DATE: September 5, 2017  
AGENDA DATE: September 12, 2017

TO: Del Norte County Board of Supervisors

FROM: Randy Hooper, Assistant Director

SUBJECT: Northern California Conservation and Recreation Act

RECOMMENDATION FOR BOARD ACTION:
Approve and authorize the Chair to sign the attached comment letter related to Congressman Huffman's draft bill known as the "Northern California Conservation and Recreation Act", as requested by the Natural Resources Goal Committee.

SUMMARY:
Congressman Huffman has prepared a draft bill that that has been titled the "Northern California Conservation and Recreation Act". Presently, this bill is considered a "discussion draft" and it is staff's understanding that the bill is not yet ready to be introduced however the Congressman and his staff are interested in obtaining feedback on the bill prior to finalizing it.

The draft bill was released for public inspection in August and, on August 15th, the congressman conducted a town hall meeting in Crescent City (he also conducted meetings in Humboldt, Trinity, and Mendocino counties). The Natural Resources Goal Committee (NRGC) has met and discussed this draft bill and has requested that staff prepare a summary overview of the bill as well as a comment letter for the Board to consider submitting to Congressman Huffman. During the NRGC meeting a general opinion was expressed that additional Wilderness is not desired and would result in future management challenges with respect to access and forest fire fighting capabilities.

In summary, Mr. Huffman's bill would serve three primary functions including the restoration of public lands and economic development through the designation of special restoration areas, the restoration of illegal marijuana cultivation areas, and the construction of an interagency visitor center in Weaverville; the creation of recreational opportunities including the creation and/or designation of recreational trails in Del Norte County; and the conservation of public lands through the addition of "Wilderness" areas and "Wild & Scenic" rivers designations and the development of special conservation areas. Congressman Huffman emphasized at his town meeting that the focus of the bill is on existing public lands and would not result in any new public lands.

BACKGROUND:
As summarized above, this bill consists of three principal sections. Title I is the "Restoration and Economic Development" section; Title II is the "Recreation" section; and Title III is the "Conservation" section (Title IV is a "Miscellaneous" section consisting of maps and legal descriptions).

Title II (Recreation) includes several notable components that relate to Del Norte County. Specifically, the bill proposes to establish a non-motorized trail that would be known as the "Bigfoot National Recreation Trail". In the discussion draft Mr. Huffman proposes that a feasibility study be completed within three years of the enactment of the bill that would task the responsible agencies with examining the feasibility of establishing a trail that would lead from Mendocino National Forest to Crescent City. Title II continues in the next section by including the designation
of the Elk Camp Ridge Trail as a National Recreation Trail. It is unclear to staff why this is proposed in the bill as the trail is already designated as a Motorized Trail by the Forest Service in the Travel Management Plan which allows for both motorized (i.e. off-highway vehicles) and non-motorized (i.e. mountain bikes) recreational uses. In any case, the discussion draft proposes to designate the Elk Camp Ridge Trail as a Recreation Trail which would allow for both OHV use and mountain bikes. The Recreation Title concludes with a section stipulating that a feasibility study be completed to assess the potential for non-motorized recreational trails with a focus on mountain biking opportunities in Del Norte County.

Title III (Conservation) of the bill is focused on the protection of public lands through conservation. This would include adding approximately 40,000-acres of public lands to the existing Siskiyou Wilderness area and designating approximately 9,000-acres as potential future addition to the Siskiyou Wilderness. For context, Wilderness areas are designated pursuant to the federal Wilderness Act of 1964 which states that wilderness areas are areas "where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value." In order to achieve the intended goal of the Wilderness Act, as expressed above, certain uses are prohibited within Wilderness areas. The Wilderness Act stipulates: "there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area."

In Del Norte County, the Siskiyou Wilderness area exists along the eastern border of the County within the Six Rivers and Rogue-Siskiyou National Forests. The Siskiyou Wilderness was designated under the California Wilderness Act of 1984 and later amended when the Smith River National Recreation Area was created (1992) and again, later (2006), by the Northern California Coastal Wild Heritage Wilderness Act (PL 109-362) which added approximately 30,000-acres to the Siskiyou Wilderness in the Bear Basin Butte and Blue Creek areas. A map is attached to this Board Report which depicts the current Siskiyou Wilderness boundaries as well as the proposed Wilderness addition and future potential Wilderness additions.

