



# COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

GARRY R. PARKER, CHAIRMAN  
DOUG BALMAIN, VICE-CHAIRMAN  
PATTI A. REILLY  
ROBERT C. STEWART  
BOB PICKARD

DISTRICT IV  
DISTRICT II  
DISTRICT I  
DISTRICT III  
DISTRICT V



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

---

TO: DOUG BALMAIN, District II Supervisor  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: Proposed Policy for Managing Forest Roads; Res. 00-140

---

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 25, 2000

#### ACTION AND VOTE:

Review of Draft Response Letter for Execution by Chairman Relative to Proposed Policy for Managing Forest Roads (Continued from 4/4/00) (Supervisor Balmain)

**BOARD ACTION:** (M)Balmain, (S)Pickard, Res. 00-140 adopted approving the response letter.

Input from the public was provided by the following:

Dick Kunstman expressed concern that there is an apparent belief that a federal agency has an obligation to ensure employment or success of private enterprises, and that conflicts with his idea of a capitalistic economy. He feels that if something becomes unsatisfactory or is replaced with something that is better, people will lose jobs and will go on to find something else.

Lyle Turpin advised that the Farm Bureau sent a response letter. The letter included a request that the local forest users be included in the proposed rule making.

Ayes: Balmain, Stewart, Parker, Pickard; Abstained: Reilly.

cc: File

# Mariposa County Board of Supervisors



District 1.....PATTI A. REILLY  
District 2.....DOUG BALMAIN  
District 3.....ROBERT C. STEWART  
District 4.....GARRY R. PARKER  
District 5.....BOB PICKARD

**JANET HOGAN**  
County Administrative Officer

**MARGIE WILLIAMS**  
Clerk of the Board

P.O. Box 784  
MARIPOSA, CALIFORNIA 95338  
(209) 966-3222  
1-800-736-1252

FAX (209) 966-5147

April 25, 2000

## USFS CAET

Attention: Roads

P.O. Box 221090

Salt Lake City, UT 84122

Re: Comments on the National Forest System Road Management and Transportation System Proposed Rulemaking and Notices, 65 Fed. Reg. 11676-93 (March 3, 2000)

Dear Chief Dombeck:

The Mariposa County Board of Supervisors offers technical and administrative policy, published at 65 Federal Register, the Forest Service Road Management and Transportation System

Mariposa County is a geographically diverse county of approximately 1,500 square miles. It is located in the Sierras in Central California. A portion of Mariposa County is a portion of both the Stanislaus and Inyo National Forests. In fact, the Federal lands consist of fifty-one percent (51%) of Mariposa County of which thirty percent (30%) is the large holdings by the National Forest Service in the way in which the forest is managed has a direct and significant impact on the economy of Mariposa County. It is within this framework that the Mariposa County Board of Supervisors has elected to forward the following comments on the Proposed Rules.

*Handwritten notes:*  
Add text to memo for Rea. file  
Rea. 00-140  
(orig. was mailed)

**1. PUBLIC COMMENT PERIOD IS TOO BRIEF:** The Mariposa County Board of Supervisors represents over 16,000 constituents. Many of those constituents are effected in one way or another by rules, regulations, policies and management practices on the National Forest land located in Mariposa County. In order for the Board of Supervisors to adequately notify and hear from its constituents regarding issues of public concern there needs to be a good deal more than a 60 day lead time in order to conduct appropriate meetings and hearings throughout the County. Additionally, the Board meets weekly and agendas need to be prepared in advance in order to appropriately notify County residents of issues which may be of interest. A 60 day public comment period simply does not allow an elective body which is subject to strict

operational rules relative to public processes to gather the information needed to make meaningful comments on policies as significant as the Proposed Rules. Therefore, the Mariposa County Board of Supervisors objects to a 60 day public comment period as being inadequate for meaningful comments.

**2. PRIVATE PROPERTY ACCESS IS INADEQUATELY PROTECTED:** While the Proposed Rules acknowledge that there is an obligation to provide access to private lands, the Proposed Rules do not go far enough to guarantee that access to current inholders and those who must use National Forest lands to access private holdings. There needs to be very clear and unambiguous regulations regarding access across and through National Forest lands for individuals who hold private property rights either within the National Forest or in such a location that having access rights through National Forest land is imperative in order to be assured of the quiet enjoyment of the private property to which each citizen is entitled. Obtaining rights of access from the National Forest Service to private inholdings or adjacent private property should not be a time consuming nor expensive process for private landowners. The Proposed Rules should make it clear that private property rights are given a priority.

**3. THE PROPOSED RULES WILL HAMPER RATHER THAN IMPROVE THE HEALTH OF THE FOREST:** Regarding the comments on "Roaded Areas" contained in the "Regulatory Impact" section of the Proposed Rules the following language is found, "Potential positive economic effects are expected for fire management, insect and disease management, noxious weed control, watershed and air quality, wildlife and fish values and passive use values. These positive effects result from decommissioning." It is the position of the Mariposa County Board of Supervisors that decommissioning roads will in fact have just the opposite effect. It is necessary to have adequate roaded areas in the National Forest in order to deal with fire prevention and potential forest fires, insect and disease management, noxious weeds, watershed and air quality, wildlife and fish. The Board submits that to make an argument that having fewer roads will enhance these areas is an illogical conclusion that cannot be supported by any scientific facts or evidence.

**4. CLOSING OF MORE ROADS WILL HAVE ADVERSE SOCIOECONOMIC EFFECTS:** In the "Roadless Areas" section under the "Regulatory Impact" portion of the Proposed Rules the following statement is made: "This proposed rule primarily involves agency terminology and broad principles to guide the planning and management of the Forest Service road system and has no direct or indirect financial or other impact on small businesses." However, in the body of that discussion it is clear by the information provided by the National Forest itself that there will be substantial negative impacts on timber harvest and mineral exploration and extraction. In fact, it states that approximately 3,700 jobs in the timber

production industry would be lost annually. Additionally, the language states that "Less access reduces the level of participation" making it clear that less access will have impacts on those individuals who currently enjoy the forests for recreation and other purposes. It is the position of the Board of Supervisors of Mariposa County that prior to implementing such a rule there needs to be mitigation measures adopted which lessen or eliminate the socioeconomic impacts occasioned by the implementation of the proposal.

**5. ENHANCED CONSULTATION WITH STATE AND LOCAL GOVERNMENTS HAS NOT OCCURRED:** In the section under "Federalism" in the proposed rule making documents the following language is found: "In addition to public comments on this Notice, the Agency will meet with state, tribal, and local government officials to clarify understanding of the proposed rule and to understand their concerns". While a representative of the Forest Service has appeared before the Board of Supervisors and outlined the Proposed Rules, there has been no effort by the National Forest Service to conduct additional consultation as is required under Executive Order 13132 with the County Board of Supervisors. The Board respectfully submits that a presentation by the Forest Service relative to the Proposed Rule does not in any way meet the spirit and intent of Executive Order 13132 relative to additional and meaningful consultation with local governments.

**6. A COMPLETE ENVIRONMENTAL IMPACT STATEMENT(EIS) IS REQUIRED RELATIVE TO THE PROPOSED RULE:** The proposed rule indicates that an EIS is not required and that an environmental assessment is all that is needed in order to determine the adverse effects, if any, of the Proposed Rules. The Mariposa County Board of Supervisors suggests that the Proposed Rules are substantial in their scope and will have the potential to harm both the environmental and the socioeconomic dynamics at work surrounding the management of the national forests. It is therefore imperative that a full blown EIS be undertaken and completed relative to these proposed rules so that all potential adverse effects can be fully revealed and discussed in a public forum.

The Mariposa County Board of Supervisors appreciates the opportunity to comment on these Proposed Rules and respectfully requests that the Forest Service taken into consideration the comments contained herein.

Very truly yours,



Garry R. Parker, Chairman  
Mariposa County Board of Supervisors