg. 18).

I find that the analysis of environmental effects and decision were consistent with Forest Service Policy for prevention of land disturbance that would damage resources. Designation of an attractive 23-mile trail system would facilitate more successful law enforcement and trail maintenance than the current system that contains more than 68 miles of unauthorized trails.

Unauthorized trails that intersect the designated trail system would be eliminated within 200 feet of the system, allowing for regeneration of native plant species and reducing the number of access points to private lands near Phelan.

<u>Issue 5</u>: The Findings of No Significant Impact in the Decision Notice (starting on page 6). the EA, after several pages of saying nothing factual, comes to the conclusion on page 33 that the proposal will have "no adverse effects."

36 CFR 220.7(b)(3)(i) states that "The EA shall briefly provide sufficient evidence and analysis, including the environmental impacts of the proposed action and alternative(s), to determine whether to prepare either an EIS or a FONSI. At 220.7(b)(3)(iii) the regulations state that the EA "Shall describe the impacts of the proposed action and any alternatives in terms of context and intensity as described in the definition of 'significantly' at 40 CFR 1508.27."

40 CFR 1508.27 outlines what should be taken into account when determining a Finding of No Significant Impact (FONSI) and defines significance in the following way:

Significantly as used in NEPA requires considerations of both context and intensity:

> (a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.
>
> (b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
>
> > (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.
> >
> > (2) The degree to which the proposed action affects public health or safety.
> >
> > (3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
> >
> > (4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.
> >
> > (5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
> >
> > (6) 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.
> >
> > (7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

(8) 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.

(9) 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.

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

In the EA (pg. 33) is a summary of impacts and protective measures that prevent impacts to heritage sites. In that section, the Forest reaches the conclusion that there would be no adverse effects to heritage sites due to the protective measures that would be in place.

The FONSI is based on the EA analysis of impacts to all resources analyzed, including the heritage resource. A summary comparison between the no action alternative and the proposed action comes to the conclusion with supporting information that the project impacts will be less than significant (EA, pp. 16-17). Each resource section of the EA has more detailed analysis of the impacts to each resource. The wildlife section concludes that no significant impacts would occur to the wildlife sensitive species, Management Indicator Species, or the threatened desert tortoise (EA, pp. 22-23). The botany section concludes that impacts to sensitive botanical species would be insignificant (EA, pp. 26-27). The hydrology and soils section concludes that watershed thresholds would not be exceeded, supporting the finding that the impacts are insignificant (EA, pg. 29). The air quality analysis concluded that the project would result in no violations of air quality standards (EA, pg. 37).

The FONSI evaluated the proposed action for significance, including context and intensity, and found that the action would have no significant impacts (DN/FONSI, pp. 6-8).

I find that the EA contained appropriate analysis of proposed action impacts to determine that a FONSI was appropriate consistent with 36 CFR 220.7 (b)(3)(i), and the FONSI appropriately considered context and intensity consistent with 40 CFR 1508.27.

<u>Issue 6</u>: The Proposal Requires that the NF Prepare an Environmental Impact Statement. The key definition in the EA process is significantly or significant impact since a proposed action which significantly affects the human environment requires the preparation of an Environmental Impact Statement ("EIS"). Significantly as used in the NEPA requires considerations of both context and intensity. Context means that significance must be analyzed relative to society as a whole (human, national), the affected region, the affected interests, the locality, and whether the effects are short- or long term. Intensity refers to the severity of impact. The following factors should have been considered in EA, but were either glossed over or ignored completely:

36 CFR 220.7(b)(3)(i) states that “The EA shall briefly provide sufficient evidence and analysis, including the environmental impacts of the proposed action and alternative(s), to determine whether to prepare either an EIS or a FONSI. At 220.7(b)(3)(iii) the regulations state that the EA “Shall describe the impacts of the proposed action and any alternatives in terms of context and intensity as described in the definition of ‘significantly’ at 40 CFR 1508.27.”

40 CFR 1508.27 outlines what should be taken into account when determining a Finding of No Significant Impact (FONSI) and defines significance in the following way:

Significantly as used in NEPA requires considerations of both context and intensity:

> (a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.
>
> (b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
>
> > (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.
> >
> > (2) The degree to which the proposed action affects public health or safety.
> >
> > (3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
> >
> > (4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.
> >
> > (5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
> >
> > (6) 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.
> >
> > (7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
> >
> > (8) 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.
> >
> > (9) 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.
> >
> > (10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

With references to the analysis in the EA, the DN/FONSI evaluated context and intensity, including the intensity factors listed in 40 CFR 1508.27, and determined that the proposed action would not significantly affect the quality of the human environment (DN/FONSI, pp. 6-8);

therefore, the decision maker determined that it was unnecessary to prepare an environmental impact statement (EIS) for the project (DN/FONSI, pg. 8). Other potentially significant issues raised by Appellants are addressed in the following issues.

I find that the DN/FONSI appropriately evaluated the context and intensity of the impacts of the proposed action consistent with 36 CFR 220.7(b)(3)(iii) and 40 CFR 1508.27, and found that the project would not significantly affect the quality of the human environment. Therefore, I find that the decision maker appropriately determined that preparation of an Environmental Impact Statement was unnecessary (36 CFR 220.7(b)(3)(i)).

Issue 6a: Impacts that may be both beneficial and adverse (A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial). The NF starts with the faulty biased assumption that additional OHV trails are desirable. - The EA ignores the significant adverse effect to the property rights of adjacent residents and the Phelan population in that the proposal has no plans for preventing access to the proposed OHV racetrack from the Phelan area. The EA and the NF have completely ignored the strong local opposition to the project. They have failed to consider the 1,200+ petition of local residents who don't want the project as proposed. The EA and NF have made no effort to evaluate less aggressive proposals. (Sestay, pg. 5)

The Appellant asserts that the Forest Service ignored a significant adverse effect to the property rights of adjacent residents and the Phelan population in that the proposal has no plans for preventing access to the proposed OHV racetrack from the Phelan area.

36 CFR 220.7(b)(3)(i) states that, "The EA shall briefly provide sufficient evidence and analysis, including the environmental impacts of the proposed action and alternative(s), to determine whether to prepare either an EIS or a FONSI."

36 CFR 215.6(b) states, "The Responsible Official shall consider all substantive written and oral comments submitted in compliance with paragraph (a)."

The selected alternative is designed to confine OHV traffic and use on National Forest System (NFS) lands to a designated trail system. Roughly 68 miles of unauthorized routes are known to exist within the project area (DN/FONSI, pg. 3). The selected alternative consists of a 23-mile designated trail system (DN/FONSI, pg. 4). All unauthorized routes which intersect the 23-mile designated trail system would be rehabilitated within 200 feet of the trail system, including blocking the routes to dissuade continued OHV use (*Id.*). Effective law enforcement and trail maintenance are much more feasible for a 23-mile designated trail system than for the 78 miles or more of OHV trails that currently exist in the project area. Keeping the rehabilitated routes closed will be facilitated with highly visible directional signing for the designated trail system, regulatory signing, route maps, a strong law enforcement presence, and highly visible volunteer patrols for information and education (EA, pg. 19). The selected alternative trail system includes two 50-inch OHV loop trails (DN/FONSI, pg. 4), whereas riders currently cannot complete a loop on designated system trails (EA, pg. 2). Visitors are more likely to cooperate with regulations when an attractive and legal trail system is in place (DN/FONSI, pg. 18).

Connecting the NFS OHV trails to off-Forest access points is problematic, in that there are no designated legal trails on most of the private land (EA, pg. 18). The selected alternative would complete a looped trail system that would not depend upon access from private lands. The selected alternative includes one Forest Service access point to the 23-mile designated trail

system on NFS lands. The access point is the existing staging area in the southeast corner of the project area, at the intersection of Forest Service roads 3N53 and 3N21 (EA, pg. i). The staging area would be reorganized to improve safety, limit use to designated areas, and include additional amenities (EA, pg. 7).

There are currently many unauthorized access points to NFS lands along the northern boundary with private lands that are used by motorcycle and ATV riders and by equestrians (EA, pg. 18). Obliteration of routes on private property that access NFS lands is not within the authority of Forest Service. The selected alternative includes features designed to prevent access to private property of landowners near the town of Phelan, north of the NFS lands. While rehabilitating unauthorized routes within 200 feet of the NFS designated trail system would not affect the routes that exist on private lands, such rehabilitation would restrict access from private lands by blocking the existing access points to NFS trails and allowing those access points to revegetate with native plants (EA, pg. 16). In addition, the most westerly section of NFS road 3N24 (1.2 miles of road) would be removed from the OHV system under the selected alternative, because this section of road connects to private lands (EA, pg. 6). This section of road would remain open to non-OHV traffic, potentially providing a small amount of legal access to the NFS designated trail system for OHVs hauled over the westerly section of 3N24 from State Highway 138.

OHV racing within the project area is not mentioned in the Environmental Assessment or Decision Notice and the selected alternative does not include trails designed to be used as racetracks.

I find that the analysis of environmental effects and the decision were consistent with NEPA regulations for consideration of potential significant adverse effects. The selected alternative is designed to confine OHV traffic on NFS lands to a 23-mile designated trail system with a legal access point to NFS lands. This designated trail system would facilitate more successful law enforcement and trail maintenance than the current system that contains more than 68 miles of unauthorized trails. Unauthorized trails that intersect the designated trail system would be eliminated within 200 feet of the system, allowing for regeneration of native plant species and reducing the number of access points to private lands near Phelan.

<u>Issue 6b</u>: The degree to which the proposed action affects public health or safety. - The EA ignores the significant negative impact on public health and safety this commercial enterprise will have on the Phelan community. Obviously with the creation of this racetrack more OHV accidents will occur. In addition, as more and more illegal trails are created by OHV users who want to access the racetrack, the local public will be put in harm's way not only in the project boundary, but in the adjacent public roads and private property. (Sestay, pg. 5; Wilder, pg. 3)

Forest Service Manual (FSM) 2353.28b for Public Safety (as part of Management of Motor Vehicle Use 2353.28) directs the Forest Service to do the following:

> 1. Promote public safety through cooperation with user groups, dissemination of information, public contact, and active enforcement. For example, in areas of concentrated public use or where there may be an unusual level of risk involved in OHV use, it may be desirable to place conspicuous warnings in written material distributed to the public or on signs.

2. Coordinate with Law Enforcement and Investigations personnel in developing safety education programs, identifying safety issues, and in developing enforcement programs.

