

**SHASTA COUNTY BOARD OF SUPERVISORS**

Friday, June 4, 2010

**REGULAR MEETING**

9:00 a.m.: Chairman Kehoe called the Regular Session of the Board of Supervisors to order on the above date with the following present:

District No. 1 - Supervisor Kehoe  
 District No. 2 - Supervisor Moty  
 District No. 3 - Supervisor Hawes  
 District No. 4 - Supervisor Hartman  
 District No. 5 - Supervisor Baugh

County Administrative Officer - Larry Lees  
 County Counsel - Rubin E. Cruse, Jr.  
 Chief Deputy Clerk of the Board - Glenda Tracy  
 Administrative Analyst II - Megan Dorney

**INVOCATION**

Invocation was given by Supervisor Baugh.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance to the Flag was led by Supervisor Kehoe.

**REGULAR CALENDAR**

**GENERAL GOVERNMENT**

**UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE FOR THE SHASTA-TRINITY NATIONAL FOREST**

This was the time set to conduct a meeting with representatives from the United States Department of Agriculture, Forest Service for the Shasta-Trinity National Forest to discuss resolution of the issues raised in the County of Shasta's appeal of the Record of Decision and the Final Environmental Impact Statement for the Shasta-Trinity National Forest Travel Management Project.

Chairman Kehoe provided the proposed order of business: County Counsel comments, U.S. Forest Service representative comments, Public Comment Period - Open Time, U.S. Forest Service representative response to public comments, County Counsel comments, and Board of Supervisors discussion.

1. County Counsel Comments

County Counsel Rubin E. Cruse, Jr. advised in that 2005, the U.S. Forest Service promulgated its Travel Management Rule, which was designed to provide a system of

national forest system roads, trails, and other areas to be designated for motor vehicle use. After those areas were designated, those areas not in accordance with those designated would be prohibited. In an effort to implement that Rule, Shasta-Trinity National Forest Supervisor Sharon Heywood developed a proposed Travel Management Project specifically for the Shasta-Trinity National Forest. The Final Environmental Impact Statement (FEIS) was issued in February 2010, and the Record of Decision (ROD) was issued in March 2010. The ROD allows off-highway vehicles (OHV) to use only 21 of the approximately 785 miles of Maintenance Level 3 roads in the Shasta-Trinity National Forest. A "Maintenance Level" is U.S.F.S. terminology concerning the level of maintenance that the Forest Service provides for a road. Levels range from 1 (a dirt trail not open to vehicular traffic) to 5 (a two-lane, paved road). Maintenance Level 3 roads are generally rough, unpaved roads that are passable with most passenger cars.

On May 6, 2010, Shasta County filed an appeal of the FEIS and ROD for the Shasta-Trinity National Forest Travel Management Project. The appeal is pending before the Regional Forester Randy Moore and requests that the U.S.F.S. halt implementation of the Motorized Travel Management Project in the Shasta-Trinity National Forest and reverse Forest Supervisor Sharon Heywood's ROD and the FEIS based on violations of the national Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), and the regulations and policies described in the County's appeal. In reversing the ROD and the FEIS, the County requested that the Forest Supervisor be directed to perform the following obligations:

- a. The Forest Supervisor engage in coordination with the County as required by law.
- b. The Forest Supervisor, in compliance with NEPA and the NFMA, analyze and consider, in coordination with the County, the alternative of authorizing motorized mixed use on approximately 785 miles of Maintenance Level 3 roads in the Shasta-Trinity National Forest.
- c. The Forest Supervisor, in compliance with NEPA and the NFMA, analyze and consider, in coordination with the County, the alternative of reducing Maintenance Level 3 roads to Maintenance Level 2 roads, which would increase off-highway vehicle routes.
- d. All motorized mixed-use engineering analysis that may be conducted be required to meet the quality and professional integrity standards established by NEPA.
- e. The Forest Supervisor otherwise comply with all requirements imposed by NEPA, the NFMA, and their implementing regulations.

Federal regulations require that the meeting is to take place within fifteen days after the closing date of the filing of the appeal, which was May 25, 2010. The parties were unable to obtain a mutually agreeable date within that time period due to Supervisor Heywood's extremely limited availability. She listed her availability as all day Friday, June 4, 2010. When she was advised that a special meeting would be scheduled for 9:00 a.m., June 4, 2010, at the Board of Supervisors Chambers, she was no longer available to meet.

Supervisor Heywood was advised in writing on May 25, 2010 that she did not appear to be attempting to comply in good faith with her legal obligations to schedule the meeting as required, and the County would proceed with the special meeting on June 4, 2010 and would expect Forest Supervisor Heywood or her designee to be present to participate in the meeting.

On May 27, 2010, Supervisor Heywood responded that she did not consider a forum in the Board of Supervisors chambers to be conducive to the intent of an informal disposition meeting. She proposed alternative dates and that the meeting be held at the

Shasta-Trinity National Forest Supervisor's office. She was then advised on June 1, 2010 that federal regulations required the meeting is to be open to the public, that the County intended to proceed with the special meeting on June 4, 2010 at 9:00 a.m., and that she or her designee would be expected to be present and participate at the meeting.

On June 1, 2010, Mr. Cruse received a response from Supervisor Heywood's representative stating he would discuss the letter with Supervisor Heywood that afternoon. No further communication has been received.

2. Forest Service Representative Comments

Chairman Kehoe invited Forest Supervisor Sharon Heywood or representative to come forward to provide comments. No one was present to represent the U.S.F.S.

3. Public Comment Period – Open Time

Outdoors Coalition Chairman Sylvia Milligan, Alec Blumenthal, Dale Hevner, Pat Henderson, Sherry Duchac, and Evert Dale spoke in opposition of the U.S.F.S. Motorized Travel Management Project in the Shasta-Trinity National Forest.

Retired U.S.F.S. employee Carol Love stated it was unfortunate the Forest Supervisor was not present.

4. Forest Service Representative Response To Public Comments

Chairman Kehoe invited Forest Supervisor Sharon Heywood or representative to come forward to provide comments. No one was present to represent the U.S.F.S.

5. County Counsel Comments

Mr. Cruse reiterated that Supervisor Heywood has offered to have a meeting at the Shasta-Trinity National Forest Supervisor's office on either June 14 or June 16, 2010. However, the County maintains that the U.S.F.S. office is not designed to host a public meeting.

Mr. Cruse recommended that the Board of Supervisors:

- a. Deny the request of Forest Supervisor Heywood to meet in the U.S. Forest Service premises as it is inconsistent with the meeting being open to the public;
- b. Authorize County Counsel to advise Supervisor Heywood of the Board of Supervisors' decision and that it is the County's determination that Supervisor Heywood did not attempt in good faith to comply with the obligation to attend the public meeting to discuss the resolution of this matter; and
- c. Approve and authorize County Counsel to sign and submit a letter to U.S.F.S. Regional Forester Randy Moore expressing the County of Shasta's concern regarding the uncooperative conduct of Forest Supervisor Sharon Heywood.

6. Board Of Supervisors Discussion

Supervisors Baugh, Moty, Hartman, Hawes, and Kehoe expressed disappointment in the lack of interest displayed by Supervisor Heywood by her failure to show at the meeting.

Supervisor Baugh discussed the possibility of a vote of "No Confidence" in the actions and conduct of Forest Supervisor Heywood.

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors denied the request of Forest Supervisor Heywood to meet in the U.S. Forest

Service premises as it is inconsistent with the meeting being open to the public; authorized County Counsel to advise Supervisor Heywood of the Board of Supervisors' decision and that it is the County's determination that Supervisor Heywood did not attempt in good faith to comply with the obligation to attend the public meeting to discuss the resolution of this matter; and approved and authorized County Counsel to sign and submit a letter to U.S.F.S. Regional Forester Randy Moore expressing the County of Shasta's concern regarding the uncooperative conduct of Forest Supervisor Sharon Heywood.

9:58 a.m.: The Board of Supervisors adjourned.

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Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy