

PROGRAMMATIC AGREEMENT

**AMONG THE
U.S.D.A. FOREST SERVICE, PACIFIC SOUTHWEST REGION,
U.S.D.A. FOREST SERVICE, INTERMOUNTAIN REGION'S
HUMBOLDT-TOIYABE NATIONAL FOREST,
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, AND
ADVISORY COUNCIL ON HISTORIC PRESERVATION**

REGARDING

**THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF
THE NATIONAL HISTORIC PRESERVATION ACT**

FOR

DESIGNATING MOTOR VEHICLE ROUTES

AND

**MANAGING MOTORIZED RECREATION
ON THE
NATIONAL FORESTS IN CALIFORNIA**

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WHEREAS, the U.S.D.A. Forest Service (Forest Service), Pacific Southwest Region (**Region 5**) and the Intermountain Region's (**Region 4**) (collectively, **Regions**) Carson and Bridgeport Ranger Districts of the Humboldt-Toiyabe National Forest (**H-TCBRD**) propose to designate Motor Vehicle Routes within National Forest System lands in California, and to administer their Motorized Recreation Program, authorized pursuant to the Organic Administration Act of 1897 (16 U.S.C. 473, et seq.), and managed under Forest Service Manual (**FSM**) policy, Chapter 2352 - Road Recreation Management, Chapter 2353 - National Forest System Trails, and Chapter 2355 - Off-Road Vehicle Use Management; and managed under Forest Service Handbook (**FSH**) guidance at 2309.18 - Trails Management Handbook; and the Code of Federal Regulations at 36 CFR 212 - Administration of the Forest Transportation System; 36 CFR 261.13, 54, 55, 56 - Prohibitions; 36 CFR 295 - Use of Motor Vehicles off Forest Development Roads, 36 CFR 219.21(g) - Planning; Executive Order 11644; Executive Order 11989; and California Vehicle Code 3800 - Off-Highway Vehicles, or successor rules and policies if and when finalized; and

WHEREAS, the Regions, have a multiple-use mission to manage their public lands for a variety of resources, values, products, and uses that may involve historic properties; and

WHEREAS, the Forest Service has a unique role in providing motorized recreation opportunities in California by offering long-distance trails and 4-wheel drive routes that travel through a variety of vegetation types and terrain features,

occur primarily in forested environments, and, in many locations, provide outstanding destination features such as alpine lakes and mountain vistas, or arrive at cultural and historic features such as fire lookout towers; and

WHEREAS, the National Forests in California (Region 5 and the H-TCBRD, collectively) (**Forests**), do not provide all forms of motorized recreation, but concentrate on narrow-width trail and 4-wheel drive opportunities that provide a diversity of challenges of the type that are found in remote, forested landscapes; and

WHEREAS, the Regions propose to identify, evaluate, treat, protect, manage, and consult about historic properties, as authorized by the: Antiquities Act of 1906 (34 Stat. 225; 16 U.S.C. 431-433), Historic Sites Act of 1935 (49 Stat. 666; 16 U.S.C. 461-467), National Historic Preservation Act of 1966, as amended (80 Stat. 915 et seq.; 16 U.S.C. 470 et seq.) (NHPA), National Environmental Policy Act of 1969 (NEPA), as amended (83 Stat. 852 et seq.; 42 U.S.C. 4321-4347), Archaeological and Historical Data Preservation Act of 1974 (88 Stat. 174; 16 U.S.C. 469), American Indian Religious Freedom Act of 1978 (92 Stat. 469; 42 U.S.C. 1996), the Archaeological Resources Protection Act of 1979, as amended (ARPA) (93 Stat. 721 et seq.; 16 U.S.C. 470 et seq.); and the Native American Graves Protection and Repatriation Act of 1990 (104 Stat. 3048-3058; 25 U.S.C. 3001-3013); and as mandated under Executive Order 11593 entitled Protection and Enhancement of the Cultural Environment, Executive Order 13007 entitled Indian Sacred Sites, Executive Order 13175 entitled Consultation and Coordination with Indian Tribal Governments; and Executive Order 13287 entitled Preserve America; and

WHEREAS, Region 5 and the California Off-Highway Motor Vehicle Recreation Commission and the Department of Parks and Recreation, Division of Off-Highway Motor Vehicle Recreation have signed a Memorandum of Intent designed to improve the management of Off-Highway Vehicle (OHV) use on National Forest System lands in California by inventorying and mapping system and nonsystem OHV trails, classified and unclassified roads, and specifically defined use areas (collectively referred to as **routes**); designating routes for OHV use; developing Forest Orders to protect natural and historic resources and aid law enforcement; establishing consistent standards for OHV signs and user maps; and providing funding to achieve these objectives; and

WHEREAS, the Regions and the California State Historic Preservation Officer (**SHPO**) have reviewed the Forests' undertakings associated with designating routes and managing the Motorized Recreation Program to consider prudent and feasible management measures that not only take into account the effects of these undertakings on historic properties which are included in, or eligible for inclusion in, the National Register of Historic Places (**NRHP**), but also protect their values and those of unevaluated properties that might be eligible for the NRHP under criteria at 36 CFR 60.4; and

WHEREAS, the Regions have determined that their plans, policies, and program to designate routes and manage motorized recreation on the Forests involve historic properties either included in or eligible for inclusion in the NRHP, and are subject to consideration under Section 106 of the NHPA, and its implementing regulations entitled Protection of Historic and Cultural Properties (**36 CFR 800**); and

WHEREAS, the Regions have consulted with the SHPO and the Advisory Council on Historic Preservation (**ACHP**), pursuant to Section 800.14(b) of 36 CFR 800, to develop and execute this Programmatic Agreement for Designating Motor Vehicle Routes and Managing Motorized Recreation (**Motorized Recreation PA**); and

WHEREAS, Region 5 shall ensure that this Motorized Recreation PA is tiered to, and administered where appropriate in coordination with, the *First Amended Regional Programmatic Agreement among the U.S.D.A. Forest Service, Pacific Southwest Region, California State Historic Preservation Officer, and Advisory Council on Historic Preservation Regarding the Process for Compliance with Section 106 of the National Historic Preservation Act for Undertakings on the National Forests of the Pacific Southwest Region (Regional PA)*, or with the *Programmatic Agreement among the U.S.D.A. Forest Service, Pacific Southwest Region, California State Historic Preservation Officer, and Advisory Council on Historic Preservation Regarding the Identification, Evaluation and Treatment of Historic Properties Managed by the National Forests of the Sierra Nevada, California (Sierra PA)*, or with any successor programmatic agreements thereto; and

WHEREAS, execution of this Motorized Recreation PA by the Regional Foresters of Regions 4 and 5 requires these Regions and each participating Forest to comply with the stipulations herein set forth;

NOW, THEREFORE, the Regions, the SHPO, and the ACHP agree that the Motorized Recreation Program shall be administered in accordance with the following stipulations to satisfy the Regions' Section 106 responsibilities for all individual undertakings of the Motorized Recreation Program.

STIPULATIONS

The Regions and the concurring Forests shall ensure that the following measures are implemented:

I. DEFINITIONS

The following definitions, and those included in 36 CFR 800.16, apply to this Motorized Recreation PA.

- A. *Motorized Recreation* is any nonhighway licensed vehicle and licensed highway vehicle engaged in wheeled, motorized use on roads, trails, or areas open to vehicular travel on Forest Service administered lands and not expressly authorized via Forest Service permit, contract, or other Forest Service authorization; also called off-highway vehicle recreation.
- B. *Exempt Undertaking* is an undertaking that is exempt from further review or consultation under this Motorized Recreation PA and 36 CFR 800, as specified pursuant to Stipulation III.F, and specifically listed in Appendix A.
- C. *Heritage Resources Manager (HRM)* is the lead position on each National Forest (**Forest**) in the Regions that is responsible for: directing and administering the Forest's complex and multifaceted Heritage Resources management program; planning, developing, and implementing the Forest's heritage resources inventory, evaluation, preservation, and enhancement activities; delegating professional and technical responsibilities to heritage specialists pursuant to this PA; providing professional and technical advice to the Forest Leadership Team; coordinating the Heritage Resources program internally, and with external agencies, organizations, and the public; curating and controlling access to heritage resource records and collections; and meeting other program management responsibilities under this PA. The HRM shall meet the professional standards established for either archaeologist or historian, as outlined in 36 CFR 296.8 or in the Secretary of the Interior's Standards and Guidelines for Professional Qualifications (48 FR 44738-44739), and shall meet at least Office of Personnel Management X118 GS-170/193-11 journeyman level qualifications.
- D. *Area of Potential Effects (APE)* is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. (See stipulation III.C.1.a.)

- E. *Intensive Survey* is a systematic, detailed examination of an area designed to gather information about the number, location, condition, and distribution of historic properties within an undertaking's APE.
- 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.
- G. *Maintenance* is the act of keeping a route or improvement in an ordinary, efficient, operating condition, including preventive up-keep, normal repair, and activity needed to preserve the route; maintenance is an undertaking pursuant to the NHPA.
- H. *Undertaking* is any project, activity, or program under the jurisdiction of the Forest Service, including those carried out by or on behalf of the agency, and those requiring a Special Use Authorization, Special Use Permit, or Forest Service approval (see Section 301(7) of the NHPA or 36 CFR 800.16(y)).
- I. *Standard Resource Protection Measure* is a historic property treatment procedure that when properly applied, pursuant to Stipulation III.E.3 and Appendix B of this PA, 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.
- J. *At Risk Historic Property* is a property that the Forest HRM 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).
- K. *Qualified Heritage Professional* is an archaeologist or historian who meets the professional standards outlined in 36 CFR 296.8 or in the Secretary of the Interior's Standards and Guidelines for Professional Qualifications (48 FR 44738-44739) , and who meets at least Office of Personnel Management X118 GS-170/193-11 journeyman level qualifications. A Qualified Heritage Professional may be delegated some of the responsibilities of the HRM pursuant to the provisions of this PA.
- L. *Supervise* is active oversight and review over all aspects of work. It includes directing and watching over performance and work.

II. DESIGNATING MOTOR VEHICLE ROUTES

- A. The inventory, evaluation, protection, and management of historic properties under the Regions' multi-year program to designate Motor Vehicle Routes from their inventory of Forest Service system roads and trails, unclassified roads, nonsystem trails, and off-route use areas in California shall follow the procedures set forth in the *Heritage Resources Strategy for the Designation of Motor Vehicle Routes on the National Forests in California, USDA Forest Service, Pacific Southwest Region (Region 5) and the Carson and Bridgeport Ranger Districts of the Humboldt-Toiyabe National Forest (Region 4) (Motor Vehicle Route Strategy)* (Appendix C).
- B. The inventory of all existing nonsystem or unclassified trails, roads, and off-route use areas, and the designation of National Forest System (**system**) routes and specifically defined areas will require a multi-year effort (i.e., 2004-2008).
- C. Procedures in the Heritage Resources Motor Vehicle Route Strategy generally do not apply to routes in the APE that previously were designated part of Forest systems and not subject to review pursuant to Section 106 of the NHPA and its implementing regulations (36 CFR 800) (see Stipulation III.C.3 of this Motorized Recreation PA).
- D. The Regions, in consultation with the SHPO, may revise the Heritage Resources Motor Vehicle Route Strategy at any time during the term of this Motorized Recreation PA. Revisions will take effect only upon written agreement of the Regions and the SHPO. The signatories agree that any such revision shall not necessarily require either concurrent or subsequent amendment of this Motorized Recreation PA.

III. PROCEDURES FOR ADMINISTERING MOTORIZED RECREATION PROGRAM UNDERTAKINGS

The following procedures apply to all identification, evaluation, treatment, and management measures associated with Motorized Recreation Program undertakings. These procedures shall apply to all Motorized Recreation Program undertakings after system designation.

A. Staffing

Professional Qualification Standards: Forests shall ensure that all heritage resources work for undertakings covered by this Motorized Recreation PA are supervised by the HRM. "Supervise" means active oversight and review over all aspects of work.

1. As specified in this Motorized Recreation PA, certain responsibilities and related activities may be delegated by HRMs to qualified heritage professionals.
2. Heritage specialists operating at less than journeyman level shall meet the Office of Personnel Management X-118 standards, and shall be supervised by qualified heritage professionals.
3. Archaeological technicians and student aides shall meet the Office of Personnel Management X-118 standards, and shall be directly supervised by qualified heritage professionals.
4. Certified Archaeological Surveyors (CAS) shall meet the standards specified in Forest Service Manual (FSM) 2361.42, and those detailed in the Regional PA and Sierra PA, or their successor agreements, and shall be directly supervised by qualified heritage professionals.
5. Volunteers may be used to assist in heritage program activities as long as qualified heritage professionals directly supervise them.

B. Coordination and Information Exchange

All efforts to identify and evaluate historic properties in connection with the planning of undertakings associated with the Motorized Recreation Program shall be carried out in accordance with the standards and guidelines specified in this Motorized Recreation PA, unless the signatories through consultation agree otherwise.

1. All reports that document identification or evaluation efforts shall be provided to the SHPO as specified below (III.C.8), and/or to the respective Information Center of the California Historical Resources Information System (CHRIS), for integration in the statewide database, as specified in Stipulation VI.A.
2. Where Native American tribes, traditional leaders, or individuals specifically request that information about traditional cultural properties remains confidential, such records shall be maintained in confidential files only at Forest Supervisor's Offices. Such information is subject to the confidentiality requirements of Section 304 of the NHPA (16 U.S.C. 470w-3) and/or Section 9 of the ARPA (16 U.S.C. 470hh).

3. Consultation and coordination among the participating Forests, the SHPO, the ACHP, and other interested parties pursuant to this Motorized Recreation PA shall be the responsibility of Forest Supervisors, unless specified otherwise.
4. Copies of reports that document identification or evaluation efforts will be available for public review, subject to the confidentiality requirements of Section 304 of the NHPA (16 U.S.C. 470w-3) and/or Section 9 of the ARPA (16 U.S.C. 470hh).

C. Identification of Historic Properties

1. Undertaking APEs shall be inventoried in accordance with the identification requirements enumerated below.
 - a) APEs include vehicular use areas, such as roads, trails, routes, corridors, stopping points, trailheads, off-route use areas, or other associated areas where maintenance for and motorized recreation occur, or, that are considered for designation. For most undertakings, APEs may be restricted to 30m wide corridors centered on linear motor vehicle features (i.e., roads, trails, corridors, routes) and 30m wide buffer zones around nonlinear features (e.g., stopping points, specifically defined open areas, trailheads, etc.). Roads and trails used to access favorite hunting areas, for example, would be considered part of APEs; hunting camps within 30 meter buffer zones of routes would be part of APEs, but hunting grounds which are closed to cross-country vehicular travel would not be considered part of APEs.
 - b) Inventory of associated areas included in APEs, such as stopping points, trailheads, or vista points, should include the immediate surroundings that can generally be limited to a radius of 30 meters centered on point-specific locations (i.e., stopping points, vista points), or 30-meter wide buffer areas surrounding larger areas (e.g., trailheads).
2. Forests shall ensure that all identification activities reasonably conform to the stipulations in this PA. Identification activities conducted on nonsystem routes and use areas for the purposes of designating motor vehicle routes shall conform to standards and guidelines in the Motor Vehicle Route Strategy, Appendix C.

3. To account for maintenance activities and possible threats to historic properties associated with motorized recreation, in consultation with SHPO and within one year of execution of this PA, Region 5 shall compile data provided by the forests and prepare plans for the forests to sample inventory system routes that have not been subject to previous consultation under Section 106 of the NHPA.
 - a) Forests shall assess the need to inventory system routes by overlaying Geographic Information System (GIS) layers for heritage surveys and system routes. Where GIS layers for heritage survey are unavailable, survey atlases or records are to be used.
 - b) The needs and priorities for survey may be based on motorized recreation use levels; maintenance activities; route types and the potential for effects (e.g., unsurfaced facilities needing survey versus surfaced facilities not; or grading of unsurfaced roads needing survey versus surfaced roads not; closed roads not needing survey, etc.); topography and site visibility; site sensitivity levels, etc.
 - c) Region 5 and the SHPO may agree to use the inventory procedures identified in the Heritage Resources Strategy (Appendix C), in conjunction with other agreed upon procedures, to accomplish the plans for system survey.
 - d) Sample inventories shall be accomplished incrementally, and reevaluated periodically within the 10 year term of this PA to determine if additional survey or a change in priorities for survey may be needed.

4. Intensive Survey:

Where Forests propose to carry out, or cause to be carried out, intensive survey of APEs, regardless of land ownership, they need not consult with the SHPO prior to such inventory, but shall document the results of such inventory and provide this documentation to the SHPO for review and comment upon request. Inventory levels are defined as follows:

- e) Intensive inventories of most motor vehicle routes, corridors, trail heads, or open areas can be accomplished using 15-meter spaced traverses. Narrower traverses may be warranted in highly sensitive areas where observational constraints may exist. Broader traverses may be appropriate in less sensitive areas where approved by HRMs.

- f) Mixed coverage strategies (such as greater spacing by surveyors; nonpedestrian, motorized access; nonsurvey of disturbed areas like bench cuts for roads or hill climbs; or areas of low probability) are acceptable provided the traverse width/field of vision is sufficient to identify all properties potentially eligible for the NRHP should they exist.
- g) Intensive survey may be conducted by:
 - i) professional archaeologists or historians who meet the professional standards of 36 CFR 296.8, or the Secretary of the Interior's Standards and Guidelines for Professional Qualifications (48 FR 44738-44739);
 - ii) archaeological technicians who meet Office of Personnel Management X-118 standards for personnel who may perform such surveys;
 - iii) certified archaeological surveyors who meet the standards specified in Forest Service Manual 2361.42, or its successor manual, and those detailed in the Regional PA and Sierra PA, or their successor agreements;
 - iv) professional consultants who meet the professional standards of 36 CFR 296.8, or the Secretary of the Interior's Standards and Guidelines for Professional Qualifications (48 FR 44738-44739).

5. Nonintensive Inventory:

Where Forests propose to carry out, or cause to be carried out, sample survey, reconnaissance, or less than intensive survey (e.g., reconnaissance survey in areas of steep slopes or dense brush), the Forests or Regions shall consult with the SHPO on the appropriate type, intensity, and level of inventory to be conducted pursuant to this Motorized Recreation PA.

- a) Where approved by the SHPO, nonintensive survey methods are considered adequate for satisfying identification requirements under this Motorized Recreation PA.
- b) The Sierra PA nonintensive inventory approach, using resources at risk (*at risk* historic properties), is a SHPO approved survey strategy that satisfies identification requirements under this Motorized Recreation PA.
- c) Nonintensive inventory shall be supervised by qualified heritage professionals.

6. All identified historic properties shall be recorded on applicable Heritage Resource Records (**HRRs**) (e.g., Forest Service electronic corporate database heritage resource records, site forms, site records), or other site forms approved by the SHPO and the Forests.
 - a) HRRs shall be designed to include, at a minimum, the same information categories and standards contained in State of California Department of Parks and Recreation Archeological Site Record (DPR 422) and Historic Resources Inventory (DPR 523) forms, as applicable, or successor forms as appropriate, or as otherwise agreed to by the SHPO, the Regions, and the Forests.
 - b) HRRs shall either be completed to national standards or as described in the electronic corporate database manual, or at a minimum shall be designed to include the categories and standards outlined in the California Archeological Inventory Handbook for Completing an Archeological Site Record (1989) and the Instructions for Completing California Historic Resources Inventory Forms (1984), as applicable, or successor manuals or instructions as appropriate and agreed to by the SHPO, the Regions, and the Forests.
 - c) Where structures are components of larger historic properties, they shall be treated as features of those properties and must be recorded on HRRs, as appropriate.
 - d) When historic properties extend outside APEs, they shall be recorded to the same standards as those within APEs under the following circumstances: all historic properties one acre or less in area; and for any historic properties greater than one acre in size, or any linear sites, prescribed documentation standards may be limited to those portions of the resources within 30 meters of APEs.
 - e) HRRs shall be submitted to appropriate Information Centers of the CHRIS, for trinomial assignments. Trinomial designations, when available, shall be incorporated into documentation submitted to the SHPO for review. If trinomials have been requested, but not received by the time Forests need to submit documentation to the SHPO, then Forests will provide copies of transmittal letters requesting trinomials with their documentation.
 - f) HRRs shall be housed at Forest Supervisor's Offices in controlled access facilities curated by the HRM. The HRM may delegate curation of duplicate sets of forms to applicable Ranger Districts, under controlled access and curation of District Archaeologists or Historians.

7. Forests may develop definitions of archaeological site properties that may be used if approved by the SHPO.
8. Heritage Survey Reports (**HSRs**) (e.g., Survey Reports (SR), Heritage Resource Reports (HRR); Archaeological Survey Report (ASR); Cultural Resources Inventory Report (CRIR); Archaeological Reconnaissance Report (ARR)) shall be prepared for all undertakings or groups of small, related undertakings prior to making decisions about implementing undertaking activities.
 - a) Previous inventory and report efforts:
 - i) shall be reviewed for adequacy by Forest HRMs, or qualified heritage professionals delegated by HRMs, to determine if resurvey is appropriate, given current Forest Service, SHPO, or Secretary of the Interior Standards and Guidelines.
 - ii) that have not been reviewed by the SHPO, pursuant to 36 CFR 800 or under this Motorized Recreation PA or other agreements with SHPO, shall be incorporated into HSRs for current review.
 - b) HRMs shall ensure that HSRs conform to guidelines in the:
 - i) Region 5 electronic corporate database manual or successor manual;
 - ii) State of California Department of Parks and Recreation guidelines entitled Archaeological Resource Management Reports (ARMR): Recommended Contents and Format (1989);
 - iii) the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, Reporting Identification Results (48 FR 44723); or
 - iv) other standards mutually agreed to by the Forests and the SHPO.
 - c) HSRs shall list all historic properties identified within undertaking APEs. Copies of HRRs within or adjacent to APEs shall be included in HSRs.
 - d) HSRs shall include references to previous reports and historic property records if portions of undertakings have been subject to earlier survey and these reports have been previously submitted to the SHPO for review. Previously recorded historic properties within APEs shall be updated to meet the documentation standards specified in this Motorized Recreation PA (Stipulation III.C.5, above).

- e) HSRs shall be completed prior to making decisions about implementing undertakings.
9. Copies of HSR documentation shall be:
- a) maintained on the forest in controlled access facilities, and be available for public review, subject to the confidentiality requirements of Section 304 of the NHPA and/or Section 9 of the ARPA. The records will be kept on the forest to support NEPA decisions and compliance with NHPA;
 - b) submitted to appropriate Information Centers of the CHRIS;
 - c) submitted to the SHPO if requested or if the appropriate Information Center of the CHRIS does not accept them.
10. No additional identification efforts are required prior to making decisions about implementation of undertakings if their APEs are entirely within areas that have been previously inventoried and HRMs, or qualified heritage professionals delegated by HRMs, determine that no additional inventory and consultation with the SHPO are required prior to making such decisions, provided the following conditions are met:
- a) HRMs, or qualified heritage professionals delegated by HRMs, confirm that previous identification efforts meet current standards; and
 - b) These findings are documented in writing , and these undertakings are listed or described in Forest Annual Reports (Stipulation VI.B).

D. Evaluation of Historic Properties

1. If undertakings may diminish historic property NRHP values, then Forests will follow the provisions of 36 CFR 800 regarding evaluation and determination of effects, except as provided in Stipulation III.D.2-5, below.
2. If HRMs, or qualified heritage professionals delegated by HRMs, determine that the nature and scope of proposed undertakings are such that their effects can be reasonably predicted, but appropriate measures can be undertaken to ensure that the values of historic properties are not affected in any way, then these historic properties will be managed and maintained in a manner which ensures that their values are preserved by using the Standard Resource Protection Measures listed in Appendix B. Under these circumstances and coupled with the implementation of protection measures in Appendix B, no NRHP evaluation is required prior to implementing undertakings.

3. Some types of properties can be managed using the California Archaeological Resource Identification and Data Acquisition Programs (CARIDAPs) or other programs for ineligible sites agreed to by SHPO. These programs employ specific criteria to classify archaeological properties that contain limited but easily retrieved information, and whose eligibility under 36 CFR 60.4(d) as individual properties or classes of properties is often problematic. Any properties managed according to the CARIDAPs or other SHPO approved programs for ineligible sites will be considered not eligible for the NRHP, and need no further consideration under the terms of this Motorized Recreation PA.
4. When minor effects may occur to historic properties as a result of the implementation of some protection measures (e.g., barrier installations), and it is likely that these effects would not diminish historic property NRHP values, then HRMs may approve the use of these protection measures without evaluating the properties for NRHP eligibility.
5. HRMs may also recommend that limited subsurface testing accompany the use of protection measures having minor effects as a form of monitoring for verification purposes.
 - a) The objective of limited testing is only to verify the assumption that minor effects will not diminish property NRHP values, and not to obtain the appropriate level of information needed for NRHP determination.
 - b) If limited testing does yield sufficient information to assess NRHP eligibility, then Forests shall determine NRHP eligibility.
 - c) Limited testing shall not be used to determine that properties are *not eligible* for the NRHP.

E. Implementation of Undertakings

1. **Undertakings When There Are No Historic Properties:** When no historic properties are identified following intensive inventory, or approved sample or nonintensive inventory pursuant to Stipulation III.C.4, no consultation with the SHPO or ACHP is required prior to implementing undertakings. HSRs for these undertakings will be completed prior to making decisions about project implementation, and the undertakings will be listed in Forest Annual Reports (Stipulation VI.B).
2. **Undertakings Where Management Measures Are Not Necessary for the Protection of Historic Properties:** When historic properties are identified following intensive inventory, or approved sample or nonintensive inventory pursuant to Stipulation III.C.4, but will not be affected, and the undertakings can be implemented without adopting management measures to protect historic properties, then the undertakings can be implemented without further review or consultation with the SHPO and/or ACHP. HSRs for these undertakings will be completed prior to making decisions about project implementation, and the undertakings will be listed in Forest Annual Reports (Stipulation VI.B).
3. **Undertakings Where Management Measures Are Necessary for the Protection of Historic Properties:** When historic properties are identified following intensive inventory, or approved sample or nonintensive inventory pursuant to Stipulation III.C.4, and effective protection measures will be employed (cf. Appendix B), no review or consultation with the SHPO or ACHP is required prior to implementing undertakings.
 - a) Forests may consult with the SHPO, pursuant to 36 CFR 800, on any undertakings covered by this Motorized Recreation PA where use of Standard Resource Protection Measures is proposed.
 - b) At its discretion and with the cooperation of the Forests, the SHPO may participate with the Forests in review or consultation on specific undertakings, or classes of undertakings, where Standard Resource Protection Measures are being used.
 - c) HSRs for these undertakings will be completed prior to making decisions about project implementation, and these undertakings will be listed in Forest Annual Reports (Stipulation VI.B).

4. **Undertakings Requiring Compliance with the ACHP's Regulations (36 CFR 800):** Forests shall comply with 36 CFR 800 for motorized recreation undertakings when these undertakings may adversely affect historic properties. Forests shall follow Stipulation VII when undertakings implemented under the provisions of this Motorized Recreation PA result in inadvertent effects.

F. Exempt and Screened Undertakings

The nature and scope of some undertakings are unlikely to affect historic properties. Under this Motorized Recreation PA, those classes of undertakings listed in Section I of Appendix A are exempt from further consultation pursuant to this Motorized Recreation PA or 36 CFR 800 review. In addition, HRMs may determine after review that specific undertakings subsumed in the classes of undertakings listed in Section II of Appendix A qualify as exempt undertakings.

1. **Screened Exemptions (Section II of Appendix A):** Those classes of undertakings listed in Section II of Attachment A must be screened by HRMs for their potential to affect historic properties, and must be approved by HRMs in writing prior to making decisions about implementation of undertakings. All approved Screened Exemptions must be listed in Forest Annual Reports (VI.B).
2. Forests may submit otherwise exempt undertakings for review under this Motorized Recreation PA, the Regional or Sierra PAs, or 36 CFR 800.
3. Should disputes or objections arise to exempt undertakings or to exempt classes of undertakings prior to implementation, see Stipulation VIII.

IV. MONITORING

- A. Forests shall conduct monitoring as necessary to ensure that prescribed Standard Resource Protection Measures are effective.

1. Monitoring standards for undertakings where management measures are not required for the protection of historic properties:

Most undertakings that do not require management measures for protection of historic properties will not be monitored. The following circumstances are exceptions where monitoring of such projects will be considered or undertaken.

- a) When undertakings change during implementation because of unforeseen circumstances, and these changes then require adoption of Standard Resource Protection Measures for previously identified historic properties, monitoring shall be required if HRMs determine that information is inadequate to determine whether these measures are appropriate. Monitoring might be appropriate if proposed activities are near some types of historic properties or traditional cultural properties of importance to Native Americans, or if the effectiveness of identified protection measures is problematic. Monitoring may be necessary during and/or after these undertakings.
 - b) When historic properties are discovered during implementation of undertakings, monitoring shall occur as early as possible to determine whether the historic properties may be affected by proposed activities, and whether the use of Standard Resource Protection Measures is appropriate. Monitoring frequency will be determined by HRMs.
2. Monitoring standards for undertakings where management measures are required for the protection of historic properties:
- a) Forest HRMs, or qualified heritage professionals delegated by the HRMs, shall determine schedules and requirements for any monitoring. Permanent records shall be completed for all monitoring events, and shall be kept on file at applicable Forest Supervisor's Offices. Inspection by the SHPO may be performed during or after undertakings with advance notice and arrangement between the SHPO, the HRM, and the Forest Supervisor.
 - b) When Standard Resource Protection Measures have not been implemented as prescribed, and activities have occurred that may have affected identified historic properties, then monitoring is required.
 - i) If undertakings have not been completed when HRMs receive notification that prescribed protection measures have not been followed, then all activities in the immediate vicinity of the historic properties shall be suspended until heritage resource professionals examine the properties and HRMs recommend appropriate measures that will protect the historic properties. The need for additional consultation will also be determined by HRMs before resumption of any suspended activities. If the properties have not been affected, and Standard Resource Protection Measures can be effectively employed for the remaining implementation, then HRMs may decide that the undertakings may resume without further consultation. If

historic properties may have been affected, consultation will be initiated in accordance with Stipulation VII. Forest Annual Reports shall describe all instances where Standard Resource Protection Measures were prescribed but were either not implemented or not fully implemented, and the measures taken to ensure subsequent protection of historic properties.

- ii) If undertakings have been completed when HRMs receive notification that prescribed protection measures have not been followed, then field inspections of respective historic properties will be initiated as soon as possible, and the provisions of Stipulations VII.A.2 and VII.A.3 shall be followed. The circumstances surrounding Forest failure to use prescribed protection measures and the actions taken by Forests in the aftermath of such failure will be described in Annual Reports.
- iii) If HRMs determine that use of Standard Resource Protection Measures may not provide adequate protection to historic properties because of the nature, scope, frequency, and/or duration of certain types of recurrent undertakings, monitoring in a manner prescribed by HRMs will be carried out to verify that protection measures are adequate.

B. Monitoring for Identification of Historic Properties

1. Where no known historic properties exist in APEs following inventory, but uncertainty remains about the possible presence of historic properties because of observation limitations, information from the literature review, sensitivity models, or other sources (e.g., oral history), monitoring may be employed during implementation of undertakings if recommended by HRMs. The purpose would be to ensure that unidentified historic properties, if present, are not irretrievably lost, damaged, or destroyed. If any properties are identified and found to be affected, the provisions of Stipulation VII shall be followed.
2. System routes should be periodically monitored to determine if ongoing motorized recreation uses, changes in use, or maintenance activities have the potential to affect historic properties. Priority for monitoring should be placed on system routes not subject to previous consultation under Section 106 of the NHPA. If the potential for effects is identified, HRMs may require inventory, pursuant to stipulation III.C, to identify historic properties that may be adversely affected.

C. Monitoring for Effects

Forest HRMs, or qualified professionals delegated by HRMs, may determine if monitoring is necessary to identify on-going adverse effects or resource protection measures that may minimize adverse effects.

1. Where monitoring indicates effects are ongoing, develop appropriate resource protection or treatment measures (e.g., barriers, fencing, trail reroutes, padding, signing, site mitigation, etc.) to minimize effects. Implement treatment measures.
2. Within two years, assess the need for either continued monitoring or change in resource protection measures to ensure adverse effects are minimized or eliminated.

V. MINOR EMERGENCIES

In the case of minor emergencies, such as damage from fallen trees, temporary measures that are fully reversible may be used for resource stabilization or to protect the health and safety of the public until other necessary measures can be approved under the Motorized Recreation PA, or the Regional or Sierra PAs, their successor agreements, or until consultation can be completed pursuant to 36 CFR 800.

VI. REPORTS

- A. Forests shall prepare Annual Reports of all activities undertaken under this Motorized Recreation PA. Annual Reports are due March 1 of the following fiscal year. Annual Reports will be submitted to the SHPO, the Regional Forester, and to the ACHP, should the ACHP request them. The H-TCBRD shall submit its Annual Report to both Regions. When Forests are preparing Annual Reports under either the Regional or Sierra PAs, or their successor agreements, Motorized Recreation PA activities shall be incorporated into those reports. Separate sections shall be included if needed to describe particular motorized recreation issues and problems. If Forests are not submitting annual reports under the Regional or Sierra PAs, or their successor agreements, then the content and format of Annual Reports on Motorized Recreation PA activities must be approved by the SHPO and the Regions in advance of submission.
- B. At a minimum, Annual Reports prepared under this Motorized Recreation PA by the Forests shall follow the format provided by Region 5 and include:

1. Summaries of all studies conducted for undertakings covered by the Motorized Recreation PA, including information regarding:
 - a) the types of undertakings for which studies occurred;
 - b) results of all survey and identification efforts (e.g., acres surveyed, newly recorded and rerecorded historic properties), including those where no historic properties were identified within undertaking APEs;
 - c) all undertakings whose APEs were adequately covered by previous survey;
 - d) all exempt undertakings screened by HRMs;
 - e) management measures employed to protect any identified historic properties;
 - f) findings from monitoring efforts;
 - g) descriptions of any inadvertent effects or unanticipated discoveries, and steps taken to resolve effects;
 - h) descriptions of any foreclosures and steps taken to resolve foreclosures;
 - i) consultation with interested persons or any pertinent results obtained from public notification and participation processes;
 - j) status of HSR submissions to respective Information Centers of the CHRIS, or proposed schedules for submission;
 - k) assessments of the effectiveness of the Motorized Recreation PA, including any reasonably reliable estimates of cost savings and/or increases in management efficiency; and
 - l) other available information to clarify the effects to historic properties from motorized vehicle recreation undertakings that the Regions or the SHPO request be incorporated into Annual Reports.
- C. Region 5 shall submit a Motorized Recreation PA Annual Report to the SHPO and the ACHP no later than May 1 of each year. Region 5's report shall also include activities reported by the H-TCBRD in California. This Annual Report may be incorporated into the annual report prepared by Region 5 under the Regional and Sierra PAs, or their successor agreements. At a minimum, the regional Annual Report shall:

1. assess the effectiveness of the Motorized Recreation PA, and make recommendations for its improvement, continuation, or termination;
2. summarize information provided in Forest Annual Reports;
3. make recommendations as to the continued participation of Forests in the Motorized Recreation PA.

