

File Code: 2330
Route To: File

Date: January 27, 2020

Subject: Forest Order No. 08-20-01 Public Use and Access Chico Seed Orchard

From: Ann Carlson, Forest Supervisor AC

As Forest Supervisor of the Mendocino National Forest, I have decided to continue implementation of public use restrictions for a two-year period at the Chico Seed Orchard (CSO). The CSO is a genetics and seed production facility, operated by the Regional Office Genetics Program. During the daylight hours, employees use a variety of heavy equipment and tools to manage the orchards and other vegetative resources. A developed recreation site which includes interpretive signing, a restroom and a paved accessible nature trail, exists within the CSO property. The site is located within the community of Chico, and has become an increasingly popular place for community residents, recreationists, and dog walkers. Prior to 2009, unrestricted public access of the 209-acre site was allowed. A substantial increase in public use at the site resulted in increased incidents of damage and vandalism to CSO property, interference with CSO orchard and seed-production operations, and an increased risk to public and employee safety. Implementation of public use restrictions resulted in the prevention of accidents and injuries to employees and the public and protection of the vegetative resources unique to the CSO.

These public use restrictions will promote an increase in wildlife, public and employee safety, employee productivity, consistency with park hours in the surrounding area, and a decrease in damage and vandalism to property and vegetative resources throughout the CSO. Public use restrictions that will continue to be implemented by the issuance of a Forest Order include:

1) The CSO administrative site and public parking lot will be closed to all public access for the hours of 7:00 p.m. to 7:00 a.m. from March 1 through October 31 and for the hours of 5:00 p.m. to 7:00 a.m. November 1 through February 29. These hours coordinate with sundown and sunrise in the area and the beginning and ending of daylight savings time and will allow the public access during daylight hours. The parking area will be closed due to vandalism and complaints of loud noise during nighttime hours.

2) The heavy equipment being used within the orchards poses many risks to public health and safety. As a result, the seed production orchards and study areas will remain closed to all public access at all times. See Exhibit A.

3) Due to the constant movement of heavy equipment, deep holes created by dogs digging, employees being chased by off leash dogs, and a dramatic decline in the site's wildlife population, dogs must be on a leash at all times at the CSO.

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. Pursuant to 36 C.F.R. § 215.12(t), this decision is not subject to administrative appeal. I have determined that there are no extraordinary circumstances associated with this temporary closure and the procedures for legal notice and opportunity to comment (36 CFR 215.4) do not apply to this project. Implementation of the decision may begin immediately.

Scoping included discussions about safety and public access with, local law enforcement personnel and neighboring private landowners. This action complies with the provisions of the National Historic Preservation Act of 1966, the Endangered Species Act, the National Forest Management Act, the Clean Water Act, and other applicable environmental laws. This action will not discriminate against any group or protected class because it applies equally to all users.

ORDER NO. 08-20-01
MENDOCINO NATIONAL FOREST

Pursuant to 16 USC 551 and 36 CFR 261.50(a), and to provide for public safety and to protect natural resources, the following acts are prohibited within the Chico Seed Orchard (CSO) on the Mendocino National Forest. These prohibitions are effective from March 9, 2020, through March 13, 2022.

1. Being in the CSO, except the Seed Production Orchards and Study Area listed below, between the hours of 7:00 p.m. and 7:00 a.m. from March 1 through October 31; and between the hours of 5:00 p.m. and 7:00 a.m. from November 1 through February 29, as shown on the attached map.
36 CFR 261.58(1).
2. Being in the Northwest Seed Production Orchard, the Northeast Seed Production Orchard, the Southwest Seed Production Orchard, the Douglas Fir Production Orchard, or the Valley Oak Provenance Study Area, as shown on the attached map.
36 CFR 261.53(e).
3. Being in the CSO with an off-leash dog. 36 CFR 261.58(s).

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

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

These prohibitions are in addition to the general prohibitions contained in 36 CFR 261, Subpart A.

A violation of these prohibitions 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 six months, or both. 16 USC 551 and 18 USC 3559, 3571, and 3581.

Done at Willows, California this 27 day of Jan, 2020.



