

County of Lassen
ADMINISTRATIVE SERVICES



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District 5

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Phone: 530-251-8333
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MEMORANDUM

May 5, 2017

TO: Board of Supervisors
Agenda Date: May 16, 2016

FROM: Richard Egan, County Administrative Officer 

RE: Lassen National Forest Five County Off-Highway Vehicle Plan

RECOMMENDED ACTION: That the Board: Approve the letter and authorize the Chairman to sign.

PRIOR BOARD ACTIONS: The Board has made multiple requests asking the Lassen National Forest (LNF) to accommodate motorized mixed use of public lands. Specific policy recommendations from the Board to the LNF have been, for example:

- July 15, 2015, letter to the Lassen National Forest Supervisor and Regional Forester, Pacific Southwest Region, U.S. Forest Service, conveying the Board's local project level priorities for public lands managed by the Lassen National Forest, specifically asking "the U.S. Forest Service to continue to allow motorized mixed use on Lassen National Forest roads. The closure and/or limited access to public lands are contrary to County policy statements in the Lassen County General Plan and the Lassen County Comprehensive Economic Development Strategy. The Board of Supervisors has expressed our support of the U.S. Forest Service Maximizing the allowance for over-snow-vehicles usage on public lands, the creation of a non-motorized single track trail project (Fredonyer Trail), and implementation of the Share the Dream Trail. Our requests have underscored the importance of enhancing such recreational opportunities and economic development in this area."
- September 10, 2013 letter to Lassen National Forest Supervisor asking for certain Lassen National Forest roads be designated for motorized mixed use (see attached).
- January 19, 2010 letter to Lassen National Forest Supervisors that "[The Board of Supervisors] goal is to have an interconnected transportation system for non-highway legal vehicles using unpaved County and NFTS [national forest] roads."
- July 28, 2009 letter to Lassen National Forest Supervisor that "the Board does not want a reduction of recreational opportunities because of the impact to tourism and our local

economy. More specifically, we do not want any reduction in recreational opportunities for motorized mixed use on unpaved maintenance 3 and 4 [Lassen National Forest] roads; no reduction in dispersed camping opportunities nor restrictions on parking along designated routes."

- September 9, 2008 letter to Regional Forester, Pacific Southwest Region, U.S. Forest Service: *"Prohibitions [by the Lassen National Forest] on OHV [off-highway vehicle] travel on unpaved NFS [national forest system] roads are inconsistent with this Board's desire to provide OHV recreation opportunities in the national forests on existing, maintained roads."*
- Adoption of Board of Supervisors Resolution No. 09-043 to accommodate the use of off-highway motor vehicle use on certain un-paved County Maintained Roads.
- Enacting Lassen County Ordinance No. 2011-007 providing for the operation of off-highway vehicles on certain un-paved County Maintained Roads.

DISCUSSION: The Board has made multiple direct requests asking the U.S. Forest Service to designate motorized mixed use on public lands.

The Lassen National Forest (LNF) has announced that it is hosting public meetings for initiating the planning process to designate certain forest roads for motorized mixed use (see attached) in a Five County Off-Highway Vehicle Plan. The reported purpose of the meeting is to learn more about the project and to provide comments. To my knowledge, the LNF has not offered any additional information about this effort or what roads they have selected for study and designation by the plan.

Attached to this memorandum is a draft letter from the Board Chairman to re-convey the Board's September 10, 2013, letter to Lassen National Forest Supervisor identifying specific Lassen National Forest road segments to be designated for motorized mixed use (see attached). It is my understanding that those road segments the product of the Board receiving a considerable amount of public input and discussion from residents and user groups, such as the Recreation Outdoors Coalition, and the involvement of the Natural Resources Coordinating Committee, including County Sheriff Growdon and the County Department of Public Works.

FISCAL IMPACT: Unknown

ALTERNATIVES: Provide direction to staff.

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May 3, 2017

Mr. Dave Hays
Lassen National Forest Supervisor
2550 Riverside Drive
Susanville, CA 96130

Subject: Lassen National Forest Five County Off-Highway Vehicle Plan

Dear Mr. Hays:

On behalf of the Lassen County Board of Supervisors, I am resubmitting our September 10, 2013 letter requesting the Lassen National Forest to designate certain national forest system roads for off-highway vehicle use. Please incorporate it as a priority action item into the above mentioned off-highway vehicle plan.

As always, I look forward to hearing from you when you wish to have an audience with the Board of Supervisors. I know the Board would welcome the opportunity to hear your presentation about the about the Off-Highway Vehicle Plan and to offer our comments on it.

Thank you for your time and attention toward fulfilling our request of designating national forest system roads for off-highway vehicle use.

Sincerely,

AARON ALBAUGH, Chairman
Lassen County Board of Supervisors

CC: Congressman Doug LaMalfa
U.S. Senator Dianne Feinstein
U.S. Senator Kamala Harris
Assemblyman Brian Dahle
State Senator Ted Gaines
Butte County Board of Supervisors
Plumas County Board of Supervisors
Shasta County Board of Supervisors
Tehama County Board of Supervisors
Susanville City Council
Off-highway Motor Vehicle Commission, State of California

AA:RE:ts

County of Lassen
BOARD OF SUPERVISORS



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September 10, 2013

Jerry Bird
Forest Supervisor
Lassen National Forest
2550 Riverside Drive
Susanville, CA 96130

Dear Supervisor Bird:

Thank you for attending the August 27 Board of Supervisors meeting to discuss forest activities, including the Travel Management Plan. A key objective of travel management planning was: "To coordinate travel planning and analysis on national forest system (NFS) lands with federal, state, county and other local governmental entities and tribal governments and to allow the public to participate in the designation of NFS roads, NFS trails, and areas on NFS lands for motor vehicle use."¹

Coordination with the Lassen County Board of Supervisors and Public Works Department is critical for the development of a forest travel management plan that is compatible with county road management policies. Under Lassen County Ordinance No. 2011-007 (attached), motorized mixed use is permitted on unpaved county roads through the forest in accordance Section 38001 of Division 16.5 of the California Vehicle Code. Our goal is to have an interconnected transportation system for non-highway legal vehicles using unpaved county and NFS roads.

We request you analyze the attached list of unpaved operational maintenance level (ML) 3 and 4 "highways" in Lassen County to authorize motorized mixed use unless a documented and valid exception exists for public safety, past accidents, resource impacts, user conflicts or other considerations that cannot be mitigated. These unpaved ML 3 and 4 "highways" provide links to the LNF's ML 2 road system and motorized trails. They are low volume, low speed, and roughly graded roads historically used by non-highway legal vehicles (OHVs).

During your engineering analysis, please consider reducing the forest's unpaved operational ML 3 and 4 "highways" to operational ML 2 to permit motorized mixed use. Reducing

¹ Forest Service Manual 7702, Objectives (effective 01/08/2009).

operational road maintenance levels would bring the Lassen's road maintenance program in better alignment with the forest's current and anticipated out year budgets.

If you have valid data to justify keeping a "highway" at its current maintenance level, you have the option to designate operational ML 3 and 4 "highways" under 36 CFR 212.51 as open to a vehicle class that would normally be precluded from public roads under state traffic law. On NFS roads, Forest Supervisor designations for motor vehicle use take precedence over conflicting state traffic laws.

At August 27 meeting, you mentioned a Proposed Action (PA) to consider motorized mixed use would be developed in October. Coordination with all the counties within the Lassen National Forest will ensure the PA fully considers county road management goals and policies for motorized recreation.

We understand you will be attending the Lassen County Coordination Council (LCCC) meeting on September 16 at 6:30 PM. The Board and the Committee look forward to working on the PA with you and your staff, and preparing a reasonable timeline to complete the analysis process.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Bob Pyle".