VII. INADVERTENT EFFECTS AND UNANTICIPATED DISCOVERIES

- A. Forests shall notify the SHPO, ACHP, and respective Region immediately upon discovery that properties have been affected by undertakings implemented under this Motorized Recreation PA.
 1. 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. If Forests and the SHPO agree upon a mutually acceptable course of action during this time frame, the Forests shall proceed with that course of action. If agreement cannot be reached within this time frame, the SHPO shall be afforded 10 calendar days thereafter to provide written comments to the Forests. Thereafter, Forests shall consult with the ACHP for not more than 10 calendar days. If Forests and the ACHP agree upon a mutually acceptable course of action during this time frame, the Forests shall proceed with that course of action. If agreement cannot be reached within this time frame, then the Forests shall provide the ACHP with summary written documentation on the issues, including any SHPO comments and feasible steps that might be taken, and in writing request the comments of the ACHP before making decisions on whether or how to proceed with the undertakings. The ACHP shall have 10 calendar days following receipt of requests to provide the Forests with comments, which Forests shall take into account in reaching their decisions. Forests shall in writing notify the ACHP, the SHPO, the Region, and any interested parties of their decisions within 10 calendar days after those decisions have been rendered. Notifications shall include substantive explanations of such decisions.
 2. If undertakings have already been concluded when effects to properties are discovered, Forests shall consult immediately with the SHPO, and with the ACHP if it chooses to participate, to agree on a mutually acceptable course of action that the Forests shall implement within specified time periods established through consultation. This

consultation shall not exceed 30 calendar days. If Forests, the SHPO, and the ACHP if participating, agree upon a mutually acceptable course of action during this time frame, the Forests shall proceed with that course of action. If agreement on a course of action cannot be reached within this time frame, Forests shall take any comments received during consultation into account. Forests shall in writing notify the SHPO, the ACHP if participating, the Region, and any interested parties of their decisions within 10 calendar days after those decisions have been rendered. Notifications shall include substantive explanations of such decisions.

3. Within six months of initiation of consultation under paragraph 1 or 2 of this stipulation, Forests shall provide the SHPO, the ACHP if a participant, the Region, and other interested parties with written reports describing the undertakings and the circumstances surrounding the effects. Reports must include information regarding the: types of properties affected; property NRHP status; nature of the effects; date effects identified; locations of properties (i.e., name of Ranger District); condition of properties; and other pertinent information. Copies of reports available to interested parties or for public review are subject to the confidentiality requirements of Section 304 of the NHPA and/or Section 9 of the ARPA.

B. Unanticipated Discoveries

1. If unanticipated discovery of *at risk* historic properties is made during project implementation and sites have been impacted by project activities, Forests shall use the process defined in the Inadvertent Effects stipulation VII.A, above, to notify and consult with Region 5, the SHPO, and the ACHP.
2. If unanticipated discovery of *at risk* historic properties is made during project implementation and sites have not been impacted by the time of discovery, project activities shall be halted immediately in the vicinity of the sites, and the HRM shall design and implement Standard Resource Protection Measures to eliminate or minimize impacts, prior to authorizing resumption of project activities.

VIII. RESOLVING OBJECTIONS

- A. If any signatory to this Motorized Recreation PA objects to any aspect of its implementation, Region 5 shall consult with the objecting signatory to resolve the objection. The SHPO and the ACHP shall be consulting parties to any objection addressed pursuant to this paragraph, even if neither party is the objecting signatory. Region 5 shall establish a reasonable time frame for this consultation.

- B. If the objection involves a particular Forest's undertaking, and the objecting party is the SHPO or the ACHP, the Supervisor of that Forest shall consult with both the SHPO and the ACHP to resolve the objection. Any consulting party may invite Region 5 and/or Region 4 to participate in resolving objections pursuant to this paragraph. The Forest Supervisor shall establish a reasonable time frame for this consultation.
- C. The following procedures shall govern the resolution of objections that may arise pursuant to paragraphs A and B of this stipulation:
1. If the objection is resolved within the time frame established for consultation, the issue or action in dispute may proceed in accordance with the terms of that resolution.
 2. If the objection is not resolved within the time frame established for the consultation, either Region 5 (VIII.A) or a Forest Supervisor (VIII.B) shall forward all documentation relevant to the objection to the ACHP, including Region 5's or the Forest Supervisor's most current proposed response to the objection, with the expectation that the ACHP will, within thirty (30) days after receipt of such documentation:
 - a) advise Region 5 or the Forest Supervisor that the ACHP concurs in the most current proposed response to the objection, whereupon Region 5 or the Forest Supervisor will proceed in accordance with that response, and the objection will thereby be resolved; or
 - b) provide Region 5 or the Forest Supervisor with recommendations, which Region 5 or the Forest Supervisor will take into account in reaching a final decision regarding its response to the objection; or
 - c) notify Region 5 or the Forest Supervisor that the objection will be referred for comment pursuant to 36 CFR 800.7(a)(4), and proceed to refer the objection and comment. Region 5 or the Forest Supervisor shall take the resulting comments into account in accordance with 36 CFR 800.7(c)(4) and Section 110(1) of the NHPA.
 3. Should the ACHP not exercise one of the foregoing options within 30 days after receipt of all pertinent documentation, Region 5 or the Forest Supervisor may assume the ACHP's concurrence in its most current proposed response to the objection and proceed in accordance with that response. The objection will thereby be resolved.

4. Region 5 or the Forest Supervisor shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection. Region 5's or the Forest Supervisor's responsibility to carry out all other actions under this Motorized Recreation PA that are not the subject of the objection will remain unchanged.
5. Region 5 or the Forest Supervisor shall provide the SHPO and the ACHP with a copy of its final decision regarding any objection addressed pursuant to this stipulation. Transmittal of this document by Region 5 or the Forest Supervisor to the SHPO and the ACHP shall resolve the objection. If the objection was raised pursuant to paragraph A of this stipulation, Region 5 shall also provide a copy of its final decision regarding the objection to Region 4 and all Forest Supervisors who have concurred in this Motorized Recreation PA. If the objection was raised pursuant to paragraph B of this stipulation, the Forest Supervisor shall also provide a copy of his or her final decision regarding the objection to Regions 5 and 4.
6. Region 5 or a Forest Supervisor may authorize any decision or other action subject to objection under this stipulation to proceed after the objection has been resolved in accordance with the terms of this stipulation.

IX. NEPA COORDINATION AND PUBLIC PARTICIPATION

- A. Forests shall use the public notification process embodied in the NEPA (42 U.S.C. 4321-4346) to comply with provisions for public notification, identification of interested parties, and public participation found in 36 CFR 800. Interested parties shall be afforded an opportunity to comment on the manner in which the effects of undertakings implemented under the provisions of this PA are taken into account. The Forest Service's policy and procedures for implementing NEPA (Forest Service Manual 1950; Forest Service Handbook 1909.15; at 57 FR 43180-43213) include public notification and involvement of interested parties, beginning at the earliest stages of planning undertakings, during environmental analysis, and after decisions are made.
 1. The NEPA process allows governments, organizations, groups, and individuals opportunities to comment on Forest undertakings. These comments are taken into account in making NEPA decisions. Interested parties who have provided comments during the NEPA process have administrative appeal rights after decisions are made; the public is notified of those rights and the appeals process (36 CFR 215).

2. The NEPA scoping process shall be used to meet 36 CFR 800 responsibilities to involve tribal governments, Native Americans, and other interested parties, to solicit information about identification of properties important for their historic values, and about the effects to and treatment of historic properties in relation to proposed undertakings.
 3. The Forest Service NEPA appeals process at 36 CFR 215 shall be used to handle 36 CFR 800 appeals from tribal governments, Native Americans, and other interested parties about the identification of historic properties and their values, and the effects to and treatment of historic properties, within the undertakings about which NEPA decisions are made.
- B. Appendix D and the terms of this stipulation constitute the process that shall be used by Forests to ensure the public is notified of planned undertakings and also establish the manner in which comments on particular programs and undertakings may be taken into consideration.
- C. If HRMs, or qualified heritage professionals delegated by HRMs, determine that certain proposed undertakings are likely to have significant, controversial, or unforeseen effects on historic properties based on known information, such undertakings shall be excluded from implementation under the provisions of this PA. Compliance with Section 106 of the NHPA for such undertakings is to follow 36 CFR 800 instead. Forests are to ensure that interested parties are provided opportunities to comment on the effects of these undertakings, and on undertakings that meet Stipulation III.E.4, pursuant to 36 CFR 800.

X. AMENDMENT OF THIS MOTORIZED RECREATION PA

- A. Any signatory may propose that this Motorized Recreation PA be amended, whereupon the signatory parties will consult to consider such amendment pursuant to 36 CFR 800.6(c)(7). Region 5 shall establish a reasonable time frame for this consultation. This Motorized Recreation PA may be amended only upon the written agreement of Region 5, the SHPO, and the ACHP. If it is not amended, this Motorized Recreation PA may be terminated by Region 5, the SHPO or the ACHP in accordance with Stipulation XII.
- B. Existing appendices to this PA may be amended or deleted, and new appendices developed and appended, through consultation among the signatory parties without amending the Motorized Recreation PA proper. No action proposed pursuant to this paragraph shall take effect without the unanimous written agreement of Region 5, the SHPO, and the ACHP.

XI. FOREST PARTICIPATION

Forests may be added or deleted from participation in this PA as follows:

- A. Region 5 shall make written recommendations to the SHPO and the ACHP about adding or deleting Forests as participants in the PA; the SHPO and the ACHP shall comment on those recommendations within 30 calendar days of receiving them. Participation of each Forest is independent of that of the others, and any Forest may be added or deleted without affecting participation of the others. The decision to add or delete a Forest's participation in the PA shall ultimately be made by Region 5, following consultation with the SHPO and the ACHP. Any disagreement arising during consultation shall be resolved in accordance with Stipulation VIII. Forest additions and deletions shall become effective as of the date of final decision by Region 5.
- B. Region 5 shall develop specific criteria to evaluate Forest performance in relation to PA stipulations, and shall provide these criteria to the ACHP and the SHPO for a 30 calendar day review period. Region 5 shall take any comments received from the ACHP and SHPO into account in finalizing the Forest performance evaluation criteria. Any disagreement arising during this consultation shall be resolved pursuant to Stipulation VIII.
- C. Region 5 shall prepare a written report for ACHP and SHPO review, pursuant to Stipulations XI.A, above. The report may be incorporated into the Region 5 Annual Report, pursuant to Stipulation VI.C, or may be submitted separately. The report shall outline Forest performance, and make decisions as to individual Forest continued participation, as follows:
 1. Unrestricted continued participation because all performance standards have been met;
 2. Provisional participation owing to some performance deficiencies. If deficiencies are not removed within one year, the Forest may be deleted from PA participation;
 3. Removal from participation due to a clear pattern of consistent and broad failure to meet stipulations.

XII. TERMINATION OF THIS MOTORIZED RECREATION PA

- A. Only Region 5, the SHPO, or the ACHP may terminate this Motorized Recreation PA, unless termination occurs by other means specified in this stipulation.
- B. If this Motorized Recreation PA is not amended pursuant to stipulation X.A., if Region 5, the SHPO, and the ACHP cannot agree on an action proposed pursuant to stipulation X.B., or if Region 5, the SHPO, or the ACHP proposes termination of this Motorized Recreation PA for other reasons, the party proposing termination shall in writing notify the other parties, explain the reasons for proposing termination, and consult with the other parties for at least 60 days to seek alternatives to termination.
 1. Should such consultation result in an agreement on an alternative to termination, the parties shall proceed in accordance with the terms of that agreement.
 2. Should such consultation fail, the party proposing termination may terminate this Motorized Recreation PA by promptly notifying the other parties in writing. Upon transmittal of such notification, this Motorized Recreation PA shall terminate and shall be rendered without further force or effect.
- C. If this Motorized Recreation PA is terminated pursuant to paragraph B.2 of this stipulation, Regions 4 and 5 shall either consult in accordance with 36 CFR 800.6 to develop a new agreement document or ensure that the concurring Forests initiate consultation pursuant to 36 CFR Part 800 for all undertakings formerly covered by the terminated Motorized Recreation PA until such time as a successor agreement document is executed.
- D. This Motorized Recreation PA shall automatically terminate, and have no further force or effect, on **January 1, 2010** unless prior to that time, it is:
 1. terminated pursuant to paragraph B.2 of this stipulation;
 2. extended by written agreement of Region 5, the SHPO, and the ACHP;
or
 3. terminated by a successor agreement document.

Execution and implementation of this Motorized Recreation PA evidence that U.S.D.A Forest Service Regions 4 and 5 have afforded the ACHP the opportunity to comment on the management of Motorized Recreation Programs in California and their effects on historic properties, and that Regions 4 and 5 are taking into account the effects of such management on historic properties.

U.S.D.A. Forest Service, Pacific Southwest Region

/s/ Thomas L. Tidwell for Date: 11/16/05.
BERNARD WEINGARDT
Regional Forester

U.S.D.A. Forest Service, Intermountain Region

/s/ Jack G. Troyer Date: 11/2/05.
JACK G. TROYER
Regional Forester

State of California, Office of Historic Preservation

/s/ Milford Wayne Donaldson Date: 5 Dec 2005.
MILFORD WAYNE DONALDSON, FAIA
State Historic Preservation Officer

Advisory Council on Historic Preservation

/s/ John M. Fowler Date: 1/3/06.
JOHN FOWLER
Executive Director

I CONCUR:

/s/ Jody Noiron Date: 1/20/06.
JODY NOIRON, Forest Supervisor
Angeles National Forest

/s/ Tina Terrell Date: 2/17/06
TINA TERRELL, Forest Supervisor
Cleveland National Forest

/s/ Judy Tartaglia (for) Date: 01/11/06.
JOHN D. BERRY, Forest Supervisor
Eldorado National Forest

/s/ Jeffrey E. Bailey Date: 1/9/06.
JEFFREY E. BAILEY, Forest Supervisor
Inyo National Forest

/s/ Margaret J. Boland Date: 1/27/06.
MARGARET J. BOLAND, Forest Supervisor
Klamath National Forest

/s/Terri Marceron Date: 12/27/05.
TERRI MARCERON, Forest Supervisor
Lake Tahoe Basin Management Unit

/s/ Laurie Tippin Date: 1/18/06.
LAURIE A. TIPPIN, Forest Supervisor
Lassen National Forest

/s/ Gloria Brown Date: 1/6/06.
GLORIA BROWN, Forest Supervisor
Los Padres National Forest

/s/ Arthur Quintana Date: 1/6/06.
ARTHUR QUINTANA, Acting Forest Supervisor
Mendocino National Forest

/s/Stanley G. Sylvia Date: 1/13/06.
STANLEY G. SYLVA, Forest Supervisor
Modoc National Forest

Robert A. MacWhorter (for) Date: 1/24/06.
JIM PENA, Forest Supervisor
Plumas National Forest

/s/ Gene Zimmerman Date: 1-3-06.
GENE ZIMMERMAN, Forest Supervisor
San Bernardino National Forest

/s/ Arthur L. Gaffrey Date: 2-7-06.
ART GAFFREY, Forest Supervisor
Sequoia National Forest

/s/ J. Sharon Heywood Date: 5 Jan 06.
J. SHARON HEYWOOD, Forest Supervisor
Shasta-Trinity National Forest

/s/ Edward E. Cole Date: 1-12-06
EDWARD E. COLE, Forest Supervisor
Sierra National Forest

/s/ William Metz Date: 3/7/06
WILLIAM D. METZ, Acting Forest Supervisor
Six Rivers National Forest

/s/ Tom Quinn Date: 1/4/06
TOM QUINN, Forest Supervisor
Stanislaus National Forest

/s/ Steven T. Eubanks Date: 2/8/2006
STEVEN T. EUBANKS, Forest Supervisor
Tahoe National Forest

/s/ Bob Vaught Date: January 17, 2006
BOB VAUGHT, Forest Supervisor
Humboldt-Toiyabe National Forest

APPENDIX A

Exempt Undertakings

I. Unscreened Exemptions:

The following classes of undertakings are considered exempt from further review or consultation under the terms of this Motorized Recreation PA, as defined in Stipulation I.B, and pursuant to Stipulation III.F. Forest managers and planners do not have to notify or consult with HRMs about these classes of undertakings unless such managers and planners have reason to believe that specific exempt undertakings may affect historic properties. Unscreened exemptions are not to be reported in Forest annual reports. Classes of exempt undertakings are:

- A. activities that involve less than one cubic meter of cumulative ground disturbance per acre.
- B. activities that do not involve ground or surface disturbance (e.g., event route flagging or checkpoints, nondisturbing temporary structures, nondisturbing temporary barriers).