While most of the proposed Wilderness addition is contiguous to existing Wilderness one area that is immediately apparent upon examining the attached map is the addition of an approximately 12,000-acre area of Wilderness referred to as the "Ship Mountain Unit". This proposed Wilderness addition lies between Fox Ridge Road (16N03) and Ship Mountain Road (16N02) above the community of Big Flat. The designation of this area as Wilderness is, in staff's view, questionable based on the definitions of wilderness in the Wilderness Act in that human influence within the area is quite evident including the aforementioned USFS roads as well as the Ship Mountain Lookout and other various roads, trails, and areas in which human influence is apparent. The issue, as staff sees it, with the addition of Wilderness in an area like Ship Mountain is that it creates an "island" of Wilderness that is bounded by existing roads. This creates a situation in which, in the future, one might reasonably question the presence of these roads that bifurcate the main Siskiyou Wilderness area from the Ship Mountain Unit. The Board has made clear in prior actions, such as the position taken on Travel Management, that preserving access to the National Forest is an important priority of the Board. The situation proposed with respect to the Ship Mountain Unit is particularly concerning in that it may create conditions under which forest access may, in the future, be in jeopardy given those roads' lack of compatibility with the Wilderness Act. A similar situation existed in the 1980's in which a road corridor (the ill-fated Gasquet-to-Orleans Road or "G-O Road") had been excluded from 1984 Siskiyou Wilderness area thereby creating a "cherry stem" through the wilderness area along the road corridor. The G-O Road was later folded into the Siskiyou Wilderness, when the NRA was established, based in part on the notion that a road cutting through a Wilderness as being inconsistent with the Wilderness Act.
Finally, Title I of the draft bill is focused on restoration and economic development of public lands however these activities are mostly focused on areas outside of Del Norte County with a particular emphasis on remediation of public lands impacted by the illegal cultivation of marijuana (which mostly occurs in Trinity, Humboldt, and Mendocino counties). One element of this Title which may be of interest to the Board is the bill’s proposed requirement for the development of comprehensive fire management plans for the wilderness areas and areas proposed to become Wilderness under the bill. Given the high probability that wildland fires will continue to become more common and more severe (and in turn more costly to the tax payers) it is critical, in staff’s opinion, for there to be an increased emphasis put on responsible fire management within the National Forests.

Staff recommends that the Board consider this Board Report and attached letter.

**ALTERNATIVE:**
Do not send the suggested letter or suggest changes to the letter.

**FINANCING:**
None.

**CHILDREN’S IMPACT STATEMENT:**
This section meets 0 of the following outcome measures for children in Del Norte County:

- Children ready for and succeeding in school.
- Children and youth are healthy and preparing for adulthood.
- Families are economically self-sufficient.
- Families are safe, stable and nurturing.
- Communities are safe and provide a high quality of life.
- No impact to Children as a result of this action.

**OTHER AGENCY INVOLVEMENT:**
U.S. Forest Service.

**SIGNATURE REQUIRED:**
BOS Chair.

**ADMINISTRATIVE SIGN-OFF:**

- AUDITOR:
- CAO:
- COUNTY COUNSEL:
- PERSONNEL:
- OTHER DEPT:

**PRINTING ACCOUNT:**
CDD 101-260-20221

**DEPARTMENT SIGN-OFF:**
Heidi Kunstal, Director
September 12, 2017

Honorable Jared Huffman
1406 Longworth House Office Building
Washington, DC 20515

Re: Northern California Conservation and Recreation Act

Dear Congressman Huffman:

This Board has reviewed your proposed bill known as the Northern California Conservation and Recreation Act. While we appreciate your advocacy on so many issues of consequence for this County we do have concern with several elements of this draft legislation. Specifically, we are concerned with the addition of 40,000-acres to the Siskiyou Wilderness (as well as the potential inclusion of 9,000-acres as future Wilderness) as well as the lack of consideration for Del Norte County in the "Economic Development" portion of your bill.