Chair, Board of Supervisors

Enclosures:

Lassen County Ordinance No. 2011-007
Requested Motorized Mixed Use Roads

Requested Lassen NF Roads for Motorized Mixed Use in Lassen County

<i>Road Number</i>	<i>Road Name</i>	<i>Requested Oper. ML</i>	<i>Notes</i>
32N10 from 29N56 to Hwy 44 at Bogard	"10 Road"	2	
32N08	Crater Lake Road	Keep at ML 3	
32N08 from Hwy 44 at Bogard to 32N07	Crater Lake Road	3	Request mixed use to allow OHVs to travel from the 10 Road across 44 to ML 2 road system and unpaved county roads
32N21	Butte Lake Road to LVNP	Keep at ML 3	
32N21 from 32N61 to 32N92Y	Butte Lake Road to LVNP	Keep at ML 3	Request mixed use to allow OHVs to access the ML 2 road system west of 32N21
All other unpaved ML 3 & 4 LNF roads in Lassen County (including interior campground roads)		2	
Snowmobile Trailheads at Bogard, Swain, Fredonyer			Allow OHV staging during the snow free months and access to NFS roads

ORDINANCE NO. 2011-007

ORDINANCE ADDING CHAPTER 10.54, "OFF-HIGHWAY VEHICLES," TO TITLE 10
"VEHICLES AND TRAFFIC" OF THE LASSEN COUNTY CODE

The following ordinance, consisting of three sections, was introduced at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, on the 20th day of December, 2011 and duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the 10th day of January, 2012 by the following vote:

AYES: Supervisors Dahle, Pyle, Chapman, Wosick and Hanson

NOES: None

ABSTAIN: None

ABSENT: None

Brian Dahle
Chairman Lassen County Board of
Supervisors, County of Lassen, State of California

Attest:
Julie Bustamante
Clerk of the Board

BY: Susan Osgood
SUSAN OSGOOD, Deputy Clerk of the Board

I, SUSAN OSGOOD, Deputy Clerk of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the 10th day of January, 2012.

Deputy Clerk of the County of Lassen Board of Supervisors

THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION ONE: This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

SECTION TWO: Chapter 10.54, "Off-Highway Vehicles," is hereby added to Title 10, "Vehicles and Traffic," of the Lassen County Code, to read as follows:

Sec. 10.54.010. Definitions

(a) For the purposes of this section "Off-Highway Vehicles" (OHV) shall be defined as off-highway motorized wheeled vehicles including but not limited to "All-Terrain Vehicle" (ATV), "Utility Vehicle" (UTV), "Trail Bike", "Dune Buggy", "Off-Road Motorcycle", and Jeep-type vehicles, – pursuant to Sections 38006, 38010, and 38012 of Division 16.5, "Off-Highway Vehicles" of the California Vehicle Code. This definition applies to off-highway motorized wheeled vehicles that are not licensed for on-highway use as well as highway-licensed vehicles while operated off-highway.

(b) For the purposes of this section, "rural recreation areas" shall be defined as those portions of Lassen County and adjoining counties accessible through Lassen County that lie outside of residential areas, and that are, and have been commonly utilized for motorized outdoor recreation purposes, including, but not limited to, the operation of motorized vehicles such as Jeep-type vehicles, dune buggies, ATVs, UTVs, trail bikes, off-road motorcycles, or similar on- and off-highway vehicles.

(c) For the purposes of this section, "unpaved roads, or portion of unpaved roads, of the following county roads within the Lassen County Maintained Mileage System which are within or connecting to rural recreation areas", shall be designated as fire trails, logging roads, service roads, or other roughly graded roads, pursuant to Section 38001 of Division 16.5, "Off-Highway Vehicles" of the California Vehicle Code. Furthermore, the design of these specified unpaved roads allows for the safe operation of regular vehicular traffic and off-highway vehicle use (i.e., are low volume, low speed roadways which are minimally maintained and which provide access to rural recreation areas and public lands).

Sec. 10.54.020. Off-Highway Vehicles: Allowable Uses.