II. Screened Exemptions:

Screened Exemptions: HRMs shall determine whether specific undertakings subsumed in the following classes of undertakings may be treated as exempt under this Motorized Recreation PA. If HRMs determine that undertakings may be treated as exempt, then the undertakings shall be considered exempt under this Motorized Recreation PA. If HRMs determine that undertakings have effects, will continue on-going effects, or may affect historic properties, the undertakings shall not be considered exempt and shall be subject to the provisions of this Motorized Recreation PA or 36 CFR 800, as appropriate. Screened exemptions are to be reported in Forest annual reports. Screened undertakings may include:

- A. activities whose APE is entirely within obviously disturbed contexts, and the disturbance is such that the presence of historic properties is considered highly unlikely;
- B. issuance or granting of permits, easements, rights-of-way, or leases that do not authorize surface or resource disturbance, and that do not have the potential to affect access to or use of resources by Native Americans;
- C. application of pesticides or herbicides that does not have the potential to affect access to or use of resources by Native Americans.

- D. activities limited within stream channels, excluding terraces, cut banks, etc.;
- E. routine trail maintenance limited to brushing and limbing, and light maintenance of existing tread with hand tools (except where the tread exists within historic properties);
- F. routine road maintenance and resurfacing where work is confined to previously maintained surfaces, ditches, and culverts where historic properties are not affected because proposed work is clearly within disturbed contexts, and cut and fill slopes where there are no known historic properties;
- G. felling of hazardous trees within trail prisms, along trail ways, or where they can otherwise affect the health and safety of trail users, provided they are left in place or cut up for firewood;
- H. felling and removal of hazard and windthrow trees from road prisms where deemed necessary for health, safety, or administrative reasons, so long as trees are felled into and removed from within existing road prisms (area clearly associated with road construction, from road surface to top of cut and/or toe of fill) where previous disturbance is such that the presence of historic properties is considered unlikely, and so long as ground disturbance is not allowed off previously disturbed areas associated with road prisms;
- I. issuance of permits for motorized vehicle events over existing roads, routes, and trails with no historic properties, or whenever federal involvement is incidental to activities associated with the permit's purpose, and where there are no known effects to traditional cultural properties;
- J. temporary or long-term closure of roads or trails involving no new ground disturbance;
- K. maintenance or replacement in kind of existing nonstructural facilities that does not involve new or additional ground disturbance (e.g., maintenance or replacement of cattle guards, gates, fences, guardrails, barriers, traffic control devices, etc.);
- L. activities or alterations involving facilities or structures that are less than 50 years of age and that will not become 50 years of age within five years from the date projects are implemented;
- M. removal of trash that does not qualify as a historic property;

- N. installation of law enforcement detection devices within historic properties for ARPA investigations to prevent site vandalism;
- O. installation of use counting devices within historic properties for use count and monitoring to aid in effect evaluations;
- P. installation of any off-site historic property protection measures;
- Q. installation of on-site barriers, pursuant to Stipulation III.D.4 and Appendix B.II.A.3.

APPENDIX B

Standard Resource Protection Measures

The following protection measures shall be implemented as appropriate for all subject undertakings managed under this Motorized Recreation PA. When these protection measures are effectively applied, the Forest will have taken into account the effects of these undertakings on historic properties, and no consultation under 36 CFR 800 is required.

These protection measures are low to no impact and are designed to protect any characteristics or values that may make properties eligible for inclusion in the NRHP. These protection measures will be implemented as soon as needed and prior to the designation of new system routes where warranted (i.e., implemented as conditions of designation).

Where protection measures are needed that may have effects on historic properties, evaluation efforts may be confined to identified APEs.

Whenever possible, at a minimum, historic properties shall be excluded from areas where activities associated with undertakings will occur. Where they cannot be excluded from APEs, specialized protection measures may be used.

I. General Protection Measures:

- A. All proposed activities, facilities, improvements, and disturbances shall avoid historic properties. Avoidance means that no activities associated with undertakings that may affect historic properties, unless specifically identified in this Motorized Recreation PA, shall occur within historic property boundaries, including any defined buffer zones. Portions of undertakings may need to be modified, redesigned, or eliminated to properly avoid historic properties (e.g., route redesign or relocation).
 1. For historic properties eligible for inclusion in the NRHP under 36 CFR 60.4(d), or those that may be important only for the information they contain, the physical demarcation of historic properties, and their exclusion from undertaking proposed APEs are minimum requirements.
 2. Physical demarcation and avoidance during implementation of undertakings are also required for other historic properties eligible for inclusion in the NRHP under other criteria. But minimum protection requirements shall also include the use of buffer zones to extend protection areas around historic properties where setting is an important attribute, and proposed activities may have effects on setting quality.

3. Linear sites may be crossed or bounded in areas where their features or characteristics clearly lack historic integrity, that is, where those portions (taking into account any buffer zones related to setting) do not contribute to site eligibility or values.
- B. All historic properties within APEs shall be clearly delineated prior to implementing any associated activities that have the potential to affect historic properties.
1. Historic property boundaries shall be delineated with coded flagging and/or other effective marking. Activities within historic property boundaries will be prohibited with the exception of using developed Forest transportation systems when the HRM recommends that such use is consistent with the terms and purposes of this Motorized Recreation PA.
 2. Historic property location and boundary marking information shall be conveyed to appropriate Forest Service administrators or employees responsible for implementation so pertinent information can be incorporated into planning and implementation documents, and contracts (e.g., clauses or stipulations in permits).
- C. Buffer zones may be established to ensure added protection where HRMs, or qualified heritage professionals delegated by HRMs, determine that they are necessary. The use of buffer zones in conjunction with other avoidance measures is particularly applicable where setting contributes to property eligibility under 36 CFR 60.4, or where it may be an important attribute of some types of historic properties (e.g., historic buildings or structures; traditional cultural properties important to Native Americans). The size of buffer zones needs to be determined by the qualified heritage professionals. Landscape architects may provide information used in determining appropriate view sheds for historic resources. Knowledgeable Native Americans should be consulted when the use or size of protective buffers for Native American traditional cultural properties needs to be determined.
- D. When any changes in proposed activities are necessary to avoid historic properties (e.g., project modifications, redesign, or elimination; removing old or confusing project markings or engineering stakes within site boundaries; or revising maps or changing specifications), these changes shall be completed prior to initiating any activities.

- E. Monitoring may be used to enhance the effectiveness of protection measures in conjunction with other measures. The results of any monitoring inspections shall be included in Annual Reports (Stipulation VI.B).

II. Specialized Protection Measures:

Forest HRMs may provide written approval for the work specified below within the boundaries of historic properties, under carefully controlled conditions. All activities performed under category II standard resource protection measures must be documented in HSRs, pursuant to this Motorized Recreation PA; none may be performed under exemptions except as specifically listed in Appendix A.

- A. The following activities may be approved under the conditions detailed below:
 - 1. Felling and removal of hazard, windthrow, and salvage trees within historic properties under the following conditions:
 - a) Felled trees may be removed using the following techniques:
 - i) hand bucking and carrying,
 - ii) rubber tired loader,
 - iii) crane/self-loader,
 - iv) helicopter; or
 - v) other nondisturbing, HRM-approved methods.
 - b) Equipment operators shall be briefed on the need to reduce ground disturbances (e.g., minimizing turns);
 - c) No skidding nor tracked equipment shall be allowed within historic property boundaries; and
 - d) All such activities must be monitored by qualified heritage specialists at the time of tree removal, or as soon as safely permitted after removal.
 - 2. Placement of foreign, nonarchaeological material (e.g., padding or filter cloth) over archaeological deposits to prevent surface and subsurface impacts. Such foreign material may be utilized on archaeological deposits under the following conditions:
 - a) engineering will design the foreign material depth to acceptable professional standards;

- b) engineering will design the foreign material use to assure that there will be no surface or subsurface impacts to the archaeological deposits;
 - c) the foreign material must be easily distinguished from and cannot mix with the underlying archaeological deposits;
 - d) the foreign material must be removable should research or other heritage needs require access to the archaeological deposits at a later date; and
 - e) Native American or other public concerns about the use of the foreign material will be addressed prior to use.
3. Installation of physical barriers and protection devices within the boundaries of historic properties:
- a) Nonintrusive barriers:
 - i) wooden and other barriers anchored with rebar,
 - ii) rocks/boulders or other items placed on the surface,
 - iii) certified weed-free straw bales/straw bales anchored with rebar;
 - b) Fencing:
 - i) T-post fencing,
 - ii) snow fencing,
 - iii) orange highway-type fencing, and
 - iv) other fencing with limited ground disturbance approved by HRMs;
4. Adoption or implementation of use controls:
- a) Closures -- temporary closure of area (e.g., during wet season), or long-term closure,
 - b) Signage (use restrictions, informational, etc.),
 - c) Access Exclusion:
 - i) installation of gates when placed where HRMs determine there will be no effect, such as placement in disturbed contexts, road prisms, or at site boundaries,
 - d) Adaptive Management (protocol that proceeds through stages managed to reduce or eliminate any effect) that includes monitoring, education, signage, and closure in a sequential process;

5. Use of vegetative screening or surface treatments:
 - a) broadcast seeding,
 - b) broadcast slash/straw, etc.,
 - c) planting of vegetation to promote screening/natural fencing.

- B. Any such specified activities within the boundaries of historic properties shall be reviewed in Annual Reports to assess continuation of or need for changes in the protection measure.

APPENDIX C

Heritage Resources Strategy for the Designation of Motor Vehicle Routes on the National Forests in California

USDA Forest Service, Pacific Southwest Region (Region 5) and the Carson and Bridgeport Ranger Districts of the Humboldt-Toiyabe National Forest (Region 4)

Introduction

Off-highway vehicle (OHV) (see Motor Vehicle Route Strategy Appendix A for definitions of this and other terms used in this strategy) use on the national forests within California has grown substantially since the early 1970s. Much of this use is on designated roads, trails, and specifically defined areas. The USDA Forest Service, however, has determined that unmanaged motor vehicle use--largely the result of user-created roads, trails, and other off-route use areas--is adversely affecting soils, water quality, wetlands, sensitive habitats, historic properties, and other resource values and public uses. In an effort to address unmanaged motor vehicle use, the Forest Service is developing a new motorized recreation management policy that provides for quality motor vehicle recreational uses on national forest lands and meets its responsibilities to manage and protect natural and cultural resources.

The centerpiece of this policy is the designation of a National Forest System (**system**) of roads, trails, and specifically defined areas (**routes**); it includes the prohibition of motor vehicle use off these designated routes. To accomplish this policy objective, the USDA Forest Service's Pacific Southwest Region and the Humboldt-Toiyabe National Forest, in cooperation with the California Off-Highway Motor Vehicle Recreation Commission and the Off-Highway Motor Vehicle Recreation Division of the Department of Parks and Recreation, plan to: confine use to routes mapped (close all cross-country use) by June 2006; designate system routes no later than December 2007; and close all roads, trails, and off-route use areas to motorized vehicular use that are not designated part of National Forest System routes by September 2008.

This Heritage Resources Strategy for the Designation of Motor Vehicle Routes on the National Forests in California (**Motor Vehicle Route Strategy**) has been developed to provide details to the Programmatic Agreement among the U.S.D.A. Forest Service, Pacific Southwest Region, U.S.D.A. Forest Service, Intermountain Region's Humboldt-Toiyabe National Forest, California State

Historic Preservation Officer, and Advisory Council on Historic Preservation Regarding the Process for Compliance with Section 106 of the National Historic Preservation Act for Designating Motor Vehicle Routes and Managing Motorized Recreation on the National Forests in California (**Motorized Recreation PA**), to meet National Historic Preservation Act (**NHPA**) Section 106 compliance needs, and to provide for the timely integration of historic property information into environmental planning under the National Environmental Policy Act (**NEPA**). OHV use on the National Forests in California can be characterized as light to high, varying largely by proximity to large urban areas and the effects of seasonal access. Inventory, evaluation, protection, and management strategies developed as part of this strategy are based upon the assumption that motor vehicle use can be predicted from past experience, and managed in ways that protect historic properties and reduce the threat that motor vehicle uses may have on historic properties. Effective management can be achieved through short and long term measures, such as system redesign, monitoring, treatment measures, seasonal closures, and public outreach efforts. This strategy will be applied only to routes that are studied for possible designation as part of the National Forest System.

The objectives of this Heritage Resources Motor Vehicle Route Strategy are to:

- Establish heritage resource inventory, evaluation, treatment, and protection requirements needed for NHPA Section 106 compliance for system route designations; and
- Incorporate this strategy as part of the Motorized Recreation PA that specifies how historic properties will be identified, evaluated, and protected whenever they may be affected by Motorized Recreation Program activities within designated systems on National Forest lands in California.

Background

The uncontrolled use of motor vehicles on National Forest System lands in California, and the impacts from such use, are receiving increasing attention by the USDA Forest Service and the public. Cross-country OHV use is often cited as an example of “unmanaged recreation,” one of the key threats to National Forests identified by the Chief of the Forest Service. In 2003, the Regional Forester for the Pacific Southwest Region (**Region 5**) signed a Memorandum of Intent (MOI) with the State of California aimed at prohibiting wheeled OHV use off designated routes on National Forest System lands in Region 5. The MOI describes the strategy, tasks, and timeline necessary to complete the designation of OHV routes by September 2008. Portions of the Carson and Bridgeport Ranger Districts of the Humboldt-Toiyabe National Forest in the Intermountain Region (**Region 4**) (Regions 5 and 4, collectively, **Regions**) of the Forest Service are also located in California, and are covered by the MOI; these lands are also

included in this Heritage Resources Motor Vehicle Route Strategy. Eighteen National Forests and one management unit (**Forests**) are covered by the MOI, this Motor Vehicle Route Strategy, and the Motorized Recreation PA.

All the current direction and authority regarding permitting or prohibiting motor vehicle use off roads on National Forest System lands is tiered from Executive Order 11644, signed by President Nixon in 1972, and modified by Executive Order 11989 in 1977. Executive Order 11644 states:

It is the purpose of this order to establish policies and provide procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

Section 3 of Executive Order 11644 further states that:

Each agency head shall develop and issue regulations and administrative instructions...to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas and trails in which the use of off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed.

Forest Service regulations governing OHV use are found at 36 CFR Part 295. Additional direction is found in the Forest Service Manual, section 2355.

Seventeen of the 19 Forest Land and Resource Management Plans (FLRMP) in the Regions have *restricted* OHV use. *Restricted* is defined as:

Areas and trails on which motorized vehicle use is restricted by times or season of use, types of vehicles, vehicle equipment, designated areas or trails, or types of activities specified in orders issued under the authority of 36 CFR Part 261.

Although the FLRMPs indicate OHV use is to be restricted to designated routes, many Forests have yet to designate the routes and uses.

Laws, Regulations, and Policy

The various laws, regulations, and Forest Service policies regarding or affecting motor vehicle use on National Forest System lands are identified in the *Route Designation Guidebook, National Forests in California* (USDA Forest Service 2004)(***Route Designation Guidebook***). These provide important direction and guidance when analyzing potential roads, trails, and specifically defined areas for decisions regarding the designation of motor vehicle routes. The following list contains particularly relevant direction.

1. Forest Service policy is to apply the minimum restrictions required to protect resources and provide for user safety while continuing to provide wheeled OHV opportunities (FSM 2350.3 (5)).
2. All roads, trails, and areas that are managed for wheeled, motorized, OHV use must be: (1) system roads, system trails, or specifically defined areas, (2) listed as forest transportation facilities, and (3) included in the Forest Transportation Atlas.
3. Unclassified roads should be converted to system roads or system trails, or decommissioned, depending on local objectives, in site-specific project decisions (36 CFR Part 212 Sec, 5 (b)(2)).
4. All areas and trails off roads must be designated to allow, restrict, or prohibit use by specific vehicle types (36 CFR Part 295 Sec. 2(a)).
5. Designation of trails and specifically defined areas for motor vehicle use requires environmental analyses and decision documents signed by Forest Supervisors.
6. Forest Orders must be issued to make prohibitions resulting from route designation enforceable.

Route Designation Process

Region 5 has developed guidelines recommended for Forests to follow in their assessments of routes for possible designation (see *Route Designation Guidebook*). These guidelines envision a five-step process leading to the designation of system routes (see Motor Vehicle Route Strategy Appendix B). These five steps are:

1. Map (Geographic Positioning System, GPS) existing unclassified roads, OHV trails (both system and nonsystem), and off-route use areas, and enter the data in GIS (Geographic Information System) and INFRA (Infrastructure database). Designate team leaders, compile Forest OHV Management Direction, assemble needed information, identify gaps in data, prioritize, develop action plans, and begin field surveys. Share maps with the public by *December 2005* (earlier if possible). Collect comments by *March 2006*.

