USDA United States Department of Agriculture | Forest Service | Sequoia National Forest
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California Department of Transportation
Landscape Architecture
Attn: Sherry Alexander and Mike Mills
2015 E. Shields Avenue
Fresno, CA 93726

RE: Corridor Protection Program (CPP) for State Route 180, Fresno County

Dear Ms. Alexander and Mr. Mills,

This letter serves as documentation regarding the Corridor Protection Program (CPP) for the portion of California State Route 180 (SR 180) in eaastern Fresno County that runs through land under jurisdiction of the United States Department of Agriculture, Forest Service (Forest Service). This document can be found at:
http://www.fs.usda.gov/attmain/sequoia/specialplaces
Protection measures for the portions of SR 180 that are controlled by Fresno county are listed in the *"Corridor Protection Program & Visual Assessment"* adopted by Fresno County on February 10, 2015.

As directed by the Streets and Highways Code, the *Caltrans Scenic Highway Guidelines* (2008), require that five legislatively required elements be addressed in a corridor Protection Program (CPP) in order for an eligible highway segment to obtain official designation as a State Scenic Highway:

Element 1: Regulation of land use and density of development
Element 2: Detailed land and site planning
Element 3: Control of outdoor advertising
Element 4: Careful attention to and control of earthmoving, landscaping, and vegetation requirements
Element 5: The design and appearance of structures and equipment

This CPP describes the compatibility of state Scenic Highway designation with the Forest Service's mission and mandates, and lists the Forest Service policies, management plans, and associated federal regulations that support the five legislatively required elements for official designation as a State Scenic Highway.

Scenic Quality of SR 180 – Kings Canyon Scenic Byway:
The portion of SR 180 that runs through National Forest System land traverses the Hume Lake Ranger District portion of Sequoia National Forest and Giant sequoia National Monument, and is officially designated as a National Forest Scenic Byway (1990), known as the "Kings Canyon Scenic Byway". The National Forest Scenic Byway on SR 180 in Fresno County begins approximately four miles east of Dunlap (approximately at Caltrans postmile 95.0) and covers

approximately 50 miles of Highway 180 ending at the National Forest/National Park boundary in Cedar Grove (postmile 137.9). SR 180 in Fresno County bisects the Giant Sequoia National Monument as well as Kings Canyon National Park. Approximately two miles of the scenic byway within Kings Canyon National Park is not a State Route.

The Kings Canyon Scenic Byway Management Plan (1995) set guidelines for ensuring the future option of designating this portion of Highway 180 as a State Scenic Highway. The Kings Canyon Scenic Byway is the only National Forest Scenic Byway in the Monument and Forest. The Scenic Byway nomination report states that this travel corridor is internationally significant with two extraordinary features: towering giant sequoia trees and Kings Canyon (USDA Forest Service 1990).

The Monument was designated by presidential proclamation. With authority vested in the American Antiquities Act of 1906, in April 2000, President Clinton set aside and reserved the Monument for the purpose of protecting the objects of interest. Status as a National Monument elevates the priority of protecting the scenic and visual quality of the monument.

General Federal Visual Quality Protection Measures:
Numerous Federal laws require that Federal land management agencies consider scenery and aesthetic resources in land management planning, resource planning, project design, implementation, and monitoring including:

- Wilderness Act of 1964.
- Wild and Scenic Rivers Act of 1968.
- National Trails System Act of 1968.
- National Environmental Policy Act (NEPA) of 1969.
- Environmental Quality Act of 1970.
- Forest and Rangeland Renewable Resources Planning Act of 1974.
- National Forest Management Act of 1976.
- Surface Mining Control and Reclamation Act of 1977.
- Public Rangelands Improvement Act of 1978.

State Scenic Highway Required Elements:
The following paragraphs describe the federal laws and policies which apply to the five legislatively required elements of a CPP.

<u>Element 1</u>: Regulation of Land Use and Density of Development (i.e., density classifications and types of allowable land uses).

Since the Forest Service is charged with sustainable stewardship of forest resources, ecology and the natural scenic quality on all of the of the public lands under its control, the land-use and development along the portion of SR 180 that is within National Forest System lands are strictly regulated by federal law and Forest Service policies and directives, including:

I. **Forest Reserve Act of 1891** authorizes the Forest Service to withdraw land from the public domain in order to create "forest reserves," which entails protecting and managing the national forests and grasslands under a sustainable multiple-use management concept.

II. **The Wilderness Act of 1964,** established the National Wilderness Preservation System composed of federally owned areas designated by Congress. The act stipulates these lands be administered for the "use and enjoyment of the American people in such manner as will leave them unimpaired for future use as wilderness and preserve their untouched character."