Improving safety in the project area is part of the purpose and need for the Proposed Action. The existing staging area, particularly where parking occurs, is adjacent to railroad tracks, and "some recreationists drive their vehicles along and onto the tracks, and pedestrians also walk onto the tracks, which is a hazard" (DN/FONSI, pg. 3). In order to improve safety, barriers would be installed around the parking area that will make entering and exiting the parking area safer (EA, pg. 7; DN/FONSI, pg. 6).

In addition to staging area improvements, the designation of an OHV trail system (not a racetrack as suggested by the Appellant) on Forest Service land is also anticipated to improve health and safety of the area (DN/FONSI, pg. 6). User group conflicts currently present a safety issue (DN/FONSI, pg. 6). Reducing these conflicts would be achieved by identifying specific routes that OHV users can travel on, thereby separating motorized and non-motorized uses where safety issues may exist. Motorized use would be confined to those established trails through the use of "highly visible directional signing, regulatory signing, route maps, a strong law enforcement presence, highly visible volunteer patrols for information and education, and by eliminating the non-system trails by blocking them, restoring the lands, and allowing it to revegetate" (EA, pg. 19). Furthermore, under the existing conditions, patrollers do not have legal access "for efficient law enforcement and education to the problem areas" (EA, pg. 19). The designation of a legal trail system under the Proposed Action would provide the legal access needed for law enforcement.

Overall, the potential to incorporate more educational information than under the current approach such as signs, maps, and regulatory information is anticipated to improve safe user conditions in the project area. For example, trail guide brochures, trailhead signing, and volunteer patrollers would caution OHV riders to approach horses slowly or idle or shut down their vehicles when approaching horses (EA, pg. 19).

The potential for head on collisions was addressed in the EA (pg. 19). The analysis concluded that the Proposed Action provides an opportunity to improve safe riding conditions that doesn't exist under the No Action Alternative. For example, trails can be designed to provide a good line of sight (EA, pg. 19). Where this condition can't be achieved, warning signs would be installed (EA, pg. 19). There is also the possibility of establishing one way travel on the loops to minimize the potential for accidents and provide this direction in maps at the staging area and on trail guide brochures (EA, pg. 19).

The Proposed Action was designed to reduce the conflicts that currently exist between OHV users and adjoining adjacent private lands to the north. Currently, a large amount of access comes from private lands in the north. Riders entering from private land in the north have created their own trails since there is currently a lack of legal trails in this area (EA, pg. 2). The Proposed Action would "allow construction of a new segment of trail that would avoid encroachment on private land, and would complete a trail system that would not depend on access from private land" (EA, pg. 18). The trail system designates trails "further away from the northern boundary with route variations to reduce the effects of noise and dust to homeowners" (DN/FONSI, pg. 4). The Proposed Action would also remove from the OHV system 1.2 miles of NFS road 3N24 that connects private lands and State Highway 138. Obliteration of routes on private property that access NFS lands is not within the authority of the Forest Service. However,

the selected alternative includes features designed to prevent access to private property of landowners near the town of Phelan, north of the NFS lands. While rehabilitating unauthorized routes within 200 feet of the Forest Service trail system would not affect the routes that exist on private lands, such rehabilitation would restrict access from private lands by blocking the existing access points to NFS trails and allowing those access points to revegetate with native plants (EA, pg. 16). By restricting access from the Forest Service trail system to private lands this project would mitigate public health and safety issues on public roadways and private property adjacent to the project area. Although the Proposed Action includes provisions to deter private property trespass, it is ultimately the responsibility of the landowner, not the Forest Service, to resolve trespass issues on their property.

The proposed trail system includes two 50-inch OHV loop trails (DN/FONSI, pg. 4), whereas riders currently cannot complete a loop on designated system trails (EA, pg. 2). Visitors are more likely to cooperate with regulations when an attractive and legal trail system is in place (DN/FONSI, pg. 18). Moreover, it is anticipated that user created trails would be discouraged by providing more appropriate directional and regulatory signs as well as public education and outreach materials in the project area. In addition, under the Proposed Action, law enforcement would have enhanced access to patrol the trail system and this presence would discourage the creation of unauthorized trails.

I find that the Proposed Action for the Baldy Mesa OHV Trails and Staging Area is in accordance with Forest Service Manual (FSM) direction 2353.28b for Public Safety by promoting public safety through trail design, cooperation with user groups, mitigating the potential for conflict, dissemination of information such as highly visible directional and regulatory signs, public contact from volunteer patrols for information and education purposes, and active enforcement by promoting a stronger law enforcement presence.

Issue 6c: Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. - The NF acknowledges that the project area includes desert tortoise habitat, but incredibly comes to the conclusion, without any factual basis, that a commercial OHV racetrack will have no significant impact on their habitat. The desert tortoise will be completely obliterated within and near the project boundaries. All wildlife in the area will be driven completely out. The natural existing desert landscape will be forever destroyed, leaving only a dirt racetrack and multiple barren "feeder" trails of loose dirt and sand. With the destruction of much of the local vegetation, there will obviously be water runoff and erosion problems. There are also joshua trees in the area which will be affected. None of these significant issues have been addressed in the EA or the Decision Notice. (Sestay, pg. 5; Chaffin, pg. 1; Wilder, pg. 1)

The Appellants allege that certain, potentially significant, issues are not addressed in the environmental assessment or decision notice. The significant issues provided by the Appellants include: unique characteristics of the geographic area, desert tortoise being obliterated within and near the project boundaries, water runoff and erosion problems, and the effects to Joshua trees.

Under 40 CFR 1508.13, the Forest Service must briefly present the reasons why an action, not otherwise excluded (§ 1508.4), will not have a significant effect on the human environment, thus concluding no significant impact, and for which an environmental impact statement will not be prepared. In its decision, the Forest Service shall include the environmental assessment or a

summary of it and shall note any other environmental documents related to it (40 CFR §1501.7(a)(5)).

Section 7 of the Endangered Species Act (Act) [16U.S.C. 1531 et seq.] outlines the procedures for Federal interagency cooperation to conserve federally listed species and designated critical habitats. Section 7(a)(2) states that each Federal agency shall, in consultation with the Secretary, insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in destruction or adverse modification of designated critical habitat.

Unique Characteristics of the Geographic Area

The Decision Notice states that there will be no significant effects on unique characteristics or ecologically sensitive areas (DN/FONSI, pg. 6). Furthermore, there are no park lands, prime farmlands, wetlands, or wild and scenic rivers in the project area or that would be affected from project actions (DN/FONSI, pp. 6-7). The decision is supported by analyses of effects presented for cultural, biological, botanical, and hydrological resources, which each conclude that impacts would not be significant (EA, pp. 20-34).

Desert Tortoise

During the NEPA process, the Forest Service received comments regarding the potential effects to desert tortoise and habitat. In response to these comments and during informal consultation with the U.S. Fish and Wildlife Service (USFWS), the Proposed Action was modified to reduce the disturbed area by leaving the parking area in the existing area, and thereby reducing the impact to desert tortoise (EA, pp. 5-6; DN/FONSI, pp. 3 and 5).

The issue of the type of effect (significant or not significant) that the Proposed Action would have on desert tortoise was disclosed and analyzed in the Environmental Assessment (pp. 20-23) and the Biological Assessment (pp. 18-20), and disclosed in the Decision Notice (pp. 7-8). There is no federally designated critical habitat for the desert tortoise in the SBNF (BA, pg. 15; EA, pg. 20). Therefore, there is no designated critical habitat in the Baldy Mesa project area. This area is also not considered essential for the recovery of the species as described in the Revised Recovery Plan for the Desert Tortoise (BA, pg. 17). Although the project area (excluding the staging area) is “presumed occupied” because it is within what is considered suitable habitat and near known occurrences, the area is in a transition zone from suitable to unsuitable habitat and is on the boundary of the species distribution as well as at the upper elevation limit for the species. Therefore, the desert tortoise population is presumed to be at very low density (BA, pg. 17).

In the evaluation of effects, the Forest Service disclosed and analyzed the activities that could potentially affect the desert tortoise, including beneficial and negative effects and the potential for short-term and long-term effects (BA, pp.18-19). The Forest Service noted that the evaluation of effects was qualitative in nature, rather than quantitative due to scarce survey and population data (BA, pg. 17). However, overall factual data used for the effects evaluation included available field data, including general habitat suitability and occupancy data, and also a variety of literature sources, including the 2012 Programmatic Biological Assessment for Forest Service Ongoing Activities which may affect Desert Tortoise (Gopherus agassizii) on the San Bernardino National Forest, of which the effects from roads and trails management is a part and for which a Biological Opinion was issued on May 10, 2013.

From the evaluation of effects, the Forest Service determined that the Proposed Action "may affect, but is not likely to adversely affect" desert tortoise because "overall, the activities are designed to improve/protect the habitat or protect desert tortoise and are considered short-term negative but long-term beneficial impacts" (BA, pg. 20). Furthermore, the Forest Service concluded that "short-term effects would be reduced or avoided through implementation of Forest Plan Standards and Design Criteria" (BA, pg. 20).

In a letter from Kennon A. Corey (USFWS) to Jody Noiron (Forest Service), the USFWS concurred with the Forest Service determination that the Proposed Action is not likely to adversely affect the desert tortoise (USFWS Letter dated September 27, 2013, pg. 4).

Water Runoff and Erosion Potential

Roughly 68 miles of user-created, unauthorized routes are known to exist within the project area (DN/FONSI, pg. 3). If effective treatments are not applied to disperse runoff that collects on forest trails, the trails can serve as a conduit where water travels down the trail surface and flows directly into nearby stream channels, delivering material eroded from the trail prism and increasing the turbidity of the stream (Hydrology-Soils Specialist Report, pg. 21). The Forest has been doing routine maintenance of closing unauthorized trails and rehabilitating the land on an on-going basis as funding allows, but that maintenance has always lagged behind (EA, pg. 2).

The selected alternative would confine OHV traffic and use to a designated trail system. The trails established by the selected alternative would be maintained per the required Best Management Practices (BMPs), including BMP 4.7.2 which directs that designated OHV trails incorporate drainage structures to disperse concentrated runoff (EA, pg. 13).

Effective maintenance of proper trail drainage is much more feasible for a 23-mile designated trail system than for the 78 miles or more of OHV trails that currently exist in the project area.

All unauthorized routes that intersect the 23-mile designated trail system would be rehabilitated within 200 feet of the trail system, including blocking the routes to dissuade continued OHV use (DN/FONSI, pg. 4). Removing traffic from these routes would allow native plants to begin regenerating along the routes (EA, pg. 16).

Joshua Tree

"No currently listed threatened or endangered plant species are known to occur within the project area" (Botany BA/BE, pg. 2). Concerns regarding the Joshua tree were not brought up during the scoping period. The Joshua tree (Yucca brevifolia) is not listed as threatened or endangered under the Endangered Species Act or the California Endangered Species Act, nor is it identified by the Forest Service as a sensitive species.

I find that the Forest Service satisfied 40 CFR 1508.13 by presenting the reasons why the Proposed Action, including modifications to the Proposed Action, will not have a significant effect on the human environment. I also find that the Forest Service has satisfied the interagency consultation requirements of section 7 of the Endangered Species Act to address concerns about the desert tortoise.

<u>Issue 6d</u>: The degree to which the effects on the quality of the human environment are likely to be controversial. The dust, the noise, the increased use, the commercialization of what is a rural residential area are all significant impacts to the local human environment that have been ignored by the EA and the NF in attempting to ramrod this project upon

local residents. Also of significance is that non-OHV users will be completely excluded from the area and, as more and more "feeder trails" are illegally created to access the project, non-OHV users will be driven out of project adjacent areas as well. (Sestay, pg. 5; Wilder, pg. 1)

40 CFR 1508.27 outlines what should be taken into account when determining a Finding of No Significant Impact (FONSI) and states that the following should be considered in evaluating intensity:

> … (4) The degree to which the effects on the quality of the human environment are likely to be highly controversial…

36 CFR 220(b)(3)(i) states that an EA "shall briefly provide sufficient evidence and analysis, including the environmental impacts of the proposed action and alternative(s), to determine whether to prepare either an EIS or a FONSI"

A thorough analysis of fugitive dust emission sources from light truck and autos, heavy transport trucks, OHV, and reconstruction and rehabilitation show that no air quality thresholds will be exceeded (EA, Air Quality, Tables 7, 8 and 9, pp. 35-36). Additionally emissions from gasoline and diesel engines use in the trail construction are not expected to violate existing air quality standards (EA, pg. 37). The Proposed Action was designed to reduce the conflicts that currently occur by proposing trails further away from the northern boundary with route variations to reduce the effects of noise and dust to homeowners (EA, pg. 5). The Appellant's concern about commercialization of the rural residential area is discussed in issue 6g (below).

In addressing criteria to determine significance, the Forest stated,

> Issues were raised during scoping, including a petition to stop the project. Through the interdisciplinary process those issues were addressed to the extent possible so that multiple uses may continue to be achieved by different user groups in the Baldy Mesa area. The Proposed Action Alternative does not introduce new or unfamiliar management activities, but includes standard operating procedures used to construct and maintain trails forest wide. The methods being proposed for implementation are not controversial and are consistent with best management practices. (DN/FONSI, pg. 7)

The selected alternative was designed to respond to concerns about encroachment (Cajon Place TAP, pp. 22-23) from Victorville, Hesperia and adjacent rural communities that have proliferated from private land from the north and that connect to 3N24. The unauthorized trails have impacted archaeological sites, disturbed wildlife, destroy habitat, caused severe erosion, and cause law enforcement difficulties. (Cajon Place TAP, pg. 23) Roughly 68 miles of unauthorized routes are known to exist within the project area (DN/FONSI, pg. 3). The selected alternative includes 13.4 miles of new trail construction and designation of an existing 9.6 miles of temporary, existing trail (DN/FONSI, pg. 4). While this may initially appear to be adding substantial ground disturbance to the project area, roughly 19 miles of the trails that are proposed to be designated already exist on the ground (*Id.*). Additionally, all unauthorized routes that intersect the 23-mile designated trail system would be rehabilitated within 200 feet of the trail system, including blocking the routes to dissuade continued OHV use (*Id.*). Also, keeping the rehabilitated routes closed will be facilitated by use of highly visible directional signing for the designated trail system, regulatory signing, route maps, a strong law enforcement presence, and highly visible volunteer patrols for information and education (EA, pg. 19).

The Cajon Place Travel Analysis Plan (Cajon Place TAP) states that,

> [T]here are great benefits to managing the OHV recreation in the analysis area in a way to minimize the impacts to natural resources while providing sustainable recreation opportunities at all levels. Developing a comprehensive system of roads and trails open to OHV use could help to reduce resource impacts by concentrating use and minimizing undesired trail creation. There would be benefits to adding loop opportunities to the OHV system in the analysis area because it would increase the available use experience and satisfaction and reduce safety risks. (Cajon Place TAP, pg. 30)

In regard to non-OHV users, [who] the Appellant states will be completely excluded from the area and adjacent areas (Sestay, pg. 5; Wilder, pg. 1), the Forest Service notes that all user groups, including hikers, mountain bikers, and equestrians are authorized to use the OHV trails (EA, pg. 2). Additionally, prior to proposing this action, monitoring of use on official trails at Baldy Mesa on weekends and holidays between October, 2001 and February, 2005 showed that nearly one-hundred percent of use during this period was by motorized recreationists. The high proportion of motorized use on the official trails at Baldy Mesa can be explained in part by the observation that equestrians at Baldy Mesa typically ride off of the area's official trail system (EA, pp. 17-18). Therefore, given the existing use in the area, and the LMP direction addressing OHV use in the area, it is appropriate for the Forest to focus the proposed action on designating appropriate OHV use and managing this OHV use in the area in an effort curb improper use in the area, which is consistent with what the Appellants are requesting. See Issue 2 (above) for additional discussion regarding non-OHV use in the project area.

I find that the proposed action, viewed in the context of the existing condition in the area, does not propose any action that is controversial to the human environment. The Forest analyzed and developed a project that attempts to address many of the concerns raised by the public, but that also still meets management direction for the area.

<u>Issue 6e</u>: The degree to which the possible effects on the human environment are uncertain or involve unique or unknown risks. - Clearly, given that the proposal has no plans to control access to this clearly commercial OHV -only activity, and given that the project site is adjacent to rural residential property, the biggest significant risk is the creation of a magnet for many more OHV users than currently anticipated by the NF, which will severely negatively impact the local human environment. (Sestay, pg. 6)

40 CFR 1508.27 outlines what should be taken into account when determining a Finding of No Significant Impact (FONSI) and states that the following should be considered in evaluating intensity:

> … (5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks…

The FONSI states that: "We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk" (DN/FONSI, pg. 7).

The Forest acknowledges that OHV use is increasing (EA, pp. 18, 19, and 21), and has undertaken this project to better manage OHV use in the area (EA, pg. 18).

I find that the Forest appropriately considered the degree to which the project involved uncertain effects, and unique or unknown risks in the FONSI, and found that the effects were not uncertain and do not involve unique or unknown risks, consistent with 40 CFR 1508.27 (b)(5). The Forest acknowledged that OHV use has increased and could possible increase in the future.

<u>Issue 6f</u>: 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. - This is a very important factor in this proposal and has been totally ignored by the EA and the NF review and analysis. At its core, the proposal is rewarding and encouraging illegal OHV use. The Decision Notice and the EA both acknowledge that the project is driven by the fact that the area is currently being used illegally by OHV users. (Sestay, pg. 6; Vernon, pg. 1)

This issue was not brought up before the decision was signed, so the desion maker did not have a chance to respond to this concern.

40 CFR 1508.27 outlines what should be taken into account when determining a Finding of No Significant Impact (FONSI) and states that the following should be considered in evaluating intensity:

> … (6) 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 San Bernardino Land Management Plan (LMP) addresses OHV trail management in the Program Emphasis and Objectives section. In that section, it states that the trail program will "emphasize improving the national forest OHV system by designating OHV road and trail routes and effectively managing inappropriate use." It goes on to state that staff are expected to make recommendations for decommissioning where conflicts with natural resources occur, and for including routes in the trail system (LMP, Part 2, pg. 35).

The Land Management Plan also contains guidance for the management of the Cajon Pass Place, which contains the Baldy Mesa area, and for the Baldy Mesa area itself. The Desired Condition for the Cajon Pass Place includes an improved OHV route system, with unauthorized use directed to roads and trails that are designated for this use (LMP, Part 2, pg. 60).

Program emphasis for the Cajon Pass Place states that:

> Motorized and non-motorized trails that are sustainable to the environment will be developed to improve existing trail opportunities. Off-highway vehicle trails will be established in areas of low environmental sensitivity to provide an attractive alternative to unlawful use and to promote user cooperation in avoiding sensitive areas. (LMP, Part 2, pg. 61)

Program emphasis goes on to specify an emphasis for OHV management in the Baldy Mesa area (LMP, Part 2, pg. 61).

The FONSI states that:

> Travel analysis is an ongoing activity and part of National Forest management. The travel analysis process takes into consideration current and future needs for travel while balancing natural resource management. Wilderness, roadless, and non-motorized locations are identified in the Forest Plan, for which travel does not take place. Authorizing travel within areas specifically identified as eligible for travel is consistent

> and does not represent a significant effect or future precedence. No precedent for future actions with significant effects is initiated through this decision. (DN/FONSI, pg. 7)

While some miles of currently illegal trails would be adopted into the trail system in the Baldy Mesa area, most of the unauthorized trails in the project area would be rehabilitated to protect natural resources, and some new trail construction would occur in appropriate areas (EA, pp. 6, 27, see also Issue 2 above).

I find that the decision maker appropriately addressed 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, and found that the project would not establish precedence, consistent with 40 CFR 1508.27(b)(6). I find that designating some user created trails and rehabilitating other user created trails, specifically in the Baldy Mesa area, is consistent with direction in the San Bernardino National Forest LMP (Part 2, pp. 35, 60, 61).

Issue 6g: Whether the action is related to other actions with individually insignificant but cumulatively significant impacts (Significance exists if a cumulatively significant impact on the environment is anticipated. Significance cannot be avoided by terming an action temporary or by breaking it down into component parts). - The cumulative effect of the proposed project, especially over time, will be that the rural residential character of the adjacent areas will be severely negatively impacted by the creation of an unregulated and uncontrolled commercial use in a rural residential area. (Sestay, pg. 6)

Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment: This area has been managed for green sticker OHV use since about 2001. Prior to that time there was a road for 4x4 use and hiking and equestrian use was prevalent. After pening up the area to OHV use there have been a significant number of user created illegal OHV trails and OHV use of equestrian trails. Even after opening up the temporary use trail system of 9.6 miles (of user-created trails) in 2006, there continued to be an increasing # of shortcuts, dips and trails. (Wilder, pg. 3)

40 CFR 1508.27 outlines what should be taken into account when determining a Finding of No Significant Impact (FONSI) and states that the following should be considered in evaluating intensity:

> … (7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts…

40 CFR 1508.7 defines cumulative impact as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time."

The San Bernardino Land Management Plan (LMP) has direction for OHV trail management in the Program Emphasis and Objectives section. It states that the trail program will "emphasize improving the national forest OHV system by designating OHV road and trail routes and effectively managing inappropriate use." It goes on to state that staff are expected to make

recommendations for decommissioning where conflicts with natural resources occur, and for including routes in the trail system (LMP, Part 2, pg. 35).

The LMP also contains guidance for the management of the Cajon Pass Place which contains the Baldy Mesa area, and for the Baldy Mesa area itself. The Desired Condition for the Cajon Pass Place includes an improved OHV route system, with unauthorized use directed to roads and trails that are designated for this use (LMP, Part 2, pg. 60).

Program emphasis for the Cajon Pass Place states that:

> Motorized and non-motorized trails that are sustainable to the environment will be developed to improve existing trail opportunities. Off-highway vehicle trails will be established in areas of low environmental sensitivity to provide an attractive alternative to unlawful use and to promote user cooperation in avoiding sensitive areas. (LMP, Part 2, pg. 61)

Program emphasis goes on to specify an emphasis for OHV management in the Baldy Mesa area (LMP, Part 2, pg. 61).

The FONSI states that: "Cumulative impacts were analyzed for each resource area. The cumulative impacts are not significant (EA, pp. 20-38)" (DN/FONSI, pg. 7).

The selected alternative is designed to increase regulation and control of the OHV traffic, and reduce that use to a designated trail system on National Forest System (NFS) lands. The selected alternative includes one Forest Service access point to the 23-mile designated trail system on NFS lands. The access point is the existing staging area in the southeast corner of the project area, at the intersection of Forest Service roads 3N53 and 3N21 (EA, pg. i). The staging area would be reorganized to improve safety, limit use to designated areas, and include additional amenities (EA, pg. 7).

All unauthorized routes which intersect the 23-mile designated trail system would be rehabilitated within 200 feet of the trail system, including blocking the routes to dissuade continued OHV use (DN/FONSI, pg. 4). Keeping the rehabilitated routes closed will be facilitated with highly visible directional signing for the designated trail system, regulatory signing, route maps, a strong law enforcement presence, and highly visible volunteer patrols for information and education (EA, pg. 19).

While some miles of currently illegal trails would be adopted into the trail system in the Baldy Mesa area, most of the unauthorized trails in the project area would be rehabilitated to protect natural resources (55 miles), and some new trail construction would occur in appropriate areas (EA, pp. 6, 27). On balance, there would be fewer miles of OHV trails after implementation (23 miles) than currently exist (approximately 78 miles) (DN/FONSI, pg. 3). The selected alternative trail system includes two 50-inch OHV loop trails (DN/FONSI, pg. 4), whereas riders currently cannot complete a loop on designated system trails (EA, pg. 2). Visitors are more likely to cooperate with regulations when an attractive and legal trail system is in place (DN/FONSI, pg. 18).

The cumulative action that the Appellant suggests would lead to negative impacts to the rural residential character is "unregulated and uncontrolled commercial use;" however, unregulated or uncontrolled commercial use is not an inherent or foreseeable action that would result from the Forest Service's designation and reduction of existing OHV routes in the area. Therefore, unregulated and uncontrolled commercial use is not an appropriate consideration for cumulative effects analysis. Related to the lack of foreseeability of these actions, it would be speculative for

the Forest Service to attempt to analyze their cumulative effect or to make any determination on whether those effects were significant to the rural residential character of the area adjacent to the project area.

I find that the cumulative effects analysis is sufficient, consistent with 40 CFR 1508.27(b)(7) and 40 CFR 1508.7. I find that the proposed management of OHV use in the Baldy Mesa area is consistent with direction in the LMP for the Cajon Pass Place and for the Baldy Mesa area specifically (LMP, Part 2, pp. 35, 60, 61).

<u>Issue 6h</u>: 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. – This factor has been completely ignored in the EA and the Decision Notice. The California Archeological Site Steward Program has identified the project area as one that has multiple historic sites. One of these is the Sanford Wagon Trail or the "Mormon Trail," which transverses through the "middle" of the project boundary. In other words, if one wanted to follow the path of the historic trail after the project was built as proposed, one would have to cross an active racetrack to do so! An OHV racetrack and a historic trail for hikers, equestrian and other non-OHV users are clearly not compatible uses. It is obvious who will win out if the racetrack is built, as proposed, which bisects the historic trail. Construction of the project as proposed will completely wipe out the trail in the project area and make the entire trail effectively useless. (Sestay, pg. 6; Cota, pg. 3; Fischer, pg. 1)

40 CFR 1508.27 states that the following should be considered in evaluating the potential significance of a proposed action:

> … (8) 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…

36 CFR 800, Protection of Historic Properties, requires that the responsible federal agency official take into consideration the potential effects of proposed projects, programs, or activities on properties listed in, or eligible for listing (even if not determined or yet undiscovered), in the National Register of Historic Places (NRHP).

An archaeological study was conducted to identify historic properties, determine effects on the undertaking on these properties, and provide recommendations to avoid, reduce, or mitigate any adverse effects (Archaeological Reconnaissance Report 05-12-CA-091, pg. 1). The background research and current survey effort identified 36 archaeological and historical sites within the study area, including 19 newly recorded sites and 17 previously recorded sites (Archaeological Reconnaissance Report 05-12-CA-091, pg. iv).

Eleven cultural resources within Alternative 2, have not been evaluated for NRHP eligibility; therefore, for the purpose of this analysis and in absence of a formal evaluation and determination of eligibility through concurrence with the State Historic Preservation Office (SHPO) or the Keeper of the NRHP, these sites will be treated as eligible (EA, pg. 31). Fifteen cultural resources have been recorded within this APE [area of potential effect]. All were previously recorded or updated during the archaeological survey conducted for the 2007 Baldy

Mesa-Cajon Divide OHV Project (Milburn, Goodman, and Doan 2007). All resources are considered eligible or potentially eligible for the National Register (EA, pg. 30).

There were six historic-period sites [that] include two old wagon roads, one historic automobile road, one 1930s electrical power line, and two refuse scatters associated with Route 66 (Archaeological Reconnaissance Report 05-12-CA-09,1 pg. 85). Nearly all the sites have been damaged by established trails, user-created trails, and in some cases, attempts to close these trails (Archaeological Reconnaissance Report 05-12-CA-091, pg. 86).

The record notes that if Alternative 2 (the proposed action) is chosen there would be moderate direct effects to the cultural resource identified because special site protection measures would be used to avoid impacts to cultural resources such as, placing a foreign, non-archaeological material over all affected archaeological deposits within the APE. In response to concerns about any potential impacts to cultural recourses, the Baldy Mesa project EA provides criteria for heritage resources to mitigate or eliminate impacts from project implementation (EA, pg. 12). To prevent further surface and subsurface impacts caused by OHV vehicles, site protection measures would be used. Sensitive cultural areas within the APE will be monitored by an archaeologist during project implementation to ensure no disturbance to cultural resources. With these protections in place, the Forest concluded that. "[p]ursuant to section 106, the San Bernardino National Forest has reached a conclusion of no adverse effects and will issue a clearance memo for this project" (EA, pg. 33).

"The Proposed Action Alternative will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places" (EA, pg. 33). The Proposed Action Alternative will also not cause loss or destruction of significant scientific, cultural, or historical resources. (DN/FONSI, pg. 7)

I find that the Responsible Official has appropriately considered the potential effects to cultural resources related to the proposed project. Protections of existing heritage resources are identified in the design features (EA, pg. 12) and implementation of standard resource measures for at risk sites are proposed (EA, pg. 30; DN/FONSI, pp. 9-10). The Sanford Wagon Trail or the "Mormon Trail," mentioned by the Appellants is identified in the archaeological report and will be subjected to the same protections required for sites listed as eligible for NRHP.

Issue 6i: There are also significant American Indian artifacts and historic sites within and adjacent to the project boundary. There is no reference in the project proposal, the Decision Notice or the EA as to how the proposed OHV racetrack and associated increased commercial activity will accommodate and protect these heritage resources. (Sestay, pg. 7; Fischer, pg. 1)

40 CFR 1500.1(b) states that,

> NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.

However, these NEPA requirements are to be balanced with the confidentiality considerations for historic sites, as discussed in 36 CFR 800.11(c).

As noted in the EA, "If Alternative 2 (proposed action) is chosen there would be moderate direct effects to the cultural resource identified because special site protection measures would be used to avoid impacts to cultural resources such as, placing a foreign, non-archaeological material (e.g., padding or filter cloth) over all affected archaeological deposits within the APE (EA, pg. 33). However, sensitive cultural areas within the APE would be monitored by an archaeologist during project implementation to ensure no disturbance to cultural resources and there would be monitoring by an archaeologist during and post project implementation and throughout all subsequent long term maintenance activities to determine the effectiveness of the protection measures (EA, pg. 33). More specifically, the Baldy Mesa project EA provides design features for heritage resources that address how the Forest will mitigate or eliminate impacts from project implementation (*see* EA, pg. 12).

The DN/FONSI further addresses concerns about cultural resources and refers back to additional information in the record as appropriate:

> The Proposed Action Alternative will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The Proposed Action Alternative will also not cause loss or destruction of significant scientific, cultural, or historical resources, (EA, Heritage Resources, pp. 29-33).
>
> The San Bernardino National Forest has complied with the section 106 process by conducting a pedestrian survey, documented in Archaeological Reconnaissance Report 05-12-CA-091, dated 2007, and the recommendation of project redesign to avoid archaeological sites, the proposed implementation of standard resource protection measures for at risk sites, and ongoing consultation with the San Manuel Band of Mission Indians and representatives of several local historical societies.

I find that the Responsible Official provided information in the EA that describes measures that would be used to mitigate and protect historical sites from impacts by the proposed action.