2. Issue temporary Forest Orders prohibiting wheeled motor vehicle use in areas other than mapped roads, trails, and off-route use areas. Involve the public. Complete no later than *June 2006*.
3. Evaluate inventoried roads, trails, and areas; collaborate with the public in developing proposed systems of roads, trails, and specifically defined areas for use by wheeled motor vehicles; complete surveys of information and data gaps. Involve the public. Publish maps of proposals by *September 2006*. Collect public comments no later than *February 2007*.
4. Complete analyses and prepare NEPA documents designating all system routes for wheeled motor vehicle use. Involve the public. Complete no later than *December 2007*.
5. Issue Forest Orders to prohibit motor vehicle use off system routes. Involve the public. Install appropriate signing, publish maps of approved motor vehicle systems for public distribution, and implement any mitigation measures by *September 2008*.

The Klamath and Shasta-Trinity National Forests, which do not have motorized recreation restrictions in their FLRMPs, have one additional year from the dates above to complete the tasks. This additional time is allowed to review FLRMPs and provide direction to prohibit wheeled motor vehicles off designated routes.

These guidelines include a recommendation that Forests use existing information in pre-NEPA analyses to identify which roads, trails, and open areas should be more thoroughly studied for possible route designations. These pre-NEPA assessments should be multi-disciplinary to take full advantage of existing information about Forest OHV systems, management constraints, and known resource conflicts and potential effects. The intent is to develop proposed systems of routes that have the greatest likelihood of meeting Forest objectives for public service and resource protection, and to then focus NEPA planning efforts on the proposed systems.

Heritage Resources

This Heritage Resources Motor Vehicle Route Strategy allows Forests to coordinate the requirements of the NEPA and the NHPA when analyzing the effects of possible route designations. Efforts are already underway to identify and map the locations of unclassified roads, nonsystem trails, and off-highway use areas that are to be the focus of environmental assessments and Forest decisions on designating motor vehicle route systems. The magnitude of the planning effort for Forests in California requires a multi-year effort to conduct environmental assessments on each Forest. This strategy is designed to provide a standardized process for conducting needed cultural resources inventories, assessing the nature of any identified effects or risks to historic properties,

prescribing agreed-on protection measures where necessary, and providing timely input for environmental assessments.

This strategy envisions a multiphased approach to compliance with NHPA's Section 106. This approach is tailored to the process identified by the Pacific Southwest Region's *Route Designation Guidebook*. Early steps in this process include the mapping of nonsystem trails and unclassified roads; the identification of known resource impacts and conflicts with other public uses; and the preparation of *proposed* systems that include National Forest System roads and trails, unclassified roads, nonsystem trails, and specifically defined areas. The *proposed systems* are based on known resource impacts, FLRMP direction, OHV user needs, and motor vehicle system design principles. The *proposed* systems are then analyzed in greater detail as part of the environmental analysis process leading to decisions about which routes will become part of Forest designated route systems, and which will be closed to such uses. This strategy includes recommended procedures for identifying known cultural resource conflicts as part of the process for determining the *proposed* systems to be studied further, and procedures for inventorying the proposed systems, evaluating historic properties, assessing potential effects to historic properties, identifying standard protection measures that would lessen or reduce effects to acceptable levels, and other management measures.

Compliance with NHPA's Section 106

The following procedures apply to Forest efforts to identify, evaluate, protect, and manage historic properties as part of their assessments of *proposed* system routes. It is expected that the Regions and Forests will set priorities for NEPA assessments and concomitant NHPA Section 106 studies based on planning schedules, budgets, and other criteria. The following strategy is designed to provide historic property information in a timely manner for consideration under NEPA, and prior to decisions about designating system routes on the National Forests in Region 5, and those portions of the Humboldt-Toiyabe National Forest, in California. Unless cancelled or modified in accordance with stipulations in the Motorized Recreation PA, this strategy shall remain in effect until Forests have completed all prescribed cultural resources inventories and assessments, or until such time that the management of historic properties, subsequent to route designations, can be subsumed under the Motorized Recreation PA or other appropriate regional programmatic agreements.

In order to meet current NEPA schedules for completing assessments of proposed systems and designating routes (i.e., December 2007), this strategy must focus on allocating available resources where needed the most. To do this, the Regions and Forests must set priorities. All of the proposed National Forest System roads and trails, unclassified roads, nonsystem trails, and off-route use areas on Forest lands in California cannot be equally considered for inclusion in designated route systems. Some can be excluded early in the planning process

based on known resource conflicts, economics of mitigating resource damage, FLRMP direction, and motor vehicle system design principles. The ultimate objective should be to designate comprehensive route systems that support motorized recreation to the extent practicable after considering conflicts with other resources and long-term land management objectives.

The following criteria are some of those that may be used to help set Regional and Forest planning priorities: (1) Forest schedules for proposing route systems for study; (2) miles of nonsystem roads and trails; (3) acres of off-route use areas needing inventory; (4) levels of motorized use on Forests; and (5) Forest schedules and ability to complete NEPA analysis before December 2007. Information helpful during the first steps in this process can be obtained from: (1) maps of currently designated systems; (2) maps of nonsystem roads, trails, and off-route use areas; (3) maps and information regarding known or potential resource conflicts (i.e., soils, biological, botanical, cultural, tribal, etc.) on nonsystem routes; and (4) direction found in FLRMPs (i.e., Backcountry Areas, Inventoried Roadless Areas, Northwest Forest Plan FLRMP Key Watersheds), Roads Analyses, and elsewhere.

Table 1: OHV Route Inventory - Unclassified Roads, Non-System and System Motorized Trails, and Off-Route Use Areas on Forests in the State of California

Forest	Miles of Roads and Trails Identified	Acres of Off-Route Use Areas	Percent Inventory Completed
Angeles	689.40	137.90	100
Cleveland	127.80	34.20	100
Eldorado	649.50	0.00	100
Inyo	3565.68	0.00	100
Klamath	62.00	10.00	100
LTBMU	0.00	0.00	100
Lassen	1135.79	91.40	100
Los Padres	154.56	52.30	100
Mendocino	901.16	191.00	100
Modoc	528.10	76.00	100
Plumas	1098.00	80.75	100
San Bernardino	911.00	137.10	100
Sequoia	849.70	146.80	100
Shasta-Trinity	958.07	0.00	55
Sierra	1207.30	683.00	100
Six Rivers	241.90	9.80	55
Stanislaus	610.13	57.27	100
Tahoe	800.23	165.71	100
Humboldt-Toiyabe	275.00	33.19	100
Total	14,765.32	1,906.42	93

Data as of September 30, 2005

OHV Use Levels

OHV use is variable on the National Forests in California. Factors affecting use include: season, weather, type of opportunity, topography, elevation, and location (particularly, proximity to urban centers). To help predict potential effects to historic properties arising from decisions to designate roads, trails, or off-route use areas for OHV use, OHV use level categories (*Route Designation Guidebook*) have been incorporated in this strategy. These use levels will assist in setting resource survey priorities and estimating potential risks to historic properties. Where use levels are unknown, recreation and motorized recreation specialists can estimate use based on mapped route and area characteristics and other known use levels throughout the forest.

Use level categories are:

Heavy Use: 1501 or more OHVs per week maximum.

High Use: 501 – 1500 OHVs per week maximum.

Medium Use: 101 – 500 OHVs per week maximum.

Low Use: 25 – 100 OHVs per week maximum.

Light Use: fewer than 25 OHVs per week maximum.

Heritage Resource Inventory of Proposed Routes

The proposed routes subject to NEPA and NHPA's Section 106 analysis will likely be the product of interdisciplinary scoping on Forests and information obtained from the public. The proposed systems should be based on preliminary analyses of the inventoried nonsystem trails, unclassified roads, and off-route use areas, designated trails and classified roads, system design principles, and public input. Various resource and program area specialists (e.g., from biology, botany, fisheries, soils, hydrology, cultural resources, tribal relations, transportation engineering) should assist recreation program managers and planning staff during the Forest-level scoping to identify known resource concerns and potential resource conflicts in the early development of proposed motorized route systems. As inventories of Forest nonsystem roads, trails, and specifically defined open areas are completed and entered into Forest GIS systems, comparisons with designated systems and other resources already mapped in GIS will be an effective method of identifying potential resource conflicts, and developing proposed motor vehicle route systems for further analysis.

Once Forests develop their *proposed* systems that will be the subject of NEPA analysis, Forest Heritage Resources Managers (**HRMs**) will identify inventory needs based on the priorities prescribed in this strategy. Coordination with Forest Motorized Recreation specialists may be necessary to identify which

roads, trails, or off-route use areas should receive the greatest priority for inventory wherever there are redundant systems or whenever system design principles or needs may be paramount.

Certain roads, trails, or off-route use areas may be *closed* to motorized use as part of these assessments by excluding them from designated systems. Decisions to close roads, trails, or off-route use areas do not necessarily prohibit nonmotorized uses (e.g., hiking, horseback riding, mountain bicycling). If the ways in which specific roads, trails, or open areas shall be removed or decommissioned are part of NEPA decisions on designating routes, Forest HRMs shall determine whether those decisions constitute undertakings under 36 CFR 800. If they are undertakings, then appropriate cultural resource inventories of the areas of potential effects (**APEs**) shall be completed, and heritage strategy or Motorized Recreation PA procedures shall be followed. Where no decisions are made on the ways (i.e., other than exclusion in system route designation) in which routes will be removed or decommissioned, cultural resource inventory and historic property treatments can be deferred until such time as specific closure or removal options that might be undertakings will be considered.

Inventory Priorities

For the purposes of this Heritage Resources Motor Vehicle Route Strategy, *Priority and Deferred* heritage resource survey strategies are defined below. These strategies (in descending order) will help guide decisions at the Forest level.

1. Priority Survey:

- a) Includes unclassified roads, nonsystem trails, and off-route use areas that are:
 - 1) needed to connect desirable routes or areas to existing, approved (i.e., currently designated system), motorized trails and roads;
 - 2) identified by the Forest as priorities for possible system route designation based on preliminary analysis, internal multidisciplinary scoping, or public input;
 - 3) selected by the Forest for study **and** have known or likely heritage resource conflicts or Heavy to Low OHV use;

- b) Includes National Forest System roads, trails, and specifically defined areas without previous Section 106 consultation that are selected by the Forest for inventory in conjunction with the route designation planning process:
 - 1) because of possible heritage resource concerns along heavy to low use routes; or
 - 2) to assess potential effects of system maintenance needs (e.g., use of mechanized groomers for trail maintenance or graders along road cuts where historic properties may be located).

2. **Deferred Survey:**

- a) Survey may be deferred for unclassified roads, nonsystem trails, and off-route use areas, and for National Forest System roads, trails, and specifically defined areas without previous Section 106 consultation that:
 - 1) have critical resource values, likely adverse effects with high or unacceptable mitigation costs, or other management or policy conflicts that make them less likely to be designated as OHV system routes or specifically defined areas and more likely to be candidates for closure or removal;
 - 1) receive Light OHV use;
 - 2) are existing system roads, trails, or specifically defined use areas, except as selected in priority survey item "1.b", above;
 - 3) are surfaced roads or facilities (e.g., trailheads), except as selected in priority survey item "1.b", above;
 - 4) have no decisions made on the ways (i.e., other than exclusion in system route designation) in which routes will be removed or decommissioned.
- b) Routes initially considered to be deferred for heritage resource survey may be elevated during the planning process to priority depending on system needs, public input, or other reasons.

Inventory Strategies

Under the current planning schedule, Forests should complete their cultural resources inventory and related assessments, and provide information regarding the effects that proposed undertakings would have on historic properties for analysis under NEPA, as follows:

1. **Priority Survey:** Complete inventory before September 2006, and/or prior to making NEPA decisions to designate routes.
2. **Deferred Survey:**
 - a. Heritage resource inventory of proposed routes may be deferred pursuant to the above priorities when approved by Forest HRMs.
 - b. Where heritage resource inventory was deferred prior to route designation, Forests shall conduct periodic monitoring of designated routes to identify any changes that could result in effects to historic properties if they are present. If use or maintenance changes in ways that could have effects on historic properties, Forests shall complete inventories of designated routes to identify *at-risk* historic properties.
 - c. *At-risk* historic properties within deferred inventory routes shall be considered when developing route monitoring plans.
 - d. If deferred inventory roads, trails, or off-route use areas are elevated to priority survey during the planning period, they shall be inventoried for heritage resources prior to September 2006, or before completion of NEPA analyses and decisions about designation.
 - e. No heritage resource inventory is required if roads, trails, or off-route use areas are excluded from consideration for designation.

Inventory Methods

Intensive inventories of APEs, regardless of land ownership, generally will be performed under this strategy. Coverage methods will be based on information obtained from reviews of pertinent literature and historic records, existing cultural resources data, American Indian consultation, and predicted or expected historic property sensitivity of APEs. Nonintensive survey methods may be used where appropriate under conditions approved by Forest HRMs (e.g., less intensive coverage methods in road cuts, for surfaced roads, on steep hills, in areas with severe observational restrictions (e.g., impenetrable brush), or in areas of low or no cultural resource probability).

Documentation Standards

All historic properties identified during inventories will be documented meeting current USDA-Forest Service (Regions 4 or 5) requirements and California SHPO standards, as specified in the Motorized Recreation PA. If documentation

for previously recorded historic properties within APEs does not meet current or agreed on standards, then it will be updated to meet those standards.

Forests may develop Forest-specific definitions of archaeological or historic site properties that may be used if approved by the SHPO. Where structures are components of larger historic properties, they shall be treated as features of those properties, and must be recorded on Heritage Resource Records (HRRs), as appropriate.

If historic properties extend beyond APEs, the following documentation standards will be followed. If sites are linear properties or are properties greater than one acre in size, documentation can be limited to areas within 30 meters of the APE. If they are nonlinear properties or less than one acre in size, sites will be documented using the above standards.

Evaluation of Historic Properties

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.). If designation of routes may diminish historic property prospective NRHP values, Forests shall follow the provisions of 36 CFR 800 regarding evaluation and determination of effects, except as provided below.

NRHP evaluation can be deferred for historic properties where: (1) no physical damage or reasonable potential for physical damage exists; (2) effects are ambiguous and monitoring is prescribed; or (3) Standard Resource Protection Measures (cf., Motorized Recreation PA) can be prescribed to ensure that the values or potential values of the historic properties can be protected. If effects are ambiguous (i.e., origin, agent, age, severity, etc.), then limited-term monitoring (see Monitoring of Historic Properties, below) may be employed to more fully characterize the nature of any effects, the need for evaluation, or whether additional management measures might be implemented in lieu of NRHP evaluation or other procedures under 36 CFR 800. NRHP evaluation is required at sites where physical damage from past motorized use is noted, and Forests cannot or will not protect properties from new or ongoing effects using prescribed protection or treatment measures listed in this strategy, the Motorized Recreation PA, or other measures identified in consultation with the SHPO.

If protection measures are not feasible or practical, or are unlikely to be effective, the Forest shall collect information sufficient to apply the NRHP criteria to heritage resources subject to potential effects. Forests shall consult with SHPO in applying these criteria, pursuant to 36 CFR Part 800.4(c). Evaluation shall be conducted in a manner consistent with the *Secretary of Interior's Standards and*

Guidelines for Evaluation (48 Federal Register 190:44729-44738), 36 CFR Part 63, and *How to Apply the National Register Criteria for Evaluation* (National Register Bulletin 15).

Where evaluation is necessary, Forests may elect to evaluate heritage resources that appear to qualify for programmatic treatment, such as lithic scatters, by applying the *California Archaeological Resource Identification and Data Acquisition Program: Sparse Lithic Scatters* (Jackson, et al. 1988). Those Forests of the Sierra Nevada that are party to the *Framework for Archaeological Research and Management for Forests of the North-Central Sierra Nevada* (Jackson, et al. 1994) may elect to apply similar programs for heritage resource treatment described therein. Qualifying resources under CARIDAP programs shall be considered *not eligible* for the NRHP, and therefore, need no further management consideration. Other programmatic evaluation or treatment programs developed by Region 5, and approved by the SHPO, can also be used.

Existing roads, trails, and specifically defined areas that bisect or contain historic properties may be used as *is* without NRHP evaluation if Forest HRMs determine that on-going use and maintenance are unlikely to further affect possible NRHP values. Where such use or maintenance may have effects, but Standard Resource Protection Measures (see Motorized Recreation PA) would likely provide effective protection of potential NRHP values, Forest HRMs may prescribe those protection measures as a condition of designating and using routes. Where there is uncertainty regarding the risk or threat to possible NRHP values associated with use or maintenance of existing roads, trails, or off-route use areas, NRHP evaluation may be necessary prior to their designation as system routes if site protection measures may not be effective. Monitoring can be used to define potential risks or threats to historic properties in lieu of NRHP evaluations if prescribed by Forest HRMs.