III. **The National Forest Management Act (NFMA)** of 1976 requires every national forest or grassland managed by the Forest Service to develop and maintain an effective Land Management Plan (also known as a Forest Plan). As components of a long–range management direction, regulation of all land use and development (as well as other management topics) is recorded in the Land Management Plan or Forest Plan.

   i. The 1988 **Sequoia National Forest Land and Resource Management Plan FEIS and ROD** assigned the highest sensitivity level (Level 1) to Highway 180, which requires any land use and development decisions incorporate the highest level of attention to preserving the visual quality of the area.
   ii. The **2012 Giant Sequoia National Monument Management Plan FEIS and ROD.** While the assessment methodology utilized in Forest Plans has since been updated, the **"Giant Sequoia National Monument Specialist Report on Scenery Management"** states that the concern levels for maintaining visual quality within the Monument are now elevated due to the Clinton proclamation.

Element 2: Detailed land and site planning.

I. *Forest Service* standards emphasize the importance of aesthetics and visual quality in detailed land and site planning. Approval authority for site planning and development is provided by Regional Foresters, Station Directors, or Area Director. References for these standards are provided below: ***Forest Service Manual (FSM) and Handbook (FSH) Direction*** "Site Development And Building Design Responsibility FSM 7310" states that "Regional Foresters, Station Directors, or Area Directors are responsible for approving the site development and building design unless delegated to next level of organization."

II. ***Sequoia National Forest Giant Sequoia National Monument Management Plan (Monument Plan)*** Site Design -Design Criteria Management "Site design should incorporate simple solutions that emphasize the existing natural features and use natural or natural appearing materials."

III. ***The USDA Built Environment and Image Guide (BEIG 2001)***, directs that "the elements of the built environment constructed on National Forest lands … shall—to the extent practicable—incorporate the principles of sustainability, reflect their place within the natural and cultural landscape, and provide optimal service to our customers and cooperators." BEIG 2001 also directs that projects "be located, planned, and designed with respect for the natural systems in which they reside."

Element 3: Control of outdoor advertising (i.e., prohibition of off-premise advertising signs and control of on premise advertising signs).

Both Forest Service Policy and federal law prohibit any new off-premise advertising signage on Scenic Highways or Byways; Forest Service Policy states that all other signage requires Forest Service approval:

I. **USDA Forest Service policy:** "Signs or advertising devices erected on National Forest System lands shall have prior approval by the Forest Service as to location, design, size, color, and message. Erected signs shall be maintained or renewed as necessary to neat and presentable standards, as determined by the Forest Service. Additionally, any route designated as a State or National Scenic Byway (post 1991) is prohibited from erecting new billboards, either on Forest or private lands. The purpose of this requirement is to maintain an attractive right-of-way for the highway and avoid sign clutter.

II. **National Scenic Byway Legislation:** The National Scenic Byways Program is part of the U.S. Department of Transportation, Federal Highway Administration. Title 23, Section 131(s) and (c) describes control of outdoor advertising along designated scenic byways, (in part):

Control of Outdoor Advertising (Billboards, etc.):

s. *Scenic Byway Prohibition*: If a State has a scenic byway program, the State may not allow the erection along any highway on the Interstate System or Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section.

Element 4: Careful attention to and control of earthmoving and landscaping (i.e., grading ordinances, grading permit requirements, design review authority, landscaping and vegetation requirements).

The USDA Forest Service adopted a policy of ecosystem management on June 4, 1992, that applied to national forests, grasslands and research programs. Ecosystem management principles ensure the long term integrity of the local physical and natural environment, which would thereby inform activities related to earth-moving and landscaping:

I. ***Giant Sequoia National Monument Specialist Report on Scenery Management (Specialist Report)*** utilizes an ecosystem classification framework to identify the nine major vegetative plant communities found in the Monument (these are ecological units with similar potential natural vegetation, soils, bedrock and surface geology and geomorphology). The report further defines the ecological context along SR-180 as "Red Fir and Jeffrey Pine." The identification of the ecological units promotes decision making that will ensure the long term integrity of the local physical and natural environment along SR-180, which would include activities related to earth-moving and landscaping.

II. ***Forest Service Manual (FSM) and Handbook (FSH) Direction:*** As part of site development, the approval authority for earth-moving activities is stated in the FSM and FSH: "Regional Foresters, Station Directors, or Area Directors are responsible for approving the site development and building design unless delegated to next level of organization."

Element 5: The Design and Appearance of Structures and Equipment (i.e., design review authority and regulations for the placement of utility structures, microwave receptors, wireless communication towers, etc.).