Off-Highway Vehicles may be operated at the operator's own risk on the following unpaved county roads, or portions of unpaved roads, within the Lassen County Maintained Mileage System which are within or connecting to rural recreation areas:

Road District 1 (Westwood):

- CR 101 Mc Coy Road: (entire 9.44 miles, Mooney Road (A-21) to SH 44)
- CR 104 Norvel Road: (entire 9.57 miles, McCoy Road (CR101) to Mooney Road (A-21))
- CR 105 Champs Flat Road: (16.05 mile portion, FS Road 21 to FS Road 22)
- CR 110 Silver Lake Road: (entire 5.18 miles, Mooney Road (A-21) to Road 8224)
- CR 111 Pittville Road: (25.6 mile portion, SH 44 to Cinder Cone Road)
- CR 112 Bridge Creek Spring Road: (entire 12.15 mi, SH44 to Champs Flat Rd.(CR 105))
- CR 113 Indian Ole Road: (entire 1.55 miles, Mooney Road (A-21) to end)

Road District 2 (Susanville):

- CR 204 Gold Run Road: (4.70 mile portion, end of pavement to Plumas County Line)
- CR 216 Karlo Road: (entire 6.30 miles, SH395 to Rd. 8293)
- CR 249 Signal Butte Road: (entire 0.21 miles, Eagle Lake Road (A-1) to end)

Road District 3 (Standish):

- CR 327 Fort Sage Road: (entire 10.5 miles, Hackstaff Road (CR 322) to Nevada State Line)
- CR 331 Doyle Grade: (3.10 mile portion, end of pavement to Plumas County Line)
- CR 336 Milford Grade: (3.04 mile portion, end of pavement to Plumas County Line)
- CR 338 Smoke Creek Ranch Road: (entire 19.02 miles, SH 395 to Nevada State Line)
- CR 341 Stoney Creek Road: (entire 1.78 miles, SH 395 to end)
- CR 344 Summers Road: (entire 3.80 miles, Hackstaff Road (CR 322) to end)
- CR 348 Connection Road: (entire 3.30 miles, Wendel Road (CR 320) to end)

Road District 4 (Bieber):

- CR 417 Punkin Center Road: (3.70 mile portion, end of pavement to Rd 8016)

Road District 5 (Ravendale):

- CR 503 Horn Road: (entire 9.90 miles, Mail Route Road (CR 502) to end)
- CR 506 Tuledad Road: (entire 24.06 miles, Mail Route Rd. (CR 502) to Nevada State Line)
- CR 507 So. Grasshopper Rd.: (entire 9.09 mi, SH139 to Termo Grasshopper Rd. (CR513))
- CR 509 Blue Lake Road: (entire 10.20 mile, Clarks Valley Rd. (CR 510) to end)
- CR 510 Clarks Valley Road: (entire 23.35 miles, SH 395 to Tuledad Rd. (CR 506))
- CR 515 Cold Spring Road: (entire 6.00 miles, Mail Route Rd. (CR 502) to end)
- CR 519 Dow Butte Road: (entire 6.59 mi, Champs Flat Rd (CR105) to Cleghorn Rd (CR521))
- CR 521 Cleghorn Road: (entire 9.00 miles, SH 139 to Road 8090)
- CR 524 Spooner Road: (entire 6.76 miles, Ash Valley Road (CR527) to end)
- CR 527 Ash Valley Road: (entire 28.10 miles, SH395 to Modoc County Line)
- CR 536 Horse Lake Road: (entire 25.53 miles, SH139 to SH395)

SECTION THREE: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

County of Lassen
BOARD OF SUPERVISORS



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District 2

LLOYD I. KEEFER

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July 28, 2009

Kathleen Morse, Forest Supervisor
Lassen National Forest
2551 Riverside Drive
Susanville, CA 96130

Re: Forest DEIS for Motorized Travel Management

Dear Forest Supervisor Morse:

The Lassen County Board of Supervisors would like to thank you for granting our request to extend the Forest's Draft Environmental Impact Statement (DEIS) review period and allow us an opportunity to examine the document. Lassen County's position on your DEIS is incorporated in the following pages.

During the preparation of this position document, we reviewed the comments prepared by the Recreation Outdoors Coalition (ROC) and have taken their comments into consideration.

The Lassen County Board recommends that your staff analyze a new alternative that provides more recreational opportunities than are identified in the Action Alternatives (2-5). We found that the present alternatives do not reflect the needs of our county or our constituents as reflected in ROC's comments, which we support.

1. RECREATION

The Board does not want a reduction of recreational opportunities because of the potential impact to tourism and our local economy. More specifically, we do not want any reduction in recreational opportunities for motorized mixed use on unpaved maintenance 3 and 4 (ML3 and ML4) roads; no reduction in dispersed camping opportunities nor restrictions on parking along designated routes.

Lassen County's economy has already been significantly impacted by the reduction of timber harvesting on our National Forests. Funding for our County roads and schools from timber receipts has been severely impacted. The Safety Net Legislation passed by Congress has not restored this loss and is only a temporary fix.

In addition, our economy has been severely impacted by the loss of timber industry jobs and the closing of saw mills. The promotion of tourism and recreational use of our National Forests were supposed to make up for this loss to our economy. This has not happened.

The DEIS does not address the economic impacts to our local economy for each of the Action Alternatives (2-5). The DEIS does not describe how the Action Alternatives meet the rural development goals of the Lassen National Forest's Land and Resource Management Plan (LRMP) nor the social/economic goals in the County's General Plan. Specifically, the LRMP states: "Work in partnership with local communities to expand recreational facilities, programs, and trails on both public and private lands. Actively participate in planning and implementing community-based rural development activities." The DEIS does not address how the Action Alternatives meet these goals. We believe this is a significant shortcoming of the DEIS.

2. CROSS COUNTRY TRAVEL

The Board supports the proposal by the Lassen National Forest (LNF) to continue allowing motorized travel off designated routes for permitted uses (livestock operations, wood cutting, mineral exploration, etc.) and over-snow vehicle use in each of the Action Alternatives (2-5).

We believe the existing permit conditions for these off-road uses are adequate and request that no new conditions be added to the permits.

3. MOTORIZED MIXED USE

It is the Board's position that motorized mixed use should be allowed on all unpaved ML3 and 4 roads to maximize recreational opportunities. The DEIS refers to public safety as one criteria for limiting mixed use on these roads. However, the DEIS provides no documentation of accidents that have occurred as a result of on-going mixed use for the past two decades or more. If there is a history of accidents on specific ML3 and 4 roads, please describe these to support your conclusion there is a public safety risk. To date, we are aware of no mixed use accidents on any LNF road. Please conform with the Agency's own direction and criteria in EM-7700-30: "Guidelines for Engineering Analysis of Motorized Mixed Use on National Forest System Roads" for assessing mixed use.

4. AFFORDABILITY ANALYSIS

It is the Board's position that the Forest's road maintenance levels should be lowered to match current and projected out-year road maintenance budgets. Low use roads that do not access a recreation opportunity or serve an administrative purpose, should be considered for closure until needed in the future. According to the DEIS, the Forest will never receive sufficient funding to achieve the Road Management Objective standards for your current maintenance levels on 3,278 miles of National Forest System (NFS) roads. The Forest has a significant deferred road maintenance program (\$96,826,982 in 2008) versus an average annual budget of \$1,008,400. By 2013, the Forest's deferred road maintenance soars to \$182,331,378 under Alternative 1. Please describe how you intend to bridge this significant gap in funds and still provide for public safety on NFS

roads. The Action Alternatives do not comply with the Agency's own direction to provide and manage an affordable, safe public road system.

5. DISPERSED CAMPING

The DEIS Action Alternatives (2-5) significantly reduce the opportunities for dispersed camping on the LNF. Limiting dispersed camping will have an adverse impact on our local economy, especially during holidays and the hunting season. The Board's position on dispersed camping is that motor vehicle access shall be designated to all historically used dispersed campsites. In addition, motor vehicle access shall be allowed for dispersed camping within 100 feet of designated routes outside of the historically used dispersed campsites. This is consistent with the Agency's Manual direction for dispersed camping.

6. PARKING

The restrictions placed on parking in the DEIS are too restrictive and will adversely impact recreational opportunities. The DEIS Action Alternatives (2-5) will limit parking so that all parts of the vehicle are within one vehicle-length from the edge of the route surface when it is safe to do so and without causing damage to forest resources or facilities.