Forest HRMs shall determine whether or not NRHP evaluation is required prior to implementing prescribed protection or treatment measures, including low impact barriers, signing, low impact fencing, vegetation screening, and other minimal effect measures. When Forest HRMs determine that the use of these types of protection or treatment measures would have only minimal effects to historic properties (i.e., effects that would not diminish potential NRHP values), the protection measures may be implemented without further consultation with SHPO or ACHP. Effectiveness monitoring should be a condition of their use.

When additional information about the subsurface nature or characteristics of historic properties may be needed prior to implementing prescribed protection or treatment measures, subsurface assessments (e.g., test excavation, shovel probes, auger samples) within APEs may be limited and proportional to the affected areas of the properties and to the nature of the effects treated. When these limited subsurface examinations provide requisite data for NRHP eligibility determinations, evaluation should be completed as part of the planning process. If these subsurface assessments do not yield adequate information for NRHP

eligibility determinations, this information may still be used in consultations with SHPO to assess the likely effect that proposed protection or treatment measures might have on prospective NRHP values.

Effects on Historic Properties

For the most part, only those roads, trails, and off-route use areas inventoried and mapped by June 2006 will be considered under this strategy (this inventory includes public input to identifying existing roads, trails, or off-route use areas). Since these are existing systems, however, it is likely that some measure of disturbance or damage has already occurred to any historic properties that are located in APEs. During the inventory phase, past effects from motorized recreation and other uses shall be described. Potential risks or threats to historic property values arising from the continued use and maintenance of these routes or areas should also be assessed. These assessments should be considered when determining whether application of Standard Resource Protection Measures might be effective management options.

Standard Resource Protection Measures (cf. Motorized Recreation PA) can be prescribed to ensure that the values or potential values of historic properties can be protected. If Forests cannot or will not protect historic properties that might be affected as a result of route designations, then those Forests shall apply the Criteria of Adverse Effect (36 CFR 800.5), in consultation with the SHPO. Where the nature of effects is problematic, ambiguous, or indeterminate (e.g., past effects vs. on-going effects), then effects determinations may be deferred until monitoring determines whether additional degrading effects are likely, and if so, whether measures are available to protect properties. If Standard Resource Protection Measures are identified that would likely be effective in protecting historic properties, effects determinations may be deferred. Monitoring shall be prescribed to assess the effectiveness of the identified protection measures.

Treatment of Historic Properties

The Standard Resource Protection Measures listed in the Motorized Recreation PA may be used without additional consultation with SHPO, ACHP, or others. Where Standard Resource Protection Measures are prescribed for any historic property that might be affected in APEs, or where no protection or treatment measures are needed, system routes may be designated without further consultation with SHPO, ACHP, or others.

Other treatment measures may be identified and approved by SHPO or ACHP as specified in the Motorized Recreation PA when adverse effects have been identified. Where treatment measures recommended by the SHPO or ACHP are adopted, system routes may be designated as planned.

Monitoring of Historic Properties

Within one year of designating routes, National Forests in Region 5 and the Humboldt-Toiyabe NF in Region 4 shall develop and implement monitoring plans that focus on identifying *at-risk* historic properties, or those historic properties that appear to be threatened or may be affected by motor vehicle system use. Where there is uncertainty regarding the risks or threats to historic properties associated with the use or maintenance of routes, or where it is unclear whether previous disturbances or effects might be ongoing, periodic monitoring should provide information needed to assess site condition and identify appropriate protection or management measures.

At a minimum, Monitoring Plans should include the following elements:

1. Develop monitoring plans based on levels of use, types of resources, potential risks, and anticipated effects.
2. Concentrate monitoring on those resources where effects are clearly identified (e.g., erosion, down cutting, rutting, off-trail tracks, etc.), and where historic properties may be *at-risk*. All *at-risk* historic properties in designated routes shall be monitored over a two-year period following designation. In the third year, Forests may reassess the need to continue monitoring *at-risk* historic properties, and adjust monitoring objectives and frequency accordingly.
3. Annually monitor at least 10% of the **not** *at-risk* historic properties within medium to heavy-use routes. At least 5% of the **not** *at-risk* historic properties within light to low use routes and specifically defined areas will be monitored annually. After three years, Forests may revise monitoring plans if results indicate that certain types of properties or routes no longer require prescribed monitoring. If so indicated, monitoring thereafter may be subsumed under the Motorized Recreation PA.
4. Where monitoring indicates effects are ongoing, develop appropriate resource protection or treatment measures (e.g., barriers, fencing, trail reroutes, padding, signing, site mitigation etc.) to minimize or eliminate effects. Monitor the effectiveness of any resource or treatment measures implemented for two years. After two years, assess the need for continued monitoring.

MOTOR VEHICLE ROUTE STRATEGY APPENDIX A

Selected OHV Glossary

(excerpted from OHV Route Designation Guidebook, pages 9-13)

Designated Use	<p>NFS lands are “designated” to allow, restrict or prohibit specific types of off-road vehicle use as follows (FSM 2355.13):</p> <p>Open: Areas and trails on which all types of motorized vehicles may be operated off roads without restriction.</p> <p>Restricted: Areas and trails on which motorized vehicle use is restricted by times or season of use, types of vehicles, vehicle equipment, designated areas or trails, or types of activity specified in orders issued under the authority of 36 CFR Part 261.</p> <p>Closed: Areas and trails on which all motorized vehicle use is prohibited, except by permit, under authority of 36 CFR Part 261 or by law.</p>
National Forest	A road wholly or partly within or adjacent to and serving a
System road	part of the NFS and which has been included in a Forest Transportation Atlas (36 CFR Part 261 Sec. 2).
National Forest System Trail (NFS Trail)	A trail wholly or partly within or adjacent to and serving a part of the NFS and which has been included in a Forest Transportation Atlas (36 CFR Part 261 Sec. 2).
Non-system Trail	Any route 50 inches or less in width which is not a National Forest System trail.
Off-highway vehicle (OHV)	Any motorized vehicle designed for or capable cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract (EO 11644, Sec. 2). The terms off-highway vehicle (OHV) and off-road

vehicle (ORV) are nearly synonymous. ORV implies use only off of roads and OHV does not. Since OHV is generally accepted among States and user groups, this term is preferred to better describe the situation on the National Forests (FSH 7709.55, 34).

Off-highway Vehicle System	The roads, trails and areas that make up the authorized OHV use opportunities on a Forest.
Road decommissioning	Activities that result in the stabilization and restoration of unneeded roads to a more natural state (36 CFR Part 212 Sec. 1).
Route	A generic term for roads, trails, travelways, and corridors, regardless of their classification or designation, that are being used for motorized or non-motorized travel.
Specifically Defined Area	An area clearly delineated with identifiable boundaries where OHVs may travel off NFS roads and designated NFS trails (i.e., cross-country). The area may be an Open Zone of Use or a Restricted Zone of Use.
Trail	A trail is a linear feature constructed for the purpose of allowing the free movement of people, stock, or OHVs. (Recreation, Heritage & Wilderness Resources Integrated Business Systems Web Site – www.fs.fed.us/r3/measures)
Unclassified Road	Roads on National Forest System lands that are not managed as part of the forest transportation system, such as, unplanned roads, abandoned travelways, and off-road vehicle tracks that have not been designated and managed as a trail; and those roads that were once authorized under permit or other authorization and were not decommissioned upon the termination of the authorization. (36 CFR Part 212 Sec. 1)

MOTOR VEHICLE ROUTE STRATEGY APPENDIX B

Five Steps to OHV Route Designation

(excerpted from OHV Route Designation Guidebook, pages 17-38)

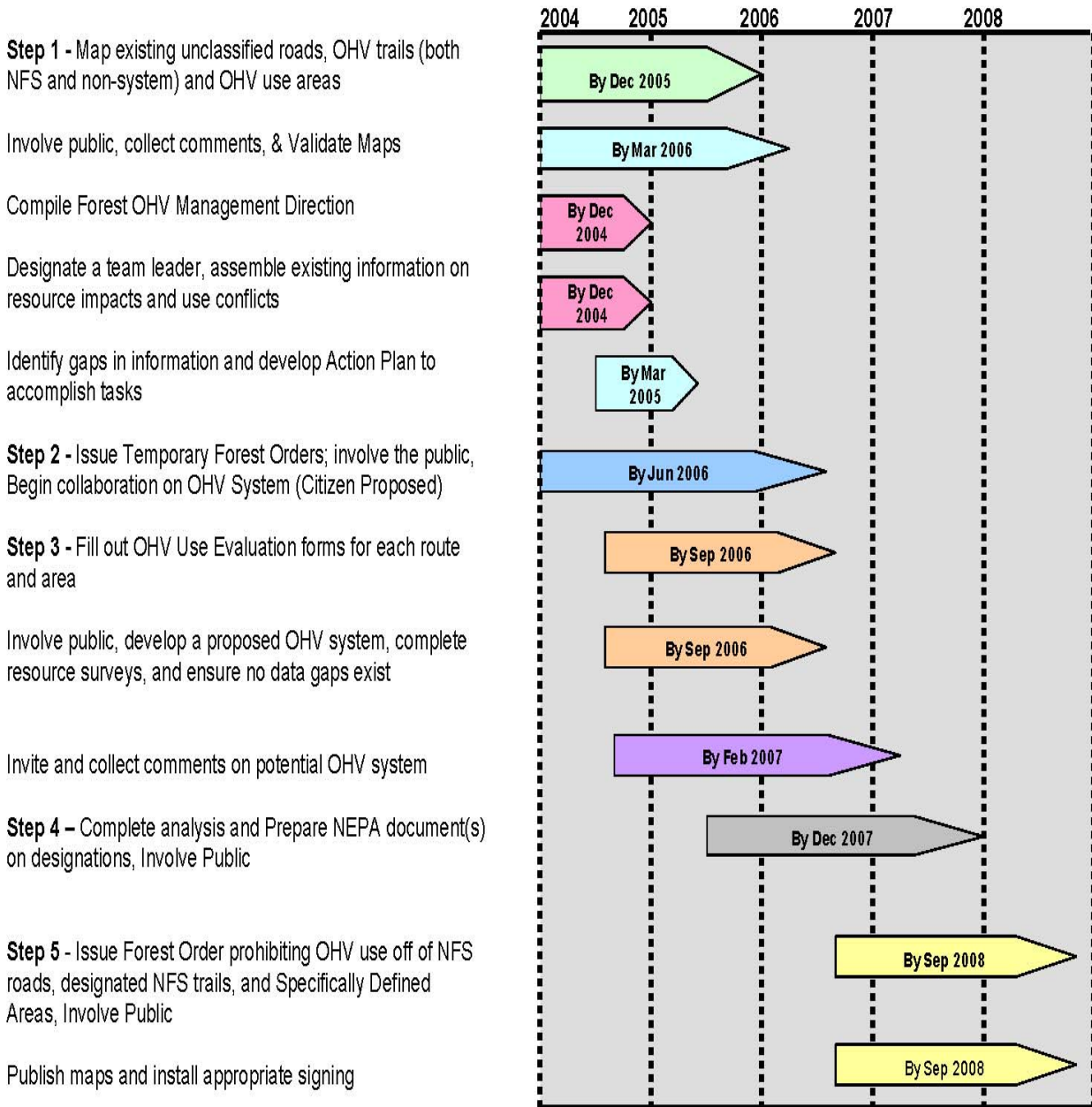
The following is a summary of the 5 steps that are designed to implement the Forest Service – State of California Memorandum of Intent and designate OHV trails and areas for OHV use on all National Forest Lands in California (including some of R4). The steps are described in more detail in the following pages.

Public involvement throughout this process is crucial to the success of OHV route designation

1. Map (GPS) existing unclassified roads, OHV trails (both NFS and non-system), and off-route use areas, and enter the data in GIS (Geographic Information System) and INFRA (Infrastructure database). Designate team leaders, compile Forest OHV Management Direction, assemble needed information, identify gaps in data, prioritize, develop action plans, and begin field surveys. Share maps with the public **by December 2005** (earlier if possible). Collect comments **by March 2006**.
2. Issue temporary Forest Orders prohibiting wheeled vehicle use (including mountain bikes) off mapped roads, trails, and off-route use areas. Involve the public. Complete no later than **June 2006**.
3. Evaluate inventoried roads, trails, and areas; collaborate with the public in developing proposed systems of roads, trails, and specifically defined areas for use by wheeled OHVs; complete surveys of information and data gaps. Involve the public. Publish maps of proposals **by September 2006**. Collect public comments no later than **February 2007**.
4. Complete analyses and prepare NEPA documents designating **all** trails and specifically defined areas for wheeled OHV use. Involve the public. Complete no later than **December 2007**.
5. Issue Forest Orders to prohibit motor vehicle use off roads, designated trails, and specifically defined areas. Involve the public. Install appropriate signing, publish maps of approved OHV systems for public distribution, and implement any mitigation measures **by September 2008**.

The Klamath and Shasta-Trinity National Forests have one additional year from the dates above to complete the tasks. This additional time is allowed to review FLRMPs and provide direction to prohibit wheeled vehicles off roads, designated trails, and specifically defined areas.

OHV Route Designation Process



Step 1

Processes:

- Map existing unclassified roads, system and non-system motorized trails, and off-route use areas currently receiving wheeled vehicle use
- Compile existing Forest OHV Management Direction.
- Designate team leaders, assemble needed information, identify gaps in data, prioritize, develop action plans, and begin field surveys.
- Involve the public.

Decision:

- None

Products:

- Maps of roads, trails, and off-route use areas.
- Lists of current Forest OHV Management Direction.
- Action Plans for collection of priority data.
- Public Involvement and Communications Plans.

Due Dates:

- Share maps with the public no later than December 2005.
- Collect public comments on maps by March 2006.

Map existing unclassified roads, system and non-system motorized trails, and off-route use areas currently receiving wheeled vehicle use

Use GPS to map unclassified roads, trails (both NFS and non-system), and off-route use areas receiving wheeled vehicle use. Enter the GPS data into GIS and INFRA, and produce OHV inventory maps. Follow the direction and protocols identified in the Pacific Southwest Region unnumbered publication *Motorized Trails: Data Collection Standards with Global Positioning Systems (GPS) and Geographic Information System (GIS) Integration* (June 2003).

Ideally, interested members of the public should be involved early in the inventory process to help identify where wheeled vehicle use is occurring and assist inventory teams in finding little known or remote roads, trails, and off-route use areas. This will allow GPS crews to remap areas if roads and trails are missed before they leave Forests.

Compile existing Forest OHV Management Direction

Identify and consolidate all existing direction on management of wheeled OHVs on the Forest into a document entitled "Forest OHV Management Direction". This document should not create new information. Use the following guidance:

1. Review and identify any requirements from current FLRMPs, including all maps, forest-wide management direction, management area prescriptions, monitoring requirements, appendices and tables related to OHV designations, opportunities and restrictions, and Regional and National direction applicable to Forests. Be sure to review the resource sections as well as recreation and transportation direction. See Appendix L for types of Forest OHV management direction possibly found in FLRMPs and Appendix M for a format for recording the information.
2. Review and identify any requirements from stand-alone OHV plans, recreation or special management area plans, or species-specific plans that were incorporated into FLRMPs. Include any project-level decisions or regional plans (e.g., Sierra Nevada Forest Plan Amendment) that amended FLRMPs.
3. Identify any requirements from laws, regulations, and policies that could influence proposed designations. Summaries of the relevant aspects of these laws, regulations, and policies can be found in Appendix G.

Information compiled from the above three sources comprises the "Forest OHV Management Direction". This document meets the requirements of 36 CFR Part 295 and provides the current direction on managing OHVs on the Forest. "White papers" and "strategy documents" that have not been incorporated into FLRMPs or included in applicable project NEPA decisions should not be included as part of the Forest OHV Management Direction.

Designate team leaders, assemble needed information, identify gaps in data, prioritize, develop action plans, and begin field surveys

Designate team leaders to be responsible for coordinating unit 5-step processes from beginning to end. Collect and review existing resource issue and use conflict information for the evaluation of mapped roads, trails, and off-route use areas. Refer to the OHV Use Evaluation Form in Appendix I to document the required information in 36 CFR 295 and FSM 2355. This information will be used, along with user desires and OHV system design principles, to create proposed actions for environmental analyses.

Avoid collecting new field information except for that which is critical. The OHV route designation procedures are not new planning efforts. They are procedures that implement existing direction on (existing) mapped trails. Collected information will: (1) provide key screening information for assessing roads, trails, and specifically defined OHV areas; (2) provide the basis for environmental analysis and NEPA documentation in Step 4; and (3) facilitate public involvement, review, and communication.

Gaps in information should be identified and prioritized during this step, and should be scheduled for data gathering in Action Plans to meet timelines for environmental analyses (Step 4). Action Plans should list the tasks, dates for completion, responsible staff persons, and costs. Collection of new information would ideally be conducted only on the trails, roads, and specifically defined areas likely to be in proposed actions (refer to Step 4).

The length of time or timing required for some field and data gathering protocols and consultation can delay the environmental analysis processes if these field surveys are not started until after proposed actions are defined. Such surveys may include archaeology; threatened, endangered, and sensitive plant and animal species; watershed; user needs and conflict assessments; and ethnography. Therefore, Forests should assess information gaps during Step 1, prioritize them and begin data gathering to collect missing information. Balance the timing needed for the protocols with the likelihood of particular trails, roads, and areas being included in proposed actions.