<u>Issue 6j</u>: 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. - As discussed above, the project includes desert tortoise habitat and is yet another reason why an EIS, and not a superficial EA, should be prepared for such a commercial project. (Sestay, pg. 7)

Section 7 of the Endangered Species Act (Act) [16U.S.C. 1531 et seq.] outlines the procedures for Federal interagency cooperation to conserve Federally listed species and designated critical habitats. Section 7(a)(2) states that each Federal agency shall, in consultation with the Secretary, insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in destruction or adverse modification of designated critical habitat. Section 7(b) of the Act states that each Federal agency shall request from the Secretary information for whether any species which is listed or proposed to be listed may be present within an area of a proposed action. If the Secretary advises that such species may be present, Section 7(b) requires that Federal agencies conduct a biological assessment to identify any endangered or threatened species that may be affected by the action.

Under 40 CFR 1508.13, the Forest Service must briefly present the reasons why an action, not otherwise excluded (§ 1508.4), will not have a significant effect on the human environment, thus concluding no significant impact, and for which an environmental impact statement will not be

prepared. In its decision, the Forest Service shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (§ 1501.7(a)(5)).

Under Section 7(b) of the Endangered Species Act, the San Bernardino National Forest (SBNF) requests a bi-annual species list review from the U.S. Fish and Wildlife Service (USFWS). The most recent request was sent to the USFWS on July 2, 2013 and a response was received from the USFWS on July 29, 2013 (BA, pg. 3). This list was used to evaluate effects for the Baldy Mesa project in the Biological Assessment that was signed on August 13, 2013. The Biological Assessment was conducted in fulfillment of Section 7(b) of the Endangered Species Act in which the potential effects of the project on desert tortoise were disclosed and evaluated (BA, pp. 18-20). Under Section 7(a)(2) of the Endangered Species Act, the Forest Service made an informal Section 7 consultation request with the USFWS on August 13, 2013 for the Baldy Mesa project.

During the NEPA process, the Forest Service received comments regarding the potential effects to desert tortoise and its habitat. In response to these comments and during informal consultation with the U.S. Fish and Wildlife Service (USFWS), the Proposed Action was modified to reduce the disturbed area by leaving the parking area in the existing area, and thereby reducing the impact to desert tortoise (EA, pp. 5-6; DN/FONSI, pp. 3 and 5).

The issue of the type of effect (significant or not significant) that the Proposed Action would have on desert tortoise was disclosed and analyzed in the Environmental Assessment (pp. 20-23) and the Biological Assessment (pp. 18-20), and disclosed in the Decision Notice (pp. 7-8). There is no Federally designated critical habitat for the desert tortoise in the SBNF (BA, pg. 15; EA, pg. 20). Therefore, there is no designated critical habitat in the Baldy Mesa project area. This area is also not considered essential for the recovery of the species as described in the Revised Recovery Plan for the Desert Tortoise (BA, pg. 17). Although the project area (excluding the staging area) is “presumed occupied” because it is within what is considered suitable habitat and near known occurrences, the area is in a transition zone from suitable to unsuitable habitat and is on the boundary of the species distribution as well as at the upper elevation limit for the species. Therefore, the desert tortoise population is presumed to be at very low density (BA, pg. 17).

In the evaluation of effects, the Forest Service disclosed and analyzed the activities that could potentially affect the desert tortoise, including beneficial and negative effects and the potential for short-term and long-term effects (BA, pp. 18-19). The Forest Service noted that the evaluation of effects was qualitative in nature, rather than quantitative due to scarce survey and population data (BA, pg. 17). However, the evaluation was based on available field data, including habitat suitability and occupancy data, and also a variety of literature sources, including the 2012 Programmatic Biological Assessment for Forest Service Ongoing Activities which may affect Desert Tortoise (Gopherus agassizii) on the San Bernardino National Forest, of which the effects from roads and trails management is a part and for which a Biological Opinion was issued on May 10, 2013.

From the evaluation of effects, the Forest Service determined that the Proposed Action “may affect, but is not likely to adversely affect” desert tortoise because “overall, the activities are designed to improve/protect the habitat or protect desert tortoise and are considered short-term negative but long-term beneficial impacts” (BA, pg. 20). Furthermore, the Forest Service concluded that “short-term effects would be reduced or avoided through implementation of Forest Plan Standards and Design Criteria” (BA, pg. 20).

In a letter from Kennon A. Corey (USFWS) to Jody Noiron (Forest Service), the USFWS concurred with the Forest Service determination that the Proposed Action is not likely to adversely affect the desert tortoise (USFWS Letter dated September 27, 2013, pg. 4).

I find that the Responsible Official satisfied 40 CFR 1508.13 by presenting the reasons why the Proposed Action, including modifications to the Proposed Action, will not have a significant effect on the human environment. I also find that the Forest Service has satisfied the interagency consultation requirements of section 7 of the Endangered Species Act to address concerns about the desert tortoise.

Issue 7: The Project as proposed violates multiple federal and state regulations and laws, including but not limited to the following:

Issue 7a: California Penal Code, Title 14, Section 622.5- It is a misdemeanor for any person other than the owner to injure or destroy objects of historical or archeological interest located on public or private lands. Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historic interest or value, whether situated on private land or within any public park or place, is guilty of a misdemeanor. (Sestay, pg. 7)

Issue 7b: California Code of Regulations, Title 14, Division 3, Chapter 1. - No person shall remove, injure, disfigure, deface or destroy any object of archeological or historical interest or value. (Sestay, pg. 7)

Issue 7c: California Native American Resources Protection Act of 2002, Chapter 1.76, Section 5097.995-96 - Any person who illegally excavates, destroys, injures, or defaces a Native American historic, cultural, or sacred site, including any historic or pre-historic ruins, any burial ground, any archeological or historic site, any inscriptions made by Native Americans at such site, any archeological or historic Native American rock art, or any archeological or historic feature of a Native American historic, cultural or sacred site is guilty of a misdemeanor. (Sestay, pg. 8)

Issue 7d: Federal Archeological Resources Protection Act - No person may excavate, remove, damage or otherwise alter or deface, or attempt to excavate, remove damage or otherwise alter or deface any archeological resource located on Federal or Tribal lands. (Sestay, pg. 8)

Issue 7e: Federal Archeological and Historic Preservation Act- Requires the preservation of historical and archeological data (including relics and specimens) which otherwise might be irreparably lost or destroyed as a result of any federal construction project or any federally licensed activity or program. (Sestay, pg. 8)

Issue 7f: Federal Executive Order of 11593 (Protection and Enhancement of the Cultural Environment) -Directs all Federal agencies to inventory their facilities for possible historic properties and todevelop policies to protect and preserve this properties. (Sestay, pg. 8)

Issue 7g: National Environmental Policy Act of 1969 - It is the responsibility of the Federal government to preserve important historic, cultural and natural aspects of our national

heritage and maintain, wherever possible, an environment which supports diversity and variety of individual choice. (Sestay, pg. 8)

The Appellant's appeal letter does not specify how these laws, regulations, or orders are being violated by this decision or how the referenced law, regulation, or order would apply to this specific project; therefore, the Appellant has not satisfied 36 CFR 215.14(a). Additionally, since it is unclear what the Appellant's specific concerns are as related to the interaction between this project and the referenced law, regulation, or order, it is not possible to provide a detailed response.

<u>Issue 8</u>: You have failed to answer the question we asked about any success that the Forest Service has had to manage green/red sticker use. It is apparent from the number of miles of illegal, unauthorized user created trails the management of the trails in the Baldy Mesa area has not been successful. (Wilder, pg. 1)

The Appellant asserts that the Forest Service has failed to address questions about the success of its management of green and red sticker (OHV) use in California, and more generally questions whether the management of OHV use in the Baldy Mesa area has historically been successful. The Appellant did not allege that the Forest Service has violated any law, regulation, or policy.

Under 36 CFR 212.51(a) the Forest Service may designate trails suitable for motor vehicle use in accordance with a number of criteria outlined in 36 CFR 251.55(a) and (b). The criteria that are relevant to this specific issue include effects on natural and cultural resources and the provision of recreational opportunities. Agency directives in Forest Service Manual (FSM) 7710, sec. 7715.78 provide the agency with the discretion to identify unauthorized routes to be designated as trails through travel analysis, and to consider restoring and decommissioning unauthorized routes that are not designated. FSM 2300, sec. 2353.28 encourages the agency to link motorized vehicle routes to provide cohesive motorized trail systems. The Vision for the Southern California National Forests in Part 1 of the Land Management Plan (LMP) states that recreation use will be regulated to emphasize natural resource protection, that improved recreation infrastructure is designed to direct use away from sensitive areas or minimize adverse effects, and that expansions of recreation infrastructure are balanced by restoration and removal of facilities that are in conflict with resource protection needs (LMP, Part 1, pg. 34). The LMP further states that OHV use in the Southern California National Forests is managed and occurs on designated roads and trails only, and that facilities providing access to the OHV system are developed in conjunction with the development of the overall OHV trail system (LMP, Part 1, pg. 36). The San Bernardino National Forest Strategy in Part 2 of the LMP additionally directs the Forest Service to improve OHV opportunities and facilities, including by adopting unclassified trails as National Forest System trails when site-specific analysis determines there is a public need (LMP, Part 2, pg. 147). The Place-Based Program Emphasis for the Cajon Place in Part 2 of the LMP further states that sustainable motorized trails will be developed to enhance motorized recreation opportunities, and that there will be an emphasis on OHV management in Baldy Mesa (LMP, Part 2, pg. 61).

Questions regarding examples of "successful" Forest Service management of OHV use are outside the scope of this project. In addition, the term "successful" as raised by the Appellant is subjective, and could refer to a number of criteria for designating motorized trails outlined in 36 CFR 215.55. These criteria include the effects motorized trail designation have on natural and cultural resources, public safety, provision of recreation opportunities, access needs, and

conflicts among user groups. In accordance with the Code of Federal Regulations (CFR) "successful" management of motorized trails may therefore refer to the Forest Service striking a balance between these criteria, meaning that access needs and motorized recreation opportunities are balanced with protecting natural and cultural resources, addressing issues related to public safety, and mitigating conflicts between recreation user groups. The Responsible Official notes that this action would provide continued opportunities for OHV recreation, would rehabilitate areas impacted by unmanaged OHV use in the past, would reduce public safety impacts (DN/FONSI, pg. 3), and would address conflicts between user groups (DN/FONSI, pg. 4).

The Forest Service acknowledged that Baldy Mesa currently has 78 miles of OHV trails, of which 68.4 miles are unauthorized, unmanaged, and unmaintained user created trails, and 9.6 miles are temporarily authorized as trails. Under the selected alternative, 23 miles of trail would be designated, rehabilitated, or maintained, and 55 miles of user-created trail would be eliminated (DN/FONSI, pg. 3). Further, all unauthorized routes that intersect the 23-mile designated trail system would be rehabilitated within 200 feet of the trail system, including blocking the unauthorized routes to dissuade continued OHV use (DN/FONSI, pg. 4). Removing traffic from these routes would allow native plants to begin regenerating in disturbed areas (EA, pg. 16). In addition to the proposal to designate an official trail system and restore unauthorized routes, the Forest Service notes that OHV traffic would be confined to the designated trail system using directional and regulatory signage, route maps, a strong law enforcement presence, and volunteer patrols to provide visitors with information and education (EA, pg. 19). The Forest Service also notes that by establishing an improved, attractive trail system, visitors would be more likely to comply with regulations (EA, pg. 18). In sum, the proposed action addresses the Appellant's concern as this project specifically proposes to increase management of what has largely been an unmanaged network of unauthorized trails by designating an official trail system and enhancing education and enforcement.

I find that the Responsible Official adequately addressed issues related to the successful management of motorized recreation at Baldy Mesa. This action strikes a balance between allowing for public access and motorized recreation at Baldy Mesa, with provisions to manage previously unmanaged motorized use and associated resource impacts via the designation of an official trail system, provisions to rehabilitate areas previously impacted by unauthorized uses, provisions to improve public safety, and provisions to address conflicts between user groups. As such, this action is in compliance with relevant sections of the Code of Federal Regulations, agency directives in the Forest Service Manual, and the LMP.

<u>Issue 9</u>: The negative impact of these proposed new trails to the private properties to the north and east has not been evaluated. The impact of this expanding OHV traffic on hiking and equestrian recreation, RC flying and other types of recreation has been dismissed. The decision only states that "the ability to enforce use on designated trails allows for greater opportunity of other types of recreation outside of the designated trails". How? How and why was the use on the previously designated OHV trails not enforceable?

Why are there still no equestrian trails and hiking trails? Despite the record showing that horseback riding and hiking are popular activities in the area, the Forest decision is to improve and expand OHV use with no improvement or designation for hiking or riding horses. The trails previously used by equestrians and hikers are now taken over by OHV

use. There are almost more signatures on the petition than there are vehicles parked at the staging area all year long.

How does this action to create only OHV trails minimize conflicts? Creating more miles of authorized trails poses a significant impact on all other types of recreation. (Wilder, pg. 2)

The Appellant asserts that the Forest Service has not evaluated impacts to private property to the north and east of the project area; that impacts to equestrian use, radio controlled flying, and other recreation activities have been dismissed; that unresolved conflicts exist between motorized and non-motorized users; that motorized use levels at Baldy Mesa are relatively light; and that the Baldy Mesa area should include equestrian and hiking trails. The Appellant also generally questions how and why previous use on the existing unauthorized trail network was not enforceable. The Appellant did not allege that the Forest Service violated any law, regulation, or policy.

Under 36 CFR 212.51(a) the Forest Service may designate trails suitable for motor vehicle use in accordance with a number of criteria outlined in 36 CFR 251.55(a) and (b). The criteria that are relevant to this issue include the provision of recreational opportunities, access needs, and conflicts between motor vehicle use and other recreation uses. Agency directives in Forest Service Manual (FSM) 7710, sec. 7715.5 suggest that the agency address conflict between recreation users by considering combinations of motorized and non-motorized use. FSM 7710, sec. 7715.78 provides the agency with the discretion to identify unauthorized routes to be designated as trails through travel analysis, and to consider restoring and decommissioning unauthorized routes that are not designated. FSM 2300, sec. 2353.28 encourages the agency to link motorized vehicle routes to provide cohesive motorized trail systems. The Vision for the Southern California National Forests in Part 1 of the Land Management Plan (LMP) states that recreation use will be regulated to emphasize natural resource protection, that improved recreation infrastructure is designed to direct use away from sensitive areas or minimize adverse effects, and that expansions of recreation infrastructure are balanced by restoration and removal of facilities that are in conflict with resource protection needs (LMP, Part 1, pg. 34). The LMP further states that OHV use in the Southern California National Forests is managed and occurs on designated roads and trails only, and that facilities providing access to the OHV system are developed in conjunction with the development of the overall OHV trail system (LMP, Part 1, pg. 36). The San Bernardino National Forest Strategy in Part 2 of the LMP additionally directs the Forest Service to improve OHV opportunities and facilities, including by adopting unclassified trails as National Forest System trails when site-specific analysis determines there is a public need (LMP, Part 2, pg. 147). The Place-Based Program Emphasis for the Cajon Place in Part 2 of the LMP further states that sustainable motorized trails will be developed to enhance motorized recreation opportunities, and that there will be an emphasis on OHV management in Baldy Mesa (LMP, Part 2, pg. 61).

The Forest Service conducted analysis of the potential impacts to private property adjacent to the project area. This analysis includes potential impacts of dust, noise, and private property trespass as a result of OHV use at Baldy Mesa. Specifically, dust, which may currently impact adjacent landowners, is expected to be reduced by this project via the rehabilitation of 55 miles of unauthorized routes (EA, pg. 37; DN/FONSI, pg. 3). The design of the proposed motorized trail system, including trail reroutes near the northern boundary of the project area, is also expected to reduce potential impacts from dust and noise to adjacent property owners (EA, pg. 5). There are currently numerous unauthorized routes connecting NFS lands along the northern boundary of

the project area with private lands (EA, pg. 18). Obliteration of routes on private property that access NFS lands is not within the jurisdiction of the Forest Service. However, the selected alternative includes features designed to prevent private property trespass. Namely, rehabilitating unauthorized routes within 200 feet of the designated Forest Service trail system would restrict access to private property by blocking existing unauthorized routes and allowing vegetation to reestablish in these areas (EA, pg. 16). In addition, under the selected alternative the most westerly section of NFS road 3N24 (1.2 miles of road), which connects the existing trail network to private property, would be removed from the OHV system (EA, pg. 6).

See Issue 2 for a discussion of the impacts of this project on non-motorized recreational uses (while not discussed in Issue 2, this analysis also applies to radio controlled flying), conflicts between motorized and non-motorized users, estimated use levels at Baldy Mesa by use type; and the availability of non-motorized recreation opportunities at Baldy Mesa. It should also be noted in the context of these issues that the LMP emphasizes the management of Baldy Mesa for OHV use (LMP, Part 2, pg. 61).

Questions regarding how and why previous use on the existing unauthorized trail network was not enforceable are outside the scope of this project. The trail system under the selected alternative includes two 50-inch OHV loop trails (DN/FONSI, pg. 4), whereas riders currently cannot complete a loop on designated system trails (EA, pg. 2). Visitors are more likely to cooperate with regulations when an attractive and legal trail system is in place (EA, pg. 18). In addition to designating a higher-quality trail system that encourages greater compliance by motorized users, the proposed action includes provisions to improve compliance by installing directional and regulatory signage, providing route maps, blocking off and restoring unauthorized routes, coordinating volunteer patrols to provide to provide visitors with information and education, and providing a strong law enforcement presence (EA, pg. 19).

I find that the Forest adequately addressed issues related to impacts to private property adjacent to the project area, impacts to non-motorized recreation opportunities, conflicts between motorized and non-motorized user groups, use levels at Baldy Mesa, the ability for equestrians and hikers to recreate at Baldy Mesa, and enforcement of the proposed trail system. This area has historically been heavily used by motorized recreationists, and this use is increasing. Historic equestrian use of the area has typically occurred off of designated trails. Other user groups have not used the area in the past in high numbers. By confining what is currently predominately unauthorized OHV use to a more limited, designated trail system, non-motorized users will have access to a greater proportion of the Baldy Mesa area that is free from OHV use, and a number of tools proposed to improve compliance by OHV users will likely improve historic issues related to unauthorized use and private property trespass. This action is in compliance with relevant sections of the Code of Federal Regulations, agency directives in the Forest Service Manual, and the LMP.

<u>Issue 10</u>: Description of the sustainable OHV use is missing: The Baldy Mesa OHV trail system is an area with limited OHV opportunity. It has no other legal entry by green sticker vehicles other than the one staging area. The description on the internet and at the staging area should let the riders know of the limitations. It is a "beginner" trail system and has no opportunity to expand into a more advanced type of ride. By encouraging a greater number of riders than the area can realistically accommodate and share with other types of recreation, the USFS is inviting failure. (Wilder, pg. 4)

The Appellant asserts that the Forest Service has not defined "sustainable OHV use," that the Baldy Mesa OHV area has only one legal public entry point for motorized users, that the trail system is limited and contains only "beginner" level rides, and that increased use along with a lack of opportunities for other user groups will result in the "failure" of the project. The Appellant did not allege that the Forest Service violated any law, regulation, or policy.

The Appellant did not raise concerns during the NEPA process pertaining to the definition of "sustainable OHV use," the number of legal entry points to the Baldy Mesa OHV trail system, the difficulty of the trail system, projected future use levels, or recreation opportunities for other user groups at Baldy Mesa. Therefore, the Forest was not given the opportunity to directly address these concerns before the decision was signed. However, under 36 CFR 212.51(a) the Forest Service may designate trails suitable for motor vehicle use in accordance with a number of criteria outlined in 36 CFR 251.55(a) and (b). The criteria that are relevant to this issue include effects on natural and cultural resources, the provision of recreational opportunities, and conflicts among user groups. Agency directives in Forest Service Manual (FSM) 7710, sec. 7715.78 provide the agency with the discretion to identify unauthorized routes to be designated as trails through travel analysis, and to consider restoring and decommissioning unauthorized routes that are not designated. FSM 2300, sec. 2353.28 encourages the agency to link motorized vehicle routes to provide cohesive motorized trail systems. The Vision for the Southern California National Forests in Part 1 of the Land Management Plan (LMP) states that recreation use will be regulated to emphasize natural resource protection, that improved recreation infrastructure is designed to direct use away from sensitive areas or minimize adverse effects, and that expansions of recreation infrastructure are balanced by restoration and removal of facilities that are in conflict with resource protection needs (LMP, Part 1, pg. 34). The LMP further states that OHV use in the Southern California National Forests is managed and occurs on designated roads and trails only, and that facilities providing access to the OHV system are developed in conjunction with the development of the overall OHV trail system (LMP, Part 1, pg. 36). The San Bernardino National Forest Strategy in Part 2 of the LMP additionally directs the Forest Service to improve OHV opportunities and facilities, including by adopting unclassified trails as National Forest System trails when site-specific analysis determines there is a public need (LMP, Part 2, pg. 147). The Place-Based Program Emphasis for the Cajon Place in Part 2 of the LMP further states that sustainable motorized trails will be developed to enhance motorized recreation opportunities, and that there will be an emphasis on OHV management in Baldy Mesa (LMP, Part 2, pg. 61).

"Sustainable OHV use" is defined in the Project Record. Specifically, the Forest Service defines "Sustainable management of OHV recreation opportunities" in the Cajon Travel Analysis Plan (pp. 30-31) as offering a wide range of user experiences; designating motorized use areas; maintaining an OHV system of roads and trails to Forest Service standards; protecting sensitive natural, cultural, and social resources; reducing user-created trails; restoring unauthorized areas of use; managing the introduction and spread of non-native, invasive species; enforcing authorized use; and designing an OHV system to meet Forest Service erosion control and slope stability standards.

The project record does not dispute that there is only one legal OHV access point to the Baldy Mesa area. The selected alternative would include improvements to the staging area to curtail motorized use off of the designated trail system (EA, pg. 7). Additionally, the selected alternative includes features designed to prevent access to the Baldy Mesa area via unauthorized routes

coming from private property. Namely, rehabilitating unauthorized routes within 200 feet of the designated Forest Service trail system would restrict access to private property by blocking existing unauthorized routes and allowing vegetation to reestablish in these areas (EA, pg. 16). In addition, under the selected alternative, the most westerly section of NFS road 3N24 (1.2 miles of road), which connects the existing trail network to private property, would be removed from the OHV system (EA, pg. 6).

With regard to the difficulty and extent of the trail system at Baldy Mesa, the temporarily designated trail that parallels 3N24 provides proficient riders with an alternative to the beginner level ride along the road (EA, pg. 18). Additionally, the Forest Service recognizes that OHV systems should provide a range of recreation opportunities and challenges for OHV enthusiasts through the development of an integrated system of trails and low maintenance standard roads (Cajon TAP, pg. 4). To this end, the 31,010 acre Cajon Place analyzed in the TAP contains a larger and varied system of motorized recreation opportunities for various skill levels. This system is comprised of Baldy Mesa, Cleghorn Ridge, Elliott Ranch, Desert Front, and several temporary OHV trails (Cajon TAP, pg. 10).

The Appellant's comment that the selected alternative will result in increased levels of OHV use is speculative. While in many cases it could be true that the designation of new trail systems or the expansion of existing trail systems leads to increased use levels, the selected alternative reduces the 78-mile network of largely unauthorized trails being used by motorized recreationists to an authorized trail system totaling 23 miles in length (DN/FONSI, pg. 3).

Regardless of future use levels, the selected alternative contains several provisions to encourage compliance by OHV users. First, the project was designed to provide high-quality motorized recreation experiences by including two OHV loop trails totaling approximately 13.4 miles in length in the 23-mile authorized trail system (EA, pg. 6). Visitors are more likely to cooperate with regulations when an attractive and legal trail system is in place (EA, pg. 18). In addition to designating a higher-quality trail system that encourages compliance by motorized users, the proposed action includes provisions to improve visitor compliance by installing directional and regulatory signage, providing route maps, blocking off and restoring unauthorized routes, coordinating volunteer patrols to provide visitors with information and education, and providing a strong law enforcement presence (EA, pg. 19).

See Issue 2 for a discussion of non-motorized recreationists' ability to use the Baldy Mesa area.

I find that the Forest adequately addressed issues related to the definition of "sustainable OHV use," the number of legal access points to Baldy Mesa that are open to motorized recreationists, the difficulty and extent of the OHV trail system, compliance by OHV users regardless of projected or speculated use levels, and the use of the Baldy Mesa area by non-motorized recreationists. This action is in compliance with relevant sections of the Code of Federal Regulations, agency directives in the Forest Service Manual, and the LMP.

<u>Issue 11</u>: The stated PURPOSE and NEED has some faulty logic. The need appears to stem from the observation that riders do not stay on the open and signed routes. They create their own – therefore there is a need. A need for a better ride. However, some user created trails have been open temporarily since 2006 and "the forest has been doing the routine maintenance of closing these trails and rehabilitationg the land on an on-going basis as funding allows, but that maintenance has always lagged behind. There is a need to increase

opportunities for sustainable OHV recreation in the Baldy Mesa area, where compatible with resource protection." (Baldy Mesa OHV Trails and Staging Area- Proposed action Feb 11, 2013). (Wilder, pg 2)

It basically states that because there has been a growth in human population and visitors and increase in OHVs, there is a need for more OHV trails. The purpose is apparently to provide a better opportunity so that OHV users don't feel the need to go "off trail" to make one for themselves. This has been tried here before, but failed. (Wilder, pg. 4)

Regarding the Purpose and Need statement, Forest Service Handbook 1909.15 Chapter 10 part 11.21 states that "the need for action discusses the relationship between the desired condition and the existing condition in order to answer the question, 'why consider taking any action?'."

The desired conditions are described in the San Bernardino National Forest Land Management Plan. The desired condition for the roads and trail system is:

> The transportation system of roads and trails is safe, affordable, and environmentally sound; responds to public needs; and is efficient to manage. The system provides public access for recreation, special uses and fire protection activities, and supports forest-management objectives… Roads and trails determined to be unnecessary through Roads Analysis and the analysis required by the National Environmental Policy Act (NEPA), are removed and the landscape is restored… the number of inventoried unclassified roads and trails are reduced, and the development and proliferation of new unclassified facilities is minimized (San Bernardino National Forest Land Management Plan, pg. 35).

The San Bernardino Land Management Plan (LMP) also has direction for OHV trail management in the Program Emphasis and Objectives section, where it states that the trail program will "emphasize improving the national forest OHV system by designating OHV road and trail routes and effectively managing inappropriate use." It goes on to state that staff are expected to make recommendations for decommissioning where conflicts with natural resources occur, and for including routes in the trail system (LMP, Part 2, pg. 35).

The Land Management Plan also contains guidance for the management of the Cajon Pass Place which contains the Baldy Mesa area, and for the Baldy Mesa area itself. The Desired Condition for the Cajon Pass Place includes an improved OHV route system, with unauthorized use directed to roads and trails that are designated for this use (LMP, Part 2, pg. 60).

Program emphasis for the Cajon Pass Place states that:

> Motorized and non-motorized trails that are sustainable to the environment will be developed to improve existing trail opportunities. Off-highway vehicle trails will be established in areas of low environmental sensitivity to provide an attractive alternative to unlawful use and to promote user cooperation in avoiding sensitive areas. (LMP, Part 2, pg. 61).

Program emphasis goes on to specify an emphasis for OHV management in the Baldy Mesa area (LMP, Part 2, pg. 61).

The Purpose and Need as identified in the EA states that the existing designated road and trail system for OHV use in the Baldy Mesa area "does not provide an adequate alternative to illegal use" (EA, pg. 2); and that "There is a need to increase opportunities for sustainable OHV recreation in the Baldy Mesa area, where compatible with resource protection" (EA, pg. 2).

The project would reduce the trail system from approximately 78 miles of trails to 23 miles of trails (DN/FONSI, pg. 3). All unauthorized trails (55 miles) would be rehabilitated and blocked to discourage use by OHVs (DN/FONSI, pg. 4); therefore, the project would reduce the number and mileage of trails, in an effort to balance the desire for OHV recreation opportunities with the desire to reduce the area of use to areas that are appropriate for such use, and more effectively manage OHV use of the area. The selected alternative trail system includes two 50-inch OHV loop trails (DN/FONSI, pg. 4), whereas riders currently cannot complete a loop on designated system trails (EA, pg. 2). Visitors are more likely to cooperate with regulations when an attractive and legal trail system is in place (DN/FONSI, pg. 18).

I find that the purpose and need for the project was appropriately developed based on direction in the San Bernardino National Forest LMP. I find that the Forest appropriately developed the selected alternative to create a more desirable designated system to make management of OHV use in the area more likely to be successful than the currently designated trail system.

Issue 12: The unintended consequence of using OHMVR trust fund grants for green sticker recreation only: By establishing green sticker vehicle use (a few years ago) on the few roads in the Baldy Mesa Area the USFS has created a perceived need to continually increase the available OHV trail system in the area. Historically this has been done by legalizing the numerous user-created trails - a reward for creating more trails and a never ending cycle of destruction of public lands. At some point this cycle has to stop. The OHMVR trust fund grants are also designed to help manage street legal driving on public lands and non-motorized recreation that requires travel in an OHV to get to a trailhead. Payment is made for this street-legal activity just as much as any green sticker vehicle- at the gas pump. . (Wilder, pg. 4)

The Appellant asserts that by establishing green sticker (OHV) use in the Baldy Mesa area in the past that the Forest Service has created a perceived need to continually increase the OHV system in this area. The Appellant further asserts that increasing the motorized trail system rewards illegal use and associated resource impacts, and that actions to increase the motorized trail system using California Off-Highway Motor Vehicle Recreation (OHMVR) grants must stop. However, the Appellant did not allege that the Forest Service violated any law, regulation, or policy.

The Appellant did not raise a concern during the NEPA process pertaining to continually increasing the OHV trail system in Baldy Mesa area using OHMVR grant funding and the allegation that this project rewards illegal use; therefore, the Forest was not given an opportunity to directly address this concern before the decision was signed. However, under 36 CFR 212.51(a) the Forest Service may designate trails suitable for motor vehicle use in accordance with a number of criteria outlined in 36 CFR 251.55(a) and (b). The criteria that are relevant to this issue include effects on natural and cultural resources and the provision of recreational opportunities. Agency directives in Forest Service Manual (FSM) 7710, sec. 7715.78 provide the agency with the discretion to identify unauthorized routes to be designated as trails through travel analysis, and to consider restoring and decommissioning unauthorized routes that are not designated. FSM 2300, sec. 2353.28 encourages the agency to link motorized vehicle routes to provide cohesive motorized trail systems. The Vision for the Southern California National Forests in Part 1 of the Land Management Plan (LMP) states that recreation use will be regulated to emphasize natural resource protection, that improved recreation infrastructure is designed to

direct use away from sensitive areas or minimize adverse effects, and that expansions of recreation infrastructure are balanced by restoration and removal of facilities that are in conflict with resource protection needs (LMP, Part 1, pg. 34). The LMP further states that OHV use in the Southern California National Forests is managed and occurs on designated roads and trails only, and that facilities providing access to the OHV system are developed in conjunction with the development of the overall OHV trail system (LMP, Part 1, pg. 36). The San Bernardino National Forest Strategy in Part 2 of the LMP also directs the Forest Service to improve OHV opportunities and facilities, including by adoption of unclassified trails as National Forest System trails when site-specific analysis determines there is a public need (LMP, Part 2, pg. 147). The Place-Based Program Emphasis for the Cajon Place in Part 2 of the LMP further states that sustainable motorized trails will be developed to enhance motorized recreation opportunities, and that there will be an emphasis on OHV management in Baldy Mesa (LMP, Part 2, pg. 61).

The purpose of the State of California OHMVR grant program is to provide for well managed OHV recreation by providing financial assistance to eligible agencies and organizations that develop, maintain, operate, expand, support, or contribute to well-managed, high quality, OHV recreation areas, roads, and trails, and to responsibly maintain the wildlife, soils, and habitat in project areas in a manner that will sustain long-term OHV recreation in California. The overview of the California OHMVR grant program purpose can be accessed at <http://ohv.parks.ca.gov/pages/1140/files/2013-14regulations.pdf>, and conforms with California Public Resources Code Sections 5001.5, 5003, and 5090.1-5090.70.

Concerns regarding the use of OHMVR grants for Forest Service OHV projects are outside the scope of the purpose and need for this project (EA, pp. 2-3). However, this project aligns with the general purpose of the OHMVR grant program (as described above). Also, while the OHMVR grant program can support motorized recreation projects on federal land, ultimately recreation opportunities on NFS lands will be managed under the requirements listed in the LMP and applicable Forest Service regulations.

The Forest Service stated in the EA that opportunities for OHV use on both public and private lands are decreasing despite increasing levels of OHV use on the San Bernardino National Forest, and therefore there is a need to increase OHV opportunities in the Baldy Mesa area (EA, pp. 2 and 19). The project also outlines the need to modify the staging area to address safety issues related to pedestrian and motorized use on adjacent railroad tracks (EA, pg. 3). In addition to describing the increasing need for legal OHV opportunities, the Forest Service acknowledged that Baldy Mesa currently has 78 miles of OHV trails, of which 68.4 miles are unauthorized, unmanaged, and unmaintained user created trails, and 9.6 miles are temporarily authorized as trails. Under the selected alternative, 23 miles of trail would be designated, rehabilitated, or maintained, and 55 miles of user-created trail would be eliminated (DN, pg. 3). While the proposed action would result in a net increase in miles of system trail, the project would simultaneously result in a substantial decrease in the total miles of OHV routes currently being used by motorized recreationists at the Baldy Mesa OHV Area. Additionally, the Forest Service stated that an improved, attractive trail system would result in a higher likelihood of visitors complying with regulations (EA, pg. 18). This project was initially supported by the California OHMVR grant program, which provided funding to analyze the OHV trail system and staging area in the Baldy Mesa Area (Cajon Travel Analysis Plan, pg. 30).

I find that the Forest adequately addressed issues related to California OHMVR funds being used to analyze improvements to the motorized trail system at the Baldy Mesa OHV Area. While this

action results in a net increase in miles of designated OHV trail at Baldy Mesa, it results in a substantial decrease in miles of unauthorized trails. Further, this action is directly in compliance with relevant sections of the Code of Federal Regulations, agency directives in the Forest Service Manual, and the LMP.

Issue 13: Over the years with all the damage done by motorcycle riders we have seen a dramatic change in how water flows down the canyon we live in. More motorcycle activity, more damage, and possible flooding of my home. (Cota, pg. 2)

The Appellant has not alleged a violation of law, regulation, or policy by the Forest Service. However, the Watershed Protection and Flood Prevention Act of 1954 established policy that Federal Government agencies should cooperate with state and local agencies for the purposes of preventing erosion, floodwater, and sediment damages in the watersheds of the rivers and streams of the United States (Hydrology-Soils Specialist Report, pg. 7).

Increased magnitude of floods for downstream areas due to implementation of the selected alternative is not expected, per the cumulative off-site water effects analysis presented in the project record (Hydrology-Soils Specialist Report, pg. 27). That analysis was performed per the model described in the Forest Service Soil and Water Conservation Handbook, 1990 amendment for the Pacific Southwest Region (Hydrology-Soils Specialist Report, pg. 25).

The Equivalent Road Acre model described in the 1990 Forest Service Handbook amendment is designed to assess the cumulative effect of land use activities in terms of altering surface runoff patterns and timing. For the Baldy Mesa OHV Trails and Staging Area project, the modeled cumulative impact from the proposed activities in addition to other past, present, and ongoing activities was well below the analysis threshold of concern (Hydrology-Soils Specialist Report, pg. 27). In short, the area occupied by trails, when considered with the effect of other activities or events in the watersheds (such as wildfire or power transmission lines), is modeled to be no more than 4.3% of a watershed area, far below the area threshold that would result in a significant change in surface runoff patterns or timing.

The report recognizes that soil compaction due to vehicle traffic on roads and trails can cause small reductions in infiltration and increased runoff. If effective mitigations are not applied to disperse the runoff collected on a road or trail, it can serve to concentrate runoff and increase the rate of streamflow (Hydrology-Soils Specialist Report, pg. 21). However, a primary purpose of the selected alternative is to confine OHV traffic to a legal established trail system that can be properly maintained (EA, pg. 19), as the Forest has not been able to keep up with maintenance or rehabilitation of the multitude of user-created trails that have developed in the project area (EA, pg. 2). The trails established by the selected alternative would be maintained per the required Best Management Practices (BMPs), including BMP 4.7.2 which directs that designated OHV trails incorporate drainage structures to disperse concentrated runoff (EA, pg. 13).

I find that the analysis of environmental effects and the decision are consistent with Forest Service Policy for prevention of increased flood flows. The proposed OHV trail system, when considered with other events and activities within the project area, would not impact a large enough area to affect significant alteration of flood flows at the outlet of the analysis watersheds. Proper maintenance of the proposed OHV trail system would result in less concentration of runoff than would be realized for a proliferated network of user-created trails, which would continue to exist under the No-Action Alternative.

<u>Issue 14</u>: There is a long history of abuse by OHV riders that has been reported to the USFS. 68.4 miles of unauthorized trails… This damage and these trails have occurred over the past decade and more. The USFS has failed to curtail and control this illegal behavior. (Vernon, pg. 1)

Nowhere in the FONSI is there mention of enforcement or a reason to expect there will be. No budget, no allocation of resources to prevent illegal behavior. (Vernon, pg, 2)

The Appellant asserts that a history of illegal OHV activity has been reported to the Forest Service over the past decade, that the Forest Service has failed to curtail illegal OHV use, that the DN/FONSI does not discuss enforcement, and that no budget or resources exist to prevent illegal use. The Appellant did not allege that the Forest Service has violated any law, regulation, or policy.

Under 36 CFR 212.51(a) the Forest Service may designate trails suitable for motor vehicle use in accordance with a number of criteria outlined in 36 CFR 251.55(a) and (b). The criteria that are relevant to this issue include effects on natural and cultural resources and the provision of recreational opportunities. Agency directives in Forest Service Manual (FSM) 7710, sec. 7715.78 provide the agency with the discretion to identify unauthorized routes to be designated as trails through travel analysis, and to consider restoring and decommissioning unauthorized routes that are not designated. FSM 2300, sec. 2353.28 provides the agency with broad discretion in coordinating with Law Enforcement and Investigations personnel to develop enforcement plans and engage in enforcement activities as needed. The Place-Based Program Emphasis for the Cajon Place in Part 2 of the Land Management Plan (LMP) states that motorized trails that are sustainable to the environment will be developed to enhance trail opportunities, and that there will be an emphasis on OHV management in Baldy Mesa (LMP, Part 2, pg. 61).

The Forest acknowledged that Baldy Mesa currently has 78 miles of OHV trails, of which 68.4 miles are unauthorized, unmanaged, and unmaintained user created trails, and 9.6 miles are temporarily authorized as trails. Under the selected alternative, 23 miles of trail would be designated, rehabilitated, or maintained, and 55 miles of user-created trail would be eliminated (DN/FONSI, pg. 3). With regards to the user-created trails in the Baldy Mesa OHV Area, the Forest noted that at least some user-created trails were created by equestrians to provide access from private property to NFS lands, and that equestrians typically ride on user-created trails rather than on the designated trail system. In such cases, motorcycles and ATVs subsequently start using these unofficial trails created by other user groups (EA, pg. 18). The Forest responded to the Appellant's concerns about enforcement by stating that traffic within the Baldy Mesa OHV Area would be confined to the established trail using a number of tools, including a strong law enforcement presence (EA, pg. 19).

I find that the Forest adequately addressed issues related to the creation and use of unauthorized trails by proposing the designation of a specific trail system and the rehabilitation of other user-created routes in the Baldy Mesa OHV Area. The Forest also described a number of tools to confine motorized use to the proposed trail system.

FINDINGS

The Forest Supervisor's decision and supporting rationale are clearly presented in the Decision Notice. Her reasons for selecting the preferred Alternative are logical and responsive and

consistent with direction contained in the Forest National Forest Land and Resource Management Plan.

Comprehension of the Benefits and Purpose of the Proposal -- The purpose of the proposal as stated above is clear and the benefits are displayed.

Consistency of the Decision with Policy, Direction, and Supporting Information -- The decision is consistent with direction contained in the San Bernardino National Forest Land Management Plan (LMP).

A Notice of Availability of the completed EA was published in the Federal Register. The project was added to the quarterly Schedule of Proposed Actions. The Forest mailed scoping letters, hosted public meetings, and distributed a final EA to interested groups and individuals. The San Bernardino National Forest has maintained current information on planning and activities on its web page.

RECOMMENDATION

My review was conducted pursuant to and in accordance with 36 CFR 215.19 to ensure the analysis and decision is in compliance with applicable laws, regulations, policy, and orders. I reviewed the appeal record, including the comments received during the comment period and how the Forest Supervisor used this information, the Appellants' objections and recommended changes.

Based on my review of the record, I recommend the Forest Supervisor's decision be affirmed on all issues. I recommend that the Appellants' requested relief be denied on all issues.

/s/ William Metz

William Metz
Appeal Reviewing Officer
Forest Supervisor, Cleveland National Forest