This limitation raises several questions that are not adequately addressed in the DEIS. What specific criteria will be used by LNF enforcement personnel to determine if there is damage to forest resources or facilities?

It is the Board's position that motor vehicles shall be allowed to park within 100 feet of a designated route and that specific criteria are developed to determine the exception when there is potential damage to forest resources or facilities. This recommendation would reduce the concern for public safety and is consistent with the Agency's Manual direction.

7. HUNTING

The DEIS is silent on big game retrieval. During the hunting season, the Board recommends the LNF seasonally allow cross-country travel with all-terrain vehicles (ATVs or rhinos) for the specific purpose of big game retrieval (barring any wet weather, fire-related or other off-road closures already in place). This is consistent with FSM 7715.74 and FSM 7716.13 for designations for big game retrieval. This access is a reasonable accommodation to hunters to retrieve a down animal if desired by the public. If not allowed, describe the effects of eliminating ATV use for big game retrieval in the FEIS.

8. INCLUSION OF ROC'S REQUESTED ROUTES

It is the Board's position that the Action Alternatives do not adequately reflect the routes the public asked for in Alternative 6 as prepared by ROC. In fact, many of these routes were not even evaluated in the field by your resource specialists. ROC's Alternative and the public's routes need to be evaluated and incorporated in the Final Environmental Impact Statement the Forest prepares at the end of this process.

9. SHARE THE DREAM TRAIL ROUTES

It is the Board's understanding that the routes needed for the Share the Dream trail would be included in this process. These routes need to be included in the

alternative the Forest adopts.

10. PUBLIC EDUCATION

The Board is very concerned that the DEIS does not adequately address the public education process. Appendix H needs to place more emphasis on public education as a method for obtaining compliance rather than law enforcement. The implementation strategy for public education needs to address the local public, traveling public and the differences in regulations adopted for each National Forest.

RECOMMENDATIONS

In summary, the Board recommends the following changes to the DEIS:

1. Analyze a new Action Alternative that reflects the Board's position to maximize a range of recreational opportunities and restrict motor vehicle travel off designated routes except for permitted uses and over-snow vehicle use. This new Alternative should include the following recommendations:
 - a. Allow motorized mixed use on all unpaved ML3 and ML4 roads consistent with the three criteria found in EM-7700-30 to prepare Engineering Judgments. Involve the public and mitigate any safety risks if found on specific road segments;
 - b. Lower the LNF's road and trail maintenance levels to match out-year budgets and reduce the Forest's significant deferred road maintenance;
 - c. Allow motor vehicle access to all historically used dispersed campsites and allow motor vehicle access for dispersed camping in other areas within 100 feet of designated routes;
 - d. Allow motor vehicle parking within 100 feet of a designated route with specific criteria developed to determine the exception when there is a potential for damage to forest resources and facilities;
 - e. Includes all routes in ROC's Alternative labeled Alternative #6.
 - f. Include all routes needed to complete the Share the Dream trail.
2. Prepare an analysis of the economic impacts to Lassen County's local economy for each of the Action Alternatives (2-5) in the DEIS and for the new recommended Action Alternative. This economic analysis should identify how each of the Alternatives will impact tourism and our local economy.
3. Place more emphasis on public education as a method for obtaining compliance rather than law enforcement. The implementation strategy needs to address the local public, traveling public and the differences in regulations adopted for each National Forest.

In conclusion, the Board would like to thank you again for the opportunity to comment on this DEIS.

Sincerely,



Lloyd Keefer, Chairman
Lassen County Board of Supervisors



United States Department of Agriculture
Forest Service



Lassen National Forest Five County Off-Highway Vehicle Plan

Save a Date

Public Meetings

Please join us at one of the following scheduled meeting locations to learn more about the project and provide your comments.

May 22, 2017 — 3 p.m. to 7 p.m.
Lassen National Forest Headquarters
Caribou Conference Room
2550 Riverside Drive, Susanville, California

May 23, 2017 — 3 p.m. to 7 p.m.
Masonic Family Center
1110 W. East Avenue, Chico, California

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