Prioritize resource surveys of data gaps for routes and specifically defined areas in the following order:

High priority for resource surveys:

- A. Trails, unclassified roads, or specifically defined areas needed to connect desirable routes or open areas to existing, approved motorized trails and roads.
- B. Trails, unclassified roads, or specifically defined areas identified by the Forest as high priority for possible inclusion within the OHV system.
- C. Trails, unclassified roads, or specifically defined areas with **heavy or high use** and high resource sensitivity being considered for inclusion in the system network.

Medium priority for resource surveys:

- A. Trails, unclassified roads, or specifically defined areas with few or no resource conflicts.
- B. Trails, unclassified roads, or specifically defined areas identified by the forest as system needs (i.e., connectors that make the system work).
- C. Trails, unclassified roads, or specifically defined areas having no connection to existing system roads and trails but being considered for inclusion in the system network.

Low priority for resource surveys:

- A. Routes with low or light use.
- B. Routes with critical resource or other management conflicts that are not likely to be included as part of the OHV system.

C. Routes not likely to be considered for OHV trail designation or classification as roads.

OHV use definitions:

- Heavy: 1501 or more OHV operators per week;
- High: 501 - 1500 OHV operators per week;
- Medium: 101 - 500 OHV operators per week;
- Low: 25 - 100 OHV operators per week;
- Light: fewer than 25 operators per week.

High priority surveys should be started in **2004**. They have to be completed in time to allow for all necessary consultation with the public and governmental agencies prior to making NEPA decisions about trail or area designations or road classification.

Involve the public

Public participation and collaboration in inventories of roads, trails, and specifically defined areas will build understanding, confidence, and accuracy and completeness of final maps. It is critical to involve the public, including motorized and non-motorized recreationists, the environmental community, other forest users, and local and tribal government representatives. The public should be engaged early in the mapping stage to learn the overall route designation process and how and when it can be involved. The public needs to 1) understand the 5-step route designation process, and 2) see examples and validate maps of roads, trails, and areas used by wheeled vehicles, and 3) understand that unclassified roads, non-system trails, and areas that are not on GPS maps will be closed by Forest Orders required in Step 2 to prevent resource damage. For units where there are existing designated trail systems, new, unauthorized trails that are not part of the designated systems may not be added in this procedure. They may be considered in future projects. Collect public comments no later than March 2006.

Public Involvement and Communication Objectives:

1. Prepare Public Involvement and Communications Plans.
2. Increase awareness of the 5-step OHV route designation process with OHV user communities, mountain bike, environmental, and other non-OHV audiences, Native Americans, local and tribal governments, and other key contacts, and internal audiences. Clearly establish expectations and roles for the public, and set the stage for public involvement in subsequent steps of the process.

3. Initiate government-to-government consultation with federally recognized tribes.
4. Encourage collaboration in the process to ensure that all unclassified roads, OHV trails, and off-route use areas used by wheeled vehicles, including mountain bikes, are identified on the inventory maps.
5. Provide opportunities for interested parties to review and validate the completed Forest inventory maps.
6. Determine which roads and trails are important or are of concern to the public and why.

Possible Public Involvement activities:

- a) Field trips to look at trails and roads with potential for inclusion in the OHV system. Field trips or field meetings have been very productive in the past.
- b) Workshops to review existing Forest/District inventory maps, correct inventory information, and add additional routes and areas.
- c) Meetings to brief interested parties on final outcomes of inventories and the next steps in the process.
- d) Volunteers working with inventory teams to assist in locating routes and areas.
- e) Blank OHV Use Evaluation Forms (Appendix I) made available to the public for submitting information on roads, trails, and off-route use areas.

Possible Communication Activities:

- a) Provide special briefings to visitor information and field-going staffs so they are prepared to answer questions when making public contacts.
- b) Send letters to users and other interested parties advising them of the processes and upcoming public information opportunities.
- c) Send follow-up letters with OHV inventory maps to key audiences after inventories are complete.
- d) Create media releases at key points in the inventory process. Publish inexpensive maps in local papers and on Forest websites with thanks for help.
- e) Post information on Forest websites – post initial (before public information meetings) and final (after public information meeting) inventories.
- f) Make personal contacts to key opinion leaders from OHV, environmental, Native American, and other communities encouraging them to provide information they have.
- g) Make information contacts with OHV users in the field, using simple informational brochures or other one-page information tools.
- h) Make presentations at group/organization meetings, and other community meetings.

- i) Brief key elected officials (County Supervisor, Sheriff, etc.), individually at first, and then at public meetings (e.g., board of supervisor meetings).
- j) Brief tribes at agreed upon formats (e.g., tribal council meetings).
- k) Provide information at popular gathering places for OHV users (e.g., local dealers, etc.).
- l) Establish SO/District office displays with comment card opportunities. Include inventory map that visitors can draw on to indicate missing trails/areas.

Step 2

Processes:

- Prepare Forest Order maps.
- Issue temporary Forest Orders.
- Involve the public.

Decision:

- Prohibit wheeled vehicles, including bicycles, off roads, trails, and specifically defined areas.

Products:

- Temporary Forest Orders.
- Forest Orders posted at District and Forest Supervisor Offices, major trailheads, and on Forest websites.

Due Date:

- No later than June 2006.

The goal of Step 2 is to stop cross-country travel and associated resource damage by wheeled vehicles, motorized and non-motorized (see Note 2, page 22). This will be done through the issuance of temporary Forest Orders prohibiting wheeled vehicle use off mapped roads, trails, and off-route use areas. These Forest Orders will be effective for two years, but may be renewed as necessary until the completion of Step 5 (September 2008).

Step 2 does not designate roads, trails, or areas for OHV use, nor does it close existing trails, roads, and off-route use areas that are currently managed as open unless vehicle use is causing or will cause considerable adverse effects. Temporary Forest Orders are interim steps in moving to "restricted" zones of use and do not affect whether specific routes or areas will become parts of OHV systems. It is critical that the public be involved in this process to understand and hopefully support the interim actions being taken to protect resources from impacts, while the designation procedures, including environmental analyses, proceed.

Prepare Forest Order maps

Compare existing vehicle closures and restrictions against the inventory maps that were prepared in Step 1 of OHV routes and off-route use areas currently receiving wheeled vehicle use. Use this comparison to identify roads, trails, or off-route use areas that should be closed to wheeled vehicular travel during the interim period while designations of wheeled OHV routes and specifically defined areas are being analyzed.

The following list provides guidance on identifying routes and areas that may have been mapped, but will be closed by temporary Forest Order during the analysis process:

1. All roads, trails, or off-route use areas within congressionally designated Wildernesses or other areas closed by Forest Order.
2. NFS trails located within “Restricted” zones of use that currently prohibit motorized use.
3. Unclassified roads, non-NFS trails, and off-route use areas that are parts of closure or restoration projects.
4. Unclassified roads, trails, and off-route use areas where existing site-specific information is available showing OHV use is causing or will cause considerable adverse effects on the factors and resource values referred to in 36 CFR Part 295 Sec. 2. The factors and resource values listed are: soil, water, vegetation, fish and wildlife, forest visitors, cultural and historic resources, and other recreation uses. These roads, trails, and areas should remain closed until the adverse effects have been eliminated and measures have been implemented to prevent future recurrence.

Note 1: Non-highway legal OHVs may use NFS roads where the use is not prohibited by State law (i.e., roads not classified as highways – see glossary) or by Forest Orders as provided in 36 CFR Part 261 Sec. 54. In the case of State highways or county roads within National Forests, State laws and regulations or county ordinances apply.

Note 2: Non-motorized wheeled vehicles (e.g., bicycles and scooters) can use all routes and areas open to OHVs, all NFS trails outside Wilderness, and all NFS roads where the use is not otherwise prohibited. Under the direction in the MOI (Appendix B, clause B.2.d), non-motorized wheeled vehicles are to be prohibited off roads, trails, and specifically defined areas.

Prepare maps for temporary Forest Orders. Include maps with Forest Orders.

Issue temporary Forest Orders

A sample temporary Forest Order that prohibits wheeled vehicle use (including mountain bikes) off mapped roads, trails, and specifically defined areas is in Appendix K. Prohibitions may be contained in a single Forest Order or in several orders covering multiple geographic areas of Forests. The goal is to write simple orders that are easy for the public to understand and follow.

Existing orders that restrict or prohibit vehicle types or use on roads, trails, and specifically defined areas may remain in effect unless there are conflicts with new orders. The existing orders should be noted on the maps for the new temporary

orders that prohibit use off roads, trails, and areas. Issuing new temporary orders is better than trying to supplement existing orders. If old Forest Orders are superceded by or are in conflict with new temporary Forest Orders, the old orders need to be rescinded. Superceded orders should be listed by number and date of issue at the end of the new temporary orders. Forest Orders must be signed by Forest Supervisors. Deputy or Acting Forest Supervisors can only sign Forest Orders if they have current Delegations of Authority specifically allowing the signing of Forest Orders on the dates the orders are signed.

Motorized vehicle use off mapped roads, trails, and off-route use areas can be prohibited under 36 CFR Part 261 Sec. 56, referencing 36 CFR Part 295 Sec. 5. The regulations at 36 CFR Part 295 Sec. 5 give Forest Supervisors the authority to temporarily close areas or trails to one or more vehicle types if the vehicles are causing or will cause considerable adverse effects on the factors and resource values identified in 36 CFR Part 295 Sec. 2, which are listed in #4 above. Non-motorized vehicle use should also be prohibited under 36 CFR Part 261 Sec. 56. Decisions to prevent resource damage by prohibiting cross-country wheeled vehicle travel can be documented using Categorical Exclusion 31.1b paragraph 1, unless there are extraordinary circumstances (FSH 1909.15, Chapter 30).

Involve the public

1. The regulations at 36 CFR Part 295 Sec. 3 require that the public shall be provided opportunities to participate in the processes of allowing, restricting, or prohibiting use of areas and trails by motor vehicles off NFS roads. Sixty day scoping periods are required for public review of proposals to prohibit cross-country wheeled motor vehicle travel (36 CFR Part 295 Sec. 3). Public notification and comment are also required prior to closures of system roads (Annual FS Appropriation Direction, e.g., Public Law 108-108).
2. Make clear to all interested parties that temporary Forest Orders prohibiting wheeled vehicles off mapped roads, trails, and specifically defined areas are interim steps in moving from "Open" zones of use (cross-country use okay) to "Restricted" zones of use (OHV use only on roads, trails, and specifically defined areas). These orders do not affect whether specific routes or areas will become parts of designated OHV systems.
3. Continue government-to-government consultation with federally recognized tribes; focus on preparation of OHV route maps and issuance of temporary Forest Orders.
4. Once the maps for Forest Orders are validated, begin collaboration with the public to develop citizen's proposals for OHV systems, identifying the most important to least important trails and roads. These can be helpful in guiding resource surveys.

5. In addition to contacting OHV, mountain bike, environmental, and other non-motorized interests, communications should include contacts with the Private Organizations listed in the National MOU for Sportsmen's Access to Federal Public Lands (Appendix N).

Possible Communication Activities:

- a) Use methods similar to those described under Step 1.
- b) Publish tabloid (i.e., inexpensive newsprint type) version maps of open routes and areas and make them available at local off-route use areas and to local user groups.
- c) Post Forest Orders and associated maps at Forest offices, public contact stations, major trailheads, and on Forest websites.
- d) Provide maps and information packets to Forest Service law enforcement and other public contact field staffs.

Step 3

Processes:

- Fill out OHV Use Evaluation Forms (Appendix I) for all routes and areas.
- Develop proposed OHV systems.
- Determine 4-wheel drive trails vs. roads.
- Complete surveys of information and data gaps.
- Involve the public.

Decision:

- Proposed Actions.

Products:

- Completed OHV Use Evaluation Forms.
- Completed surveys of data gaps.
- Maps of proposed OHV system.

Due Dates:

- Complete surveys by September 2006.
- Complete maps of proposed OHV system by September 2006.
- Collect public comments on maps by February 2007.

The purpose of Step 3 is to make “plan to project” (pre-NEPA) evaluations of roads, trails, and specifically defined areas to develop proposed OHV systems. These should be interdisciplinary efforts. Utilizing information gathered in Steps 1 and 2, these evaluations are intended to identify resource issues, use conflicts, and recreation opportunities regarding the use of OHVs for all roads, trails, or specifically defined areas. The purposes are to evaluate and screen potential routes and collaborate with the public. Proposed OHV systems that are developed through this step will be carried forward into Step 4.

All information should be documented, even if routes or areas are not being carried into Step 4, because the information generated by these evaluations may be used in future NEPA analyses. For example, proposals may be initiated in the future to decommission unclassified roads, and the information may be needed for those NEPA analyses.

Involve the public in these evaluations. They allow the Forest Service to collaborate with the public in developing the proposed OHV system. These are the best opportunities to resolve conflicts that have been the biggest challenges to OHV management on some Forests.

Fill out OHV Use Evaluation Forms (Appendix I) for all routes and areas

Trails and specifically defined areas proposed for OHV designation must be evaluated using the criteria in 36 CFR Part 295 Sec. 2 and FSM 2355.14. The OHV Use Evaluation Form in Appendix I provides a format to guide and document the results of these evaluations. These criteria involve reviews of resource issues, use conflicts, and recreation opportunities for all roads, trails, or specifically defined areas that are potential additions to OHV systems.

There will be two results from the completed evaluation forms. The first is groups of roads, trails, and specifically defined areas ranging from little or no resource impacts or use conflicts, to high resource impacts or use conflicts, and all the necessary combinations in between. The second is ratings of recreation opportunities provided by the roads or trails ranging from low to high. The differences among various types of OHVs should be recognized and the different impacts they may have on various resources, public safety, and use conflicts should be considered when designating trails and areas (FSM 2355.14.2(c)).

Unclassified roads that are proposed for conversion to classified roads should be reviewed using concepts in FSM 7703.2 paragraph 3 (Appendix F), and be guided by the Forest-level roads analysis process (see Appendix G, "Roads Analysis") and local issues. Unclassified roads may instead be added to trails systems and be managed as trails.

Answering the questions on the OHV Use Evaluation Form (Appendix I): If the answer to either of the first two questions on the evaluation form regarding Recreation Opportunity Spectrum (ROS) and Management Area Direction is [no], amendment of the FLRMP would probably be required to be able to consider those roads, trails, or specifically defined areas any further. Only those portions of roads, trails, or specifically defined areas that are in compliance with current direction would normally be considered at this time, since this designation process should be limited to implementing existing direction in order to meet the timeline in the MOI.

Units may have additional "go/no go" direction in their FLRMPs that should also be considered here. The FLRMP and OHV Management Direction (prepared in Step 1) for Forests tend to be unique. Evaluation teams will need to recommend what constitutes "go/no go" direction and what will be considered in the resource portions of the evaluations.

The other questions on the evaluation form are more open-ended. They require judgment as to the magnitudes of impacts and the difficulties of possible mitigations. It is best to have the forms filled out by ID Teams. Evaluators should be familiar with these phrases in the Glossary: "minimize off-road vehicle effect", "adverse off-road vehicle effect", and "considerable adverse off-road vehicle effect".

After answering questions 4 through 11, rank the levels of resource impacts and use conflicts as minimal, moderate, high, very high, or unacceptable. For each of the issues, identify possible mitigations. Also, identify probable successes of mitigation measures and relative costs and difficulties to implement them.

Recreation Opportunities

Methods to identify recreation opportunities that various routes provide can include user needs assessments, satisfaction surveys, or comparisons to OHV system guidelines, such as providing long distance touring trails, loop trails, trails of varying difficulty, and trails that access desirable destinations such as scenic or historical locations. However, since OHV user desires range widely, it is often desirable to conduct user workshops designed to allow users to describe the types of OHV experiences they enjoy or would enjoy if the opportunities were available.

Answer questions 12 through 20 on the OHV Use Evaluation Form to determine how the routes promote user enjoyment, provide ranges of opportunities consistent with Forest settings, National recreation policy, and Forest maintenance capabilities. After answering these questions, rank OHV recreation opportunity as high, moderate, or low on the form.

Develop proposed OHV systems

ID Teams should use the OHV Use Evaluation Forms and apply OHV system design principles to create proposed systems of roads, trails, and specifically defined areas (i.e., OHV systems) that meet local unit direction for OHV management. Use the existing OHV opportunities, mapped unclassified roads, undesignated system trails, non-system trails, off-route use areas, and the information on the OHV Use Evaluation Form (Appendix I). Loops and features that enhance and provide high quality trail experiences are important elements of good OHV systems, and are needed to help keep people and their vehicles on roads and trails. The Forest Service Trails Handbook (FSH 2309.18) and Joe Wernex's *Off-Highway Motorcycle & ATV Trails Guidelines for Design, Construction, Maintenance and User Satisfaction* (available online at www.amacycle.org) are good references.

When designing OHV systems, weigh the benefits of providing high quality OHV opportunities against resource and use conflicts, as well as unit budgets and costs of maintaining systems. Ideally, OHV systems should consist primarily of roads, trails, and specifically defined areas with little or no need for mitigation of conflicts or resource impacts. However, they may include some segments that require higher levels of mitigation or conflict resolution. Proposed actions for NEPA will be based upon OHV systems as described in Step 4.