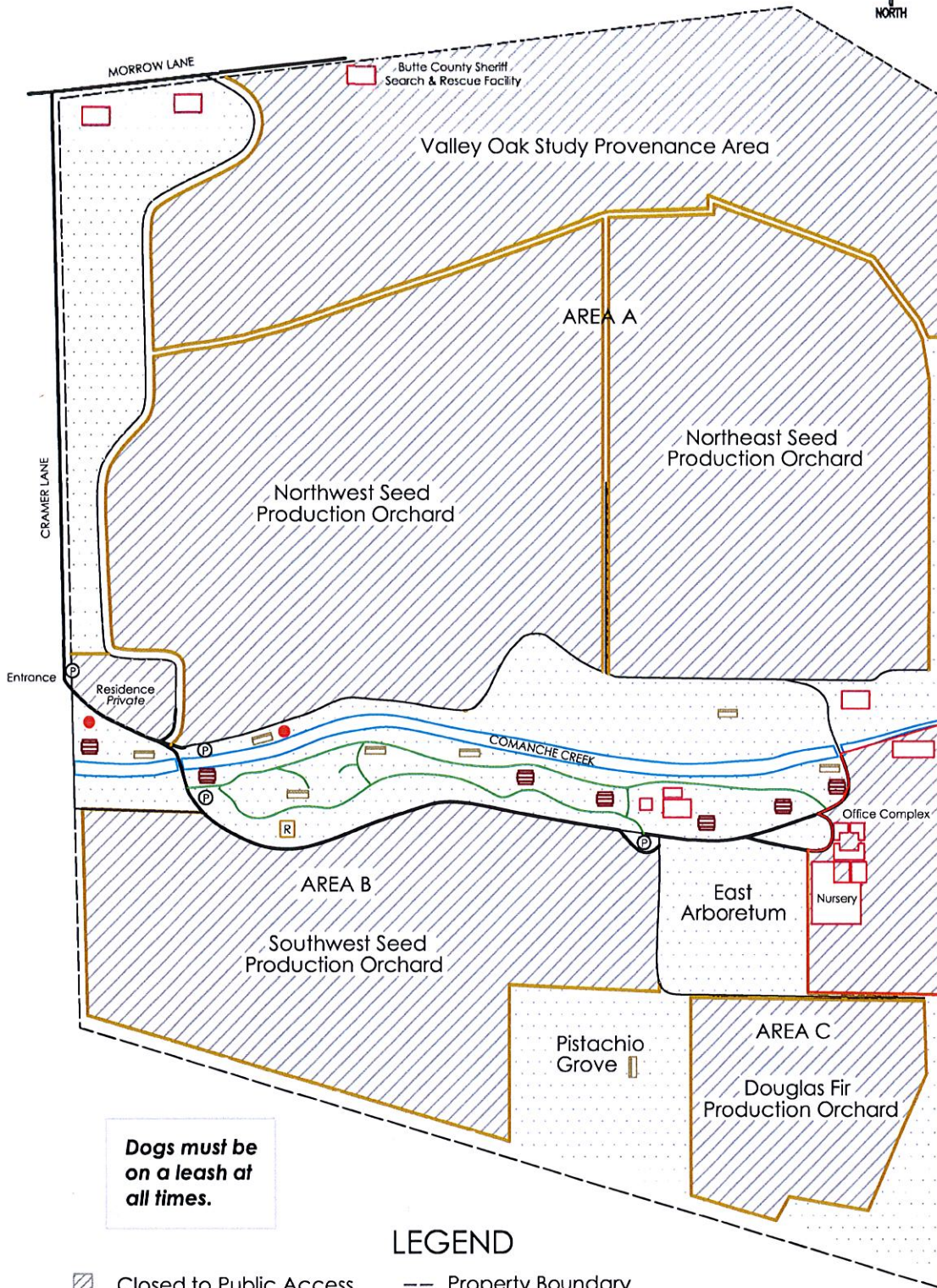
ANN D. CARLSON

Forest Supervisor
Mendocino National Forest

ORDER NO. 08-20-01

MENDOCINO NATIONAL FOREST

CHICO SEED ORCHARD



**Dogs must be
on a leash at
all times.**

LEGEND

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|--|--------------------|-------------------|
| Closed to Public Access | Property Boundary | Restroom |
| Open Public Area
(MAR 1st - OCT 31st: 7 AM - 7 PM)
(NOV 1st - FEB 29th: 7 AM - 5 PM) | Paved Nature Trail | Picnic Table |
| Paved Road | Building | Bench |
| Service Road | Parking | Dog Waste Station |