



Forest Service

Date: June 13, 2016

To: File

From: Terri Simon-Jackson, Deputy Forest Supervisor TSJ

Re: Forest Order No. 14-16-01 -- Temporary Prohibition of Motorboats on the McCloud River Arm of Shasta Lake

I have been informed that the Winnemem Wintu Tribe will be holding a ceremony on and around the McCloud River Arm of Shasta Lake from June 15, 2016 through 2:00 a.m. on June 22, 2016. This ceremony will be centered on a portion of the river that includes 40 Winnemem Wintu sacred sites and will include traditional teachings, activities, and tasks in the water. I understand that an estimated 1 to 100 people will be in the water along this stretch of the river for each of the four days of the ceremony. Throughout the ceremony, the celebrants will swim across the river to visit each of the sacred sites for teachings and activities, while other participants will use the water for ceremonial recreation.

In years past, swimmers in the river during this ceremony have been disrupted by motorboaters, causing a dangerous conflict in the water. Notwithstanding the Forest Service's efforts to work with motorboaters to encourage them to respect the ceremony and the safety of the swimmers, some motorboaters continued to drive through and around the individuals recreating in the water. This boating activity poses a serious risk to the swimmers and the motorboaters.

In years past, the Winnemem Wintu Coming of Age Ceremony has polarized communities in and around Redding, CA. Motorboat use on sections of the McCloud River resulted in various conflicts between the recreating public and members and supporters of the Winnemem Wintu. To prevent these conflicts and to provide for the safety of the recreating public and the Winnemem Wintu, in 2012 thru 2014 the Forest Service instituted a motorboat prohibition on the McCloud River. The prohibition helped to protect public safety and alleviate user conflicts.

We believe the current water level in the McCloud River is not sufficient for motorboat use and navigating a motorboat in this area could be dangerous to those riding in the motorboat. Should conditions change to allow motorboat access, the prohibition will provide a natural barrier to help maintain the separation of motorboats and swimmers during the ceremony.

I have concluded that this decision may be categorically excluded from documentation in an Environmental Impact Statement (EIS) or Environmental Assessment (EA) under the National Environmental Policy Act. This action falls within the category identified in 36 CFR 220.6(d)(1) – prohibitions to provide short-term resource protection or to protect public health and safety – and does not require documentation in a decision memo, decision notice, or record of decision. I have determined that there are no extraordinary circumstances associated with this temporary closure. Implementation of the decision may begin immediately.



Scoping for this action was conducted with the following entities that expressed no concerns about the restriction: Winnemem Wintu tribal leaders, BLM City of Redding Field Office, Recreation Outdoors Coalition, Shasta County Public Works, Shasta County Sheriff/ Boating Safety Unit, Bridge Bay and Digger Bay Marinas, Bureau of Reclamation, Packers Bay Marina, Sugarloaf Resort, Lake Shasta Caverns, Silverthorn Resort Marina, Shasta Marina, Tsasdi Resort, Shasta Lake RV Resort and Campground, Antlers Resort and Marina, Redding Rancheria and Pit River Tribe. The Shasta-Trinity National Forest notified the following entities as to the contemplated action: Shasta County Board of Supervisors Office, National Resources Conservation Service, Shasta Cascade Wonderland Association, Cal Fire's Shasta-Trinity Unit, Antlers RV Park and Campground, Salt Creek Resort, Lakehead Campground and RV Park, Holiday Harbor Marina, Shasta Recreation Company, Jones Valley and Sugarloaf Marinas, and Lakeshore Inn and RV.

The Forest Order will include an exemption for persons with a permit allowing motorboat use. The following criteria have been established for issuance of written permission for motorboat use under the Forest Order.

1. The motorboat is currently in compliance with all license and registration requirements of the State of California.
2. The motorboat operator stays within the operational limitations of the motorboat and the skill capacity of the operator.
3. The motorboat is used only in support of the ceremony.
4. The motorboat will be a small low-draft vessel with motorized propulsion capable of drafting in shallow water (<2' depth), such as but not limited to, aluminum 12° V-hull, jet-propelled craft capable of traversing 6" of water while on a plane.
5. The motorboat will laterally traverse the river at a calm water crossing.
6. Night operation of motorboats is not permitted.

As a result of this analysis, it is my decision to issue an order prohibiting motorboats on a portion of the McCloud River Arm of Shasta Lake from June 15, 2016 through 2:00 a.m. on June 22, 2016. Forest Service personnel will patrol the area to enforce the motorboat prohibition. Non-motorized uses on this portion of the River are not prohibited by this order.

FOREST ORDER NO. 14-16-01
SHASTA-TRINITY NATIONAL FOREST
USDA FOREST SERVICE

Pursuant to 16 USC 551 and 36 CFR 261.50(a), and to provide for public safety, the following act is prohibited within the Shasta Lake Ranger District of the Shasta-Trinity National Forest. This Order is effective from June 15, 2016, through 2:00 a.m. on June 22, 2016.

Possessing or operating a motorboat on the McCloud River Arm of Shasta Lake, starting at a point 1700 yards south of the McCloud Bridge, then continuing north to the McCloud Bridge, Township 36 North, Range 3 West, Section 3, Mt Diablo Base and Meridian, as shown on the attached map. 36 CFR 261.58(n).

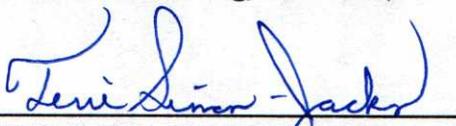
Pursuant to 36 CFR 261.50(e), the following persons are exempt from this Order:

1. Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.
2. Persons with a permit from the Forest Service authorizing the otherwise prohibited act or omission.

This prohibition is in addition to the general prohibitions in 36 CFR Part 261, Subpart A.

A violation of this prohibition is punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than 6 months, or both. 16 USC 551 and 18 USC 3559, 3571, and 3581.

Executed in Redding, California, this 13 day of June 2016.



TERRI SIMON-JACKSON
Deputy Forest Supervisor
Shasta-Trinity National Forest
USDA Forest Service



File Code: 1560

Date: June 13, 2016

Chief Caleen Sisk
Tribal and Spiritual Leader
Winnemem Wintu Tribe
14840 Bear Mountain Road
Redding, CA 96003

Dear Chief Sisk,

I have received a written request from the Winnemem Wintu Tribe to utilize motorboats within the area identified in Forest Order No. 14-16-01. This letter provides written authorization for Winnemem Wintu tribal members and participants in the Balas Chonas/Coming of Age Ceremony to utilize motorboats in the area identified in Forest Order No. 14-16-01 from June 15, 2016 through 2:00 a.m. on June 22, 2016 under the following conditions:

1. The motorboat is currently in compliance with all license and registration requirements of the State of California.
2. The motorboat operator stays within the operational limitations of the motorboat and the skill capacity of the operator.
3. The motorboat is used only in support of the ceremony.
4. The motorboat will be a small low-draft vessel with motorized propulsion capable of drafting in shallow water (<2' depth), such as but not limited to, aluminum 12° V-hull, jet-propelled craft capable of traversing 6" of water while on a plane.
5. The motorboat will laterally traverse the river at a calm water crossing.

Night operation of motorboats is not permitted.

Sincerely,

TERRI SIMON-JACKSON
Deputy Forest Supervisor

