DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:

SUMMARY
The County received a letter from the Bureau of Land Management regarding Old Ponderosa Way and two (2) associated bridges on Butte Creek and the Middle Fork of the Feather River. The letter is asking the County if the road and bridges are still needed and if they are, what the County plans are for providing long term maintenance.

Please see attached Report to Board.

ACTION REQUESTED
Direct Public Works to coordinate a meeting with Congressman Herger’s office and representatives from the Bureau of Land Management to consider either:

Option No. 1 - Respond to the BLM that the roads and bridges are needed to provide for public access and circulation and that the Bureau of Land Management, as the government entity responsible for the construction of these public improvements, needs to provide the necessary maintenance to keep their facilities operational and safe.

Option No. 2 - Respond to the BLM that the roads and bridges are needed to provide for public access and circulation and that the County will consider accepting them into the County maintained road system if the BLM complies with the County policy on acceptance of roads into the County maintained road system as established by Regulation No. 65-70 which includes:
   a. Roads, bridges and drainage facilities are to be brought up to County improvement standards.
   b. Owner (BLM) to convey to the County by deed, the necessary right-of-way and easements.

Further direct Public Works’ staff to return to the Board with a full report and any recommended actions as necessary at the conclusion of these meetings.

AGENDA ITEM SUBMITTALS REQUIRE THE ORIGINAL AND TWELVE (12) COPIES
ATTACH EXPLANATORY MEMORANDUM AND OTHER BACKGROUND INFORMATION AS NECESSARY
Report to Board
Bureau of Land Management Proposal to Relinquish
or Abandon Two Bridges on Old Ponderosa Way

Background

Attached please find a letter from the United States Department of the Interior, Bureau of Land Management (BLM) discussing three BLM owned bridges on Old Ponderosa Way and asking the County as the “underlying land managing agency” if the road and bridges are still needed, and if they are, what the County plans are for long term maintenance.

It needs to be noted that only two (2) of the referenced bridges are within Butte County. The third is located on the South Fork of Battle Creek in Tehama County.

The two (2) bridges within Butte County are located on Butte Creek and the Middle Fork of the Feather River. The attached documents provided by the BLM include a locator map, photographs of the two referenced bridges and a short history of Old Ponderosa Way.

I have also attached a letter from Chief Gary Ross dated October 29, 1998 that further discuss and describes the history and status of Ponderosa Way.

Discussion

Briefly, Ponderosa Way was built by the federal government in the 1930’s by the Civilian Conservation Corp. (CCC) as a continuous fire break and truck road from the Kern River to the Pit River, a distance of almost 700 miles.

In 1949, the federal government turned over, through a Special Use Permit, the maintenance responsibilities for Ponderosa Way to the State of California Department of Forestry and Fire Protection (CDF).

In the past, the maintenance level that CDF provided on Ponderosa Way was minimal due to its needs and budget. However more recently, CDF withdrew from the Special Use Permit and thus Ponderosa Way and its associated bridges reverted back to the federal government.

The question being asked by the BLM is whether the road and bridges known as Ponderosa Way are still needed by the County and if so, they want to know what plans the County has to maintain them in a safe condition.

CDF/Butte County Fire has indicated that they do not need these roads and/or bridges to provide fire protection services to the area. Ponderosa Way and its two bridges are not in the County maintained road/bridge system and thus County Road Funds can not be used towards these projects.
Options

As noted above and in the January 31, 2007 letter, the Bureau of Land Management (BLM) is asking Butte County, as the “underlying land managing agency”, if the road and bridges are still needed, and if they are, what the County’s plans are for long term maintenance.

I believe the County has three (3) options to consider when developing a response to the BLM.

Option No. 1

Respond to the BLM that the roads and bridges are needed to provide for public access and circulation and that the Bureau of Land Management, as the government entity responsible for the construction of these public improvements, needs to provide the necessary maintenance to keep their facilities operational and safe.

Option No. 2

Respond to the BLM that the roads and bridges are needed to provide for public access and circulation and that the County will consider accepting them into the County maintained road system if the BLM complies with the County policy on acceptance of roads into the County maintained road system as established by Regulation No. 65-70 which includes:

a. Roads, bridges and drainage facilities are to be brought up to County improvement standards.

b. Owner (BLM) to convey to the County by deed, the necessary right-of-way and easements.

Option No. 3

Respond to the BLM that the roads and bridges are no longer needed by the County.

Recommendation

It is Public Works recommendation that the County work to keep these roads and bridges open to the public for access and circulation by the Board choosing option No. 1.

While Option No. 1 is the Public Works Department preferences and recommendation, it needs to be noted that we are not opposed to option No. 2 and consider it a viable, alternate option.

Staff is further recommending that we request assistance from Congressman Herger’s office on resolving this issue.

Staff is not recommending the Board approve Option No. 3.
**Action Requested**

Direct Public Works to coordinate a meeting with Congressman Herger’s office and representatives from the Bureau of Land Management to consider either:

**Option No. 1**

Respond to the BLM that the roads and bridges are needed to provide for public access and circulation and that the Bureau of Land Management, as the government entity responsible for the construction of these public improvements, needs to provide the necessary maintenance to keep their facilities operational and safe.

**Option No. 2**

Respond to the BLM that the roads and bridges are needed to provide for public access and circulation and that the County will consider accepting them into the County maintained road system if the BLM complies with the County policy on acceptance of roads into the County maintained road system as established by Regulation No. 65-70 which includes:

a. Roads, bridges and drainage facilities are to be brought up to County improvement standards.

b. Owner (BLM) to convey to the County by deed, the necessary right-of-way and easements.

Further direct Public Works’ staff to return to the Board with a full report and any recommended actions as necessary, at the conclusion of these meetings.
Dear Mr. Crump:

This letter is being sent to you because the government entity you represent has a direct interest in transportation routes or public safety related to wild land fires. It has come to our attention through a preliminary engineering review, that the three bridges shown in Exhibit (B) are in need of some repair. In addition the road surface of old Ponderosa Way, which was also constructed on public lands in the 1930s for wild land fire suppression, is in need of attention. See Exhibit (A page 3) for historical background on Ponderosa Way.

These improvements were constructed on land managed by the General Land Office, the predecessor to the Bureau of Land Management. As the underlying land managing agency, we need to know if the road and bridges are still needed. If the improvements are still needed, we need to know your agencies plans for long term maintenance.

If the roadway and bridges are not maintained in a safe condition, as determined through engineering evaluations, the BLM will need to take action to restrict or close the roadway and bridges.

Please respond to this letter within 30 days, and advise this office of your interest in these structures. Replies may be sent to me or Howard Matzat, Realty Specialist, at the above address.

Sincerely,

Steven W. Anderson
Field Office Manager

Enclosures:
Exhibit A
Exhibit B
In 1911 Congress passed the "Weeks Law" which provided fiscal aid for cooperative fire protection work between the Forest Service and qualifying States. In 1919, the California Legislature finally appropriated money for fire prevention and suppression work. The sum of $25,000 was approved and the Forest Service, under the Weeks Law, provided $3,500 for salaries of field men. The State's first four rangers or "Weeks Law Patrolmen" were hired for a four month period covering the summer of 1919. They worked wherever needed but were individually headquartered in Redding, Oroville, Placerville, and Auburn. The State Forester reported that three million acres of watersheds covering the Stanislaus, Mokelumne, Cosumnes, American, Bear, Yuba, and Feather rivers outside of the Federal reserves were to be afforded protection. No explanation has been given as to why the river systems and the "headquarters" locations didn't exactly match. In 1920, the ranger organization was restructured and expanded with ten rangers overseeing ten districts. The districts were: 1) Shasta County; 2) Butte and Yuba Counties; 3) Placer and Nevada Counties; 4) El Dorado and Amador Counties; 5) Tehama County; 6) Colusa County; 7) Lake County; 8) Mendocino County; 9) Napa County; 10) Santa Cruz, Santa Clara, and San Mateo Counties. Over the next decade the district system and the ranger force slowly grew.

In 1917, the State Legislature authorized the establishment of a forest nursery. In 1919 a bill was introduced to purchase land for a nursery site but failed. Meanwhile, the State Highway Commission had become an enthusiastic supporter of a State forestry nursery. They, and many members of the general public, wanted to use the planting stock to beautify public land including roadsides. In 1920 the Commission and the State Board of Forestry agreed to a cooperative venture to establish a nursery. The State Highway Commission had the resources and authority to purchase a tract of land and thus acquired thirty acres in Yolo County near Davis for a nursery site. In 1921 the State Legislature appropriated $20,000.00 to the Board of Forestry for building construction upon this land. This marks the beginning of the building of a physical operating plant for the CDF.
The first State-funded fire lookout building was erected on Mount Bialawski in the Santa Cruz Mountains in 1922. However, in the 1920s, other than fire lookouts, the construction of buildings to serve the needs of the State Rangers was the individual State Ranger’s responsibility. That is to say, the State of California did not fund construction. The “historic” San Jacinto Ranger’s Office now located at the San Jacinto Forest Fire Station is the only known surviving State Ranger’s office from the 1920s. It was built upon private land through local efforts. In 1923, the State’s forestry program supported 16 rangers, 4 inspectors and 2 lookouts. By 1927 the force was up to 28 rangers, 7 inspectors, 6 patrolmen and 9 lookouts. During the interim, Congress had superseded the Weeks Act with the Clarke-McNary Act (of 1924). The law greatly expanded federal assistance to State forestry programs, and California was beginning to avail itself to this funding source.

In 1927, Governor Clement Calhoun Young orchestrated a reorganization of State government, creating the Department of Natural Resources with a Division of Forestry and a Division of Beaches and Parks. Administration of the State’s parks was henceforth no longer a responsibility of the State Board of Forestry. The California Division of Forestry, as the forestry agency was now officially designated, would be headed by the State Forester who reported administratively to the Director of the Department of Natural Resources. From 1927 until the formation of the CCC, the CDF fire lookouts nearly tripled in size, with much of this activity performed in cooperation with the Forest Service. The first State fire trucks were not acