

## **DECISION MEMO**

### **Special Use Permit for Concession Management of Campgrounds and Other Developed Recreation Sites**

Los Padres National Forest

Monterey, San Luis Obispo, Santa Barbara, Ventura, Kern Counties  
California

#### **INTRODUCTION**

The Los Padres National Forest (the Forest) is located along the central coastal area of California. The Forest has managed campgrounds and developed recreation sites with concessionaires under special use permits (SUP) since 1985. The recreation sites are located across the Forest and are listed in Table 1. The concessionaires operate and maintain the campgrounds and sites. Operations include cleaning and stocking supplies, garbage removal, providing visitors with information, enforcing campground rules, hazard removal and abatement. Maintenance includes repairing and maintaining improvements and facilities. The Forest Service is responsible for replacing facilities and overseeing the performance of the permit holders.

Forest Service campground concessionaire SUPs are issued under the authority of the Granger-Thye Act (1950), 16 U.S.C. 580d, and the permits have a 10-year life span. The Los Padres currently has six separate concessionaire special use permits and all of them are expiring. The Forest is proposing to replace the six existing permits with one forest-wide permit to simplify and reduce administrative costs. Concessionaire management of recreation facilities has been in place on the Los Padres National Forest since 1985.

#### **DECISION**

I have decided to reissue a single term special use permit for operation and maintenance of the campgrounds and other developed recreation sites listed in Table 1. The permit will be issued for five years and may be extended for an additional five year period if the permit holder's performance is acceptable and if it is in the Government's interest to do so.

In making decision I considered guidance from the Forest Land Management Plan (LMP) to "maintain partnerships with businesses who operate and maintain exiting recreation facilities under the concession program to meet the needs of visitor demands" (LMP, Part 2, Rec-3). I also considered the level and quality of service provided by concessionaires to the public and the Forest. Over the past 30 years, concession management of the Forest's developed recreation sites has provided the recreating public with clean, safe, functional facilities. Concession management has been attentive to issues raised by site visitors, and have provided the Forest with necessary flexibility, economy and efficiency in managing the sites. I have reviewed potential concerns from stakeholders and impacts, and I find that the project is adequately designed to provide long-term benefits to the recreational experience on the Forest.

<b>Table 1. Recreation sites that will be managed by concession</b>	
<b>Monterey Ranger District</b>	
1. Arroyo Seco Family Campground	9. Mill Creek Day Use Area
2. Arroyo Seco Group Campground	10. Pfeiffer Beach Day Use Area
3. Arroyo Seco Day Use Area	11. Sand Dollar Day Use Area
4. Bottcher's Gap Campground	12. Willow Creek Day Use Area
5. Kirk Creek Campground	13. China Camp Campground*
6. Nacimiento Campground	14. White Oaks Campground*
7. Plaskett Creek Family & Group Campground	15. Escondido Campground*
8. Ponderosa Campground	16. Memorial Park Campground*
<b>Santa Lucia Ranger District</b>	
1. Cerro Alto Campground	5. La Panza Campground*
2. Davy Brown Campground*	6. Navajo Flat Campground/OHV Staging Area*
3. Figueroa Campground*	7. Turkey Flat OHV Staging Area/Day Use*
4. Nira Campground*	
<b>Santa Barbara Ranger District</b>	
1. Fremont Campground	8. Live Oak Day Use Area
2. Los Prietos Campground	9. Lower Oso Day Use Area
3. Sage Hill Group CG & Aliso Trailhead	10. Red Rock Day Use Area
4. Fremont Campground	11. Sandstone Day Use Area
5. Upper Oso Campground	12. White Rock Day Use Area
6. Falls Day Use Area	13. Red Rock Trailhead
7. First Crossing Day Use Area	
<b>Ojai Ranger District (6 sites)</b>	
1. Holiday Group Campground	4. Reyes Peak Campground*
2. Wheeler Gorge Campground	5. Rose Valley Campground*
3. Pine Mountain Campground*	6. Middle Lion Campground*
<b>Mt. Pinos Ranger District</b>	
1. McGill Family & Group CG	4. Reyes Creek Campground*
2. Mt. Pinos Campground	5. Campo Alto Campground*
3. Ballinger Campground*	6. Chuchupate Campground*
*New concession managed sites	

## **REASONS FOR CATEGORICAL EXCLUSION**

This action is categorically excluded from documentation in an environmental assessment (EA) or environmental impact statement (EIS). The applicable category of action is identified in agency procedures as Forest Service Handbook (FSH) 1909.15, Section 32.2(15) Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are not changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization (36 CFR 220.6(e)(15)). This category of action is applicable because the federal action is merely administrative and does not require a change to the scope or intensity of use and management at the recreation sites.

## **EXTRAORDINARY CIRCUMSTANCES**

According to FSH 1909.15, Section 30, a proposed action may be categorically excluded from further analysis and documentation in an EA or EIS if there are no extraordinary circumstances related to the proposed action. Resource conditions that should be considered in determining whether an extraordinary circumstance related to the proposed action warrant further analysis and documentation are listed below. As stated in FSH 1909.15, Section 31.2 (36 CFR 220.6(b)), “the mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion (CE).” Rather, it is “the degree of the potential effects of a proposed action on these resource conditions that determine whether extraordinary circumstances exist” (FSH 1909.15, Section 31.2).

After review of the biological evaluations, specialist reports, and documents in the project file, I have determined that there are no extraordinary circumstances that indicate the presence of possible significant effects. This analysis is summarized below.

**(1) Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.** I have carefully considered the biological evaluations and concluded that further analysis is not needed for the following reasons:

- The renewal of the SUP is an administrative action, and doesn’t involve any changes to the activities that would be occurring at the specified recreation sites.
- The impacts of managing these recreational sites and facilities was previously analyzed under the 2005 Forest Land Management Plan (MIS and Forest Service Sensitive Species) and a 2012 programmatic Biological Assessment (federally-listed species).
- A change in concessionaire is a purely administrative action, which doesn’t involve any new ground disturbance or new activities which were not covered in the previous analysis.
- Impacts to federally-listed species were covered under the existing 2013 Biological Opinions issued by both the National Marine Fisheries Service (NMFS) and US Fish and Wildlife Service (USFWS). No further biological analysis is required.

**(2) Floodplains, Wetlands, or Municipal Watersheds**

There would be no effects to hydrologic resources with the issuance of the new SUP, since the permit is an administrative action only, and does not authorize any ground disturbance, physical alterations, or changes to current operations of recreation sites, nor does it permit any new activities in or immediately adjacent to streams, lakes, wetlands, riparian areas, or other water bodies managed by the Forest Service.

**(3) Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.**

No Congressionally designated areas will be adversely affected by this action. No extraordinary circumstances exist for this resource condition.

**(4) Inventoried roadless areas or potential wilderness areas.**

Inventoried Roadless Areas will not be adversely affected by this action. No extraordinary circumstances exist for this resource condition.

**(5) Research natural areas.**

Research Natural Areas will not be adversely affected by this action. No extraordinary circumstances exist for this resource condition.

**(6) American Indians and Alaska Native religious or cultural sites.**

Implementation of the decision would not adversely affect American Indian religious or cultural sites. No extraordinary circumstances exist for this resource condition.

**(7) Archaeological sites, or historic properties or areas.**

No archeological sites or sites eligible for National Historical Register listing will be adversely affected by this proposal. No extraordinary circumstances exist for this resource condition.

**FINDINGS REQUIRED BY OTHER LAWS OR REQUIREMENTS**

I have determined that the decision is consistent with the standards and guidelines of the Los Padres National Forest LMP as amended.

The decision to award concessionaire permits for operations and maintenance of these developed recreation sites is in compliance with the Endangered Species Act, National Historic Preservation Act, and National Forest Management Act.

The concessionaire permit contain clauses requiring the holders to test and treat potable water systems with the same rigor and to the same standards as the Forest Service. Therefore, I have concluded that the decision is in compliance with State water quality laws.

The decision affects management of existing facilities and improvements. Therefore, there are no issues with citing new facilities or improvements that could discriminate against minority or low-income populations. Furthermore, I conclude that the project is designed in a manner that ensures that it will not have the effect of excluding persons from participation in or benefiting from use and enjoyment of the developed recreation facilities, or subjecting persons to discrimination because of their race, color, or national origin.

## **PUBLIC INVOLVEMENT**

A scoping letter was distributed by mail and email to eleven individuals and organizations on September 2, 2016. On that same date a scoping letter was also mailed to the Santa Ynez Band of Chumash Indians. The project was listed in the Current Schedule of Proposed Actions (SOPA) on September 30, 2016. A high level of interest was received for this project. Receipt of comments was extended to October 20, 2016.

Over 140 comments and responses were received. No potential effects were identified that may result in an extraordinary circumstance. A scoping comment analysis report is part of the project record.

## **ADMINISTRATIVE REVIEW (OBJECTION) OPPORTUNITIES**

This decision is not subject to objection pursuant to Forest Service regulations at 36 CFR 218.

## **IMPLEMENTATION DATE**

This decision will be implemented on November 1, 2016, immediately following expiration of the existing permits on October 31, 2016.

## **CONTACT INFORMATION**

Records of this environmental analysis are available for public review at the Los Padres National Forest Supervisor's Office. For further information contact Jeff Bensen at the Supervisor's Office, 6750 Navigator Way Suite 150, Goleta, CA 93117; or (805) 961-5744.



**ROBERT BAIRD**  
Forest Supervisor

10/26/16  
Date

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer and lender.