Priorities for designation in this 5-step procedure should be on existing, open, OHV routes rather than new routes. Minor route relocation or new construction

may be necessary to make workable OHV systems or reduce resource impacts. However, new routes and routes with major resource issues or use conflicts should be considered in separate analyses unless they are integral to OHV system proposals.

Remember, the intent of designation is to stop resource damage from cross-country wheeled vehicle use and redirect OHV use to existing, sustainable roads, trails, and specifically defined areas. Proposals that require changes in FLRMP direction should be deferred for consideration in future planning activities. Remember to document information for future analyses.

Determine 4-wheel drive trails vs. roads

When developing proposed OHV systems, address whether 4-wheel drive routes will be managed as roads or trails in proposed actions. These OHV routes are defined as roads, since they are over 50 inches wide, unless they are designated as trails. See Appendix H for additional background on this subject. Roads are designed and normally expected to accommodate full-sized vehicles such as 4-wheel drives. However, 4-wheel drive routes can be managed as either roads or trails. When deciding whether to manage 4-wheel drive routes as roads or trails, consider:

1. Will routes be used, either now or in the foreseeable future, by full-sized vehicles for resource management activities (e.g., access to wildlife water improvements, access for range or timber management activities, and/or access for controlled burning or other fire pre-suppression activity) or to achieve other Forest objectives (e.g., recreation access or gathering forest products)? If so, managing routes as roads may be most appropriate.
2. What are the planned difficulty levels of the routes? If routes are planned as “More Difficult” or “Most Difficult”, then desired OHV experiences are unlikely to be maintained while also accommodating other full-sized vehicle access, so designation as trails may be appropriate.
3. Will routes provide special use or administrative access for full-sized vehicles, but recreational access is planned to be limited to ATVs and/or motorcycles? In this case, designation as roads with access by the public restricted to ATVs and/or motorcycles is probably most appropriate.

Complete surveys of information and data gaps

Assessments of currently available resource information and data gaps needed to conduct environmental analyses (Step 4) should have begun in Step 1 and be completed by the end of Step 3. Once unclassified roads, trails, and areas that are likely to be proposed for OHV systems are identified, surveys for resource effects should be completed for unclassified roads being considered for classification, and for trails and specifically defined areas being considered for designation. Resource surveys should also include existing designated routes

and specifically defined areas that have not previously been surveyed for the effects of motorized wheeled vehicle use.

The primary focus of resource surveys should be on cultural resources; threatened, endangered, and sensitive plant and animal species; and watershed. These surveys must be started as early as possible. They should be completed several months prior to September 2006 to comply with the MOI signed by the Regional Forester. They have to be completed in time to allow for all necessary consultation with interested parties, including tribes and other governmental agencies, prior to making NEPA decisions about trail or area designations or road classification in Step 4.

Involve the public

Public Participation: It is extremely important to have public participation in this identification process. This is an opportunity to identify, clarify, and validate use conflicts as well as to identify and prioritize roads, trails, and areas that are important to OHV users. Encourage a broad spectrum of the public (OHV, Native American, environmental, and non-motorized interests) to participate in workshops to identify issues, prioritize evaluation criteria, and recommend proposed OHV systems. These opportunities will increase public understanding and support for proposed actions. Set the sideboards and try to position the Forest Service as a coach in the public process. Provide opportunities for the public to identify unclassified roads and OHV trails to be included in and excluded from proposed actions. Trade-offs may be necessary. Field trips/meetings provide a forum for good communications and are recommended to aide this process. While the Forest Service is ultimately responsible for formulating proposed actions for analyses, the public should play meaningful parts in their development.

The regulation at 36 CFR Part 295 Sec. 3 requires that the public shall be provided opportunities to participate in the processes of allowing, restricting, or prohibiting the use of areas and trails by motor vehicles off NFS roads. Advanced notice of 60 days is required for public review of proposed or revised designations (36 CFR Part 295 Sec. 3). Public notification and comment are also required prior to closures of system roads (Annual FS Appropriation Direction, e.g., Public Law 108-108). Having resource and use conflict issues identified should help to keep public discussions focused on where opportunities for OHV use exist, and what possible mitigations may be necessary, particularly if the public has been involved with the earlier steps of the process and understands the constraints.

1. Provide interested parties the opportunity to:

- help frame the OHV use evaluation criteria that will be used to select proposed designated routes;
- participate in applying the OHV use evaluation criteria;

- recommend and comment on proposed designations and Trail Management Objectives (TMOs) (see Appendix O, and refer to <http://www.fs.fed.us/r3/measures/Inventory/trails%20files/TRACS/TMO/> for the information needed for TMOs);
 - share concerns and thoughts with other interested parties.
2. Clearly communicate Forest Service expectations of the public's role in the process.
 3. Increase awareness of factors considered in managing OHV routes/areas.
 4. Provide information on proposed designations.
 5. Insure interested parties are aware of the next steps in the procedure.

Possible Public Involvement Activities:

- a) Hold field trips to look at trails, roads, and off-route use areas. These have been very productive in the past.
- b) Provide public workshops either in the field or in the office (or combinations of both) focused on validating criteria used to evaluate routes/areas for selection.
- c) Provide public workshops where interested members of the public can apply information compiled during resource/use conflict evaluations and route inventories to help develop possible alternatives for proposed routes/areas.
- d) Provide a series of public workshops where small groups work together to provide comments.
- e) During public workshops, whenever possible, use groups with mixed forest interests to generate the widest possible discussions of alternatives.
- f) Provide a series of more traditional public meetings to gather comments on proposals and analyses.
- g) Provide information on Forest websites and, if practical, provide opportunities to comment electronically through websites or e-mail.

Possible Communications Activities:

- a) Continue ongoing communications strategies. Provide information on factors that will influence selection of designated routes/areas, and on proposed designations. When providing information on proposed designations, include rationales for not selecting routes/areas (i.e., areas not being proposed for designation).
- b) Develop one-page handouts outlining where Forests are in the designation procedures, what criteria will be used in shaping proposals (or were used to shape proposals), and summaries of next steps. Make handouts available at audience contact points.

- c) Provide a series of public field trips to discuss factors influencing selection of designated routes/areas and how they would be applied in determining whether or not existing routes/areas would be proposed for designation.
- d) Continue government-to-government consultation with federally recognized tribes; focus on criteria and factors influencing proposed designation.

Step 4

Processes:

- Complete analyses and prepare NEPA documents.
- Involve the public.

Decision:

- Designate OHV trails and specifically defined areas.

Products:

- NEPA documents.
- Decisions by Responsible Officials.

Due Date:

- Signed NEPA Decisions no later than December 2007.

The purpose of this step is to conduct the environmental analyses and prepare NEPA documents to determine which additional roads, trails, and specifically defined areas will be included in OHV systems. Interdisciplinary teams should conduct the analyses. Currently, there are no Categorical Exclusions that cover designation of OHV trails and specifically defined areas. Forest Supervisors must sign designation documents (OGC Opinion dated 4/29/04, Appendix J).

Complete analyses and prepare NEPA documents

Proposed actions will include only the unclassified roads, undesignated trails, and specifically defined areas in the OHV systems developed in Step 3. Existing classified roads, previously designated trails, and designated specifically defined areas do not need to be included. Address specific vehicle types that would be permitted on trails and areas. Consult TMOs in formulating proposals for trails, particularly "Designed Use", "Managed Use", and "Prohibitions" (see Appendix O). Descriptions of proposed actions should include issuance of Forest Orders to prohibit OHV use off roads, designated trails, and areas. It is important that clear purpose and need statements be articulated with proposed actions. A sample statement of purpose and need can be found in Appendix P.

Although proposed actions will not include existing classified roads and previously designated trails, cumulative effects analyses need to consider entire OHV systems. NFS trails that were being managed as OHV routes (signing, maps, etc.) when FLRMPs were approved are considered designated if documentation is provided (Appendix I) showing they are consistent with the following:

- 1) FLRMPs;
- 2) the criteria in 36 CFR Part 295 and FSM 2355.14; and
- 3) relevant laws and regulations (see Appendix G).

The mandatory direction in 36 CFR Part 295 Sec. 2 and FSM 2355.14 provides the criteria that must be considered when designating vehicle use off NFS roads (i.e., on trails and in specifically defined areas). The OHV Use Evaluation Form in Appendix I is designed to address this direction. If there are resource impacts or use conflicts on existing NFS roads or NFS trails, changes to resolve those impacts or conflicts may be included as parts of proposed actions.

The numbers of routes and the sizes of areas in proposed actions need to be carefully considered. Factors to consider include:

- complexity of issues;
- numbers of issues;
- use conflicts;
- ability to do site-specific analyses;
- large enough areas to make trade-offs where trail or road closures are needed.

Care should be taken to analyze logical parts of OHV systems (such as contiguous geographic areas). Be careful not to split decisions involving connected actions. Consult with Forest environmental coordinators before determining the sizes of OHV systems.

Information gathered in previous steps and evaluations of current and potential impacts from OHV use should provide the bases for any additional needed route/area analyses. Consider FLRMP direction, relevant laws, regulations, and policies, and significant issues identified during scoping in environmental analyses.

Unclassified roads proposed for inclusion in OHV systems should be evaluated for the effects of becoming classified roads or for conversion to NFS trails with motorized designations. Adding miles to classified roads systems is considered to be new road construction (36 CFR Part 212 Sec. 1) and must be informed by roads analyses (Appendix G). All Forests are required to have (and should have previously completed) Forest-Scale Roads Analyses. Responsible Officials must determine whether additional Roads Analysis below the Forest-scale is needed and, if needed, what additional information is required to be able to make informed decisions (FSM 7712.13).

Some questions and answers regarding OHV designations and NEPA are presented in Appendix Q. The Sierra Nevada Forest Plan Amendment and mountain bikes are also discussed.

Involve the public

1. The regulations at 36 CFR Part 295 Sec. 3 require that the public shall be provided opportunities to participate in the processes of allowing, restricting, or prohibiting the use of areas and trails by motor vehicles off NFS roads. Sixty day scoping periods for environmental analyses are required for public review of proposed or revised designations (36 CFR Part 295 Sec. 3). Posting legal notices announcing the start of scoping in newspapers of record is recommended. Public notification and comment are also required prior to closures of system roads (Annual FS Appropriation Direction, e.g., Public Law 108-108).
2. Thirty day comment periods, required under the new appeal rule (36 CFR 215), should be provided for draft Environmental Assessments that designate OHV routes.
3. Solicit comments on proposed actions during required scoping periods (36 CFR 215.3).
4. Inform interested parties of route and area designation decisions, rationales for them, and appeal opportunities (36 CFR 215.7).
5. Continue government-to-government consultation with federally recognized tribes.
6. Provide timelines for issuing Forest Orders for designations of OHV systems.

Possible Communications Activities:

- a) Initiate normal communications associated with environmental analysis processes.
- b) Continue ongoing communications activities. Focus these activities on providing notifications to interested parties of NEPA decisions and the analyses that support them.
- c) Provide information on NEPA decisions to publications that focus on OHV users.

Step 5

Processes:

- Issue Forest Orders.
- Implement NEPA decisions.
- Involve the public.

Decision:

- None.

Products:

- Forest Orders.
- User maps of designated OHV Systems.
- Installed signs and kiosks at trailheads and Forest road and trail entry points.
- Posted Forest Orders at District and Forest Supervisor Offices, major trailheads, and Forest websites.
- Implemented mitigation/design measures.

Due Date:

- September 2008.

Issue Forest Orders

Issue Forest Orders that prohibit wheeled OHV use off classified roads, designated OHV trails, and specifically defined areas. To make OHV use decisions enforceable, revoke existing temporary Forest Orders issued under Step 2, and issue new Forest Orders pursuant to the authority at 36 CFR Part 261 Sec. 50 that reflect current OHV prohibitions. Forest Orders should list common names and Forest Service numbers of all designated routes and specifically defined areas. Orders should also contain any restrictions on types of vehicles, seasons of use, or other restrictions, and the routes and areas they affect. Old Forest Orders that are superceded by or in conflict with new orders need to be rescinded. These rescinded orders should be listed by numbers and dates of issue at the end of the new Forest Orders. Forest Supervisors must sign Forest Orders. Deputy or Acting Forest Supervisors can only sign Forest Orders if they have current Delegations of Authority specifically allowing signing of Forest Orders on the dates the orders are signed.

Implement NEPA decisions

Prepare new or revised Road Management Objectives and Trail Management Objectives (for TMOs, see Appendix O, and refer to <http://www.fs.fed.us/r3/measures/Inventory/trails%20files/TRACS/TMO/>). Add new classified roads, designated trails, and specifically defined areas to the Forest Transportation Atlas and record as transportation facilities. Assign NFS

road and NFS trail numbers and enter them into the INFRA database. Specifically defined areas open for OHV use should be named, have boundary descriptions, and be entered into the INFRA database. Display designated OHV systems on Forest recreation and OHV maps.

Install signing and kiosks that are appropriate for allowed uses at trailheads and road and trail entry points into the Forest. Implement any required mitigation or design measures identified in decision documents. Take actions, including user education, facility engineering, and law enforcement, to prevent OHV use off OHV systems.

Involve the public

Insure OHV users are aware that Forest Orders have been issued and what those orders mean.

Possible Public Involvement Activities:

- a) Seek partnership opportunities to post and maintain routes.
- b) Organize volunteer OHV Host Patrols to provide user-to-user contact regarding designated OHV Systems.

Possible Communications Activities:

- a) Provide high-quality maps of designated OHV routes/areas to interested parties.
- b) Post Forest Orders and associated maps at Forest offices, public contact stations, major trailheads, and Forest websites.
- c) Make final Forest Orders and associated maps available for display at local businesses.
- d) Provide maps and information packets for law enforcement and other public contact field staffs.
- e) Install signs and kiosks at trailheads and Forest road and trail entry points.

APPENDIX D

Public Participation

Forests will seek information and advice from state, local, and tribal governments, public and private organizations, Native Americans, and other interested parties likely to have knowledge of or concern about historic properties, as recommended in the ACHP's guidelines for 36 CFR 800 public consultation, *Public Participation in Section 106 Review: A Guide for Agency Officials* (1989), and incorporate such information into identification, evaluation, and treatment of historic properties.

I. NEPA Public Comment Process

Forests shall use the NEPA public notification and scoping processes (see 40 CFR 1508), as implemented through Forest Service Manual 1950 policy and Forest Service Handbook 1909.12 procedures (57 FR 43180-43213), to comply with 36 CFR 800 provisions for public notification, identification of interested parties, and public participation in decision-making. The NEPA scoping process affords interested parties the opportunity to comment on Forest undertakings, including those measures taken to identify, evaluate, protect, and manage historic properties. These comments are taken into account as part of NEPA decisions.

- A. Interested parties shall be notified of proposed undertakings through quarterly mailings of schedules of proposed actions. Schedules include all proposed undertakings, even those anticipated to be categorically excluded from documentation in environmental impact statements or environmental assessments (Forest Service Handbook 1909.15(07.1)). Thus, interested parties are notified of and given the opportunity to comment on all proposed undertakings. Schedules of proposed actions include the following information about proposed undertakings:
 1. descriptions and locations;
 2. estimated dates of public scoping and decisions;
 3. agency contact persons;
 4. processes for receiving information;
 5. status of environmental analyses; and
 6. estimated implementation dates.

- B. As necessary, other notification procedures may be used to supplement quarterly mailings of schedules of proposed actions. These additional procedures may include project specific letter notifications, public meetings, and other venues. Forests may negotiate consultation protocols with tribal governments that detail procedures.
- C. Interested parties who have commented during the NEPA process receive notifications of undertaking decisions and administrative appeal rights.
- D. If interested parties raise timely objections to specific undertakings, Forests receiving the objections shall follow administrative appeal rights pursuant to Stipulation IX.A.3 and 36 CFR 215. Timely objections are those raised within the public notification and review procedures specified under Forest Service NEPA appeal regulations, 36 CFR 215.

II. Identifying Interested Parties

- A. The NEPA process for public notification established in Forest Service Manual 1950 and Forest Service Handbook 1909.15 will be used to identify parties interested in how effects of undertakings on historic properties are being taken into account pursuant to this PA.
- B. Interested parties shall include at a minimum:
 - 1. individuals, groups, or organizations interested in undertakings implemented under this PA;
 - 2. adjacent local, state, and tribal governments;
 - 3. adjacent Native American communities;
 - 4. Native American groups or individuals known to have interests in historic properties; and
 - 5. others who notify the Forests of their interest in receiving information about particular undertakings or historic properties.

III. Interested Party Concerns

Forests shall ensure that the concerns of Native Americans and interested parties are taken into consideration in the NEPA process when making decisions affecting historic properties of interest to those groups.

- A. Native American concerns are given specific recognition in Section 101(d)(6) of the NHPA, and in 36 CFR 800.
- B. Native American tribes, organizations, and individuals, and other interested parties with historic and documented concerns regarding heritage resources within the Forests shall receive schedules of proposed actions from the Forests, unless they object to receipt of the schedules.
- C. Native American tribes, organizations, and individuals, and other interested parties who express concerns regarding historic properties related to specific undertakings covered by this PA shall be consulted regarding identification, evaluation, treatment, and management of historic properties for those undertakings, pursuant to this PA.