As we are sure you are aware approximately 80% of Del Norte County is under ownership by the State or Federal government. This mass consolidation of publicly owned land (and consequential loss of tax base for the County) has resulted in a crippling effect on the local economy which has, in turn, created significant challenges for this Board when it comes to funding even the most basic of services for the community. Unfortunately, given past failures by State and Federal land managers to live up to the promises made to this County the Board has become wary of supporting efforts that would further contribute to the inability of the County to deliver services. While this proposal to add Wilderness would not directly lead to more land being transferred into public ownership it would by definition of the Wilderness Act impair any potential commercial use of the lands that the County would potentially benefit from.

With respect to your proposed bill we can clearly see that you are emphasizing the conservation (e.g. addition of Wilderness) and recreation (e.g. designation of Recreation Trails and creation of mountain biking opportunities) aspects of your proposal for Del Norte County. Given the long standing status of the Six Rivers National Forest's Gasquet Ranger District as a National Recreation Area (NRA) this is appropriate however, upon review of the Smith River NRA Management Plan it is obvious that the Forest Service has struggled to implement many of the actions proposed in the plan that were intended to enhance recreation. This Board has been told that a lack of resources have crippled the Forest Service's ability to implement identified actions in the plan and, from our viewpoint, it would perhaps be more desirable for you to advocate for the allocation and commitment of resources to develop the NRA as it was intended and promised to this community.

We are also concerned with the addition of lands into the Siskiyou Wilderness and the effect that it may have on future access to the National Forest. We have been told that the proposed additions to the Siskiyou Wilderness would not result in loss of forest access however mapping depicting the proposed Wilderness addition seem to conflict with this notion as it is clear that in some cases wilderness is being proposed in areas in which historic roads have existed. For example, historic 4WD trails exist in the proposed Wilderness area north of Little Sanger and Chicago Peaks. Logically, these trails would need to be restored to a native condition in order to be compatible with the Wilderness Act which requires that designated wilderness show no evidence of human influence or occupation. Moreover, the Ship Mountain Unit as depicted on proposed mapping would essentially be an "island" of wilderness between the Fox Ridge Road and the Ship Mountain Road above the community of Big Flat. This presents real cause for concern over future management decisions relating to access to this area as it would be a reasonable question whether these roads are
compatible with wilderness values in the future. Similarly, USFS roads (Rogue River-Siskiyou National Forest Roads 4904 and 4906 and Routes 044, 052, and 053) would bifurcate proposed Wilderness and proposed future Wilderness areas west of the Poker Flat area which would undoubtedly lead to future management concerns given these roads proximity to the Wilderness area.

On a perhaps less significant note this Board does question the designation of the Elk Camp Ridge Trail as a Recreation Trail for motorized and non-motorized recreation. Presently, this trail is officially designated as a Motorized Trail which allows for both the operation of OHV’s as well as mountain bikes. It is not clear from the text of the bill what benefit the designation of the Elk Camp Ridge Trail would gain from inclusion in your bill. Rather, we suggest that you engage with local motorized recreation stakeholders (i.e. OHV and 4WD clubs) in order to gain a better understanding of where they would like to see motorized recreational opportunities developed within the NRA. Recently, the Six Rivers National Forest concluded the Travel Management planning process and through that process several areas for the operation and staging of OHV’s in the NRA were identified. Additionally, the County has adopted an OHV Ordinance which allows for the operation of OHV’s on several of the County’s rural, recreational roads. We encourage you to examine this information and work with local stakeholders on how best to leverage existing motorized recreational opportunities in the NRA.

In conclusion this Board is appreciative of your introduction of this bill for review and comment by the public and local government. As should be clear from our comments we do hold some reservations with the bill in its current draft form and we look forward to working with you to resolve these concerns before your bill is finalized. Thank you for the opportunity to provide input.

Respectfully Submitted,

Chris Howard, Chairman

CC: Rural Counties Representatives of California
Greg Burns, Van Scoyoc Associates