I. ***Forest Service Manual (FSM) and Handbook (FSH) Direction:*** "Site Development And Building Design Responsibility FSM 7310" which states that "Regional Foresters, Station Directors, or Area Directors are responsible for approving the site development and building design unless delegated to next level of organization." "Communication sites" are defined in the Forest Service Handbook (2709.11, Chap. 90-communication site management). "An area of National Forest System lands designated for telecommunications uses in an LMP or separate NEPA decision document, which may be limited to a single communications facility, but most often encompasses more than one, and is identified by name."

90.3 - Policy

1. Communications sites must be designated in a National Environmental Policy Act (NEPA) decision document.
2. All designated communications sites must have a current communications site management plan that is consistent with in the applicable LMP and with any separate NEPA decision document. The communications site management plan must provide site-specific direction and guidance to Forest Service personnel, the communications site users, and the public.
3. Communications facilities must be regularly inspected to ensure compliance with the communications site management plan, the special use authorization, and user self-inspection requirements and to ensure the accuracy of certified inventory statements that facility owners and facility managers provide annually to the authorized officer.

90.4 - Responsibility

1. The regional forester is responsible for approving communications site management plans. This responsibility may be delegated to forest supervisors.
2. The regional forester is responsible for establishing procedures for communications uses not covered by the national *Rental Schedule for Communications Uses.*
3. Following communications site management plan approval, forest supervisors have the authority to issue special use authorizations in accordance with the standards and guidelines in the communications site management plan. The responsibility for issuing special use authorizations may be delegated to district rangers per FSM 2704.34.
4. I-Web is the sole electronic repository for communications site management plans. Following communications site management plan approval, the regional special use coordinator or the official with delegated authority is responsible for entering this information into the I-Web on the Special Uses/Communications Sites page. This data is required for tracking the areas of National Forest System lands that are designated for telecommunications uses (sec. 96.5).

II. ***BEIG 2001*** provides the following direction regarding the appearance of structures and equipment:
   i. Cluster different building functions around courtyards.
   ii. Position structures for views and availability to water.
   iii. Locate public facilities away from canyon rims and benches.
   iv. Site structure should match native contours and vegetation.
   v. Roofs and walls are generally equally proportioned to the building themselves.

III. ***Forest Service - Landscape Aesthetics: A Handbook for Scenery Management, Agricultural Handbook***
   i. Scenery management strives for excellence in design of all structures to be viewed. Not only should they blend sufficiently with the backdrop at greater distances to meet strict definitions of scenic condition objectives, but they should be positive additions to landscapes when viewed in immediate foreground.
   ii. Those structures serving purposes other than scenic viewing and recreation should ordinarily be located at sufficient distances from such routes and use areas that they can meet the definitions of the scenic condition objectives. Obviously, an alternative is to completely screen them from view from such routes and areas. Another alternative is to design them to effectively mimic positive cultural elements identified for landscape character goals. A further alternative is to incorporate and conceal them in a structure that serves scenic and recreation purposes.
   iii.

IV. ***Sequoia National Forest Giant Sequoia National Monument Management Plan*** provides standards for the South Fork Zone: "Management of Highway 180- all facilities complement the area's natural scenic resources (KRSMA MP p. 57).

i. **Communication Sites** are allowed within the following Designated Areas:* Wilderness Backcountry (inventoried Roadless Areas), Giant Sequoia Groves, Research Natural Areas, Botanical Areas, and Geological Area. They are allowed By Exception in the following areas: Wild and Scenic Rivers. Listed as Suitable Unless Otherwise Restricted in the following areas: Southern Sierra Fisher Conservation Area, Old Forest Emphasis, and General Monument.

ii. **Utility Corridors** are allowed within the following Designated Areas: Wilderness Backcountry (inventoried Roadless Areas), Giant Sequoia Groves, Research Natural Areas, and Utility Corridors. They are allowed By Exception in the following area: Wild and Scenic Rivers. Utility Corridor are listed as Suitable, Unless Otherwise Restricted in the following areas: Southern Sierra Fisher Conservation Areas, Old Forest Emphasis, General Monument, and Not Suitable in Botanical Areas, Geological Areas.

** The SR 180 Corridor traverses the following Designated Areas: Wilderness Backcountry (inventoried Roadless Areas), 180 is a "cherry stem" that passes along but outside Monarch Wilderness, Giant Sequoia Groves, Wild and Scenic Rivers, Southern Sierra Fisher Conservation Area, Old Forest Emphasis, General Monument.*

The aforementioned laws, policies and guidance documents demonstrate that the State Scenic Highway status would be compatible and complimentary to the existing management of this National Forest Scenic Byway.

If you have any questions, please feel free to contact Teresa Benson, Hume Lake District Ranger, at (559) 338-2251, extension 310.

Sincerely,

KEVIN B. ELLIOTT
Forest Supervisor

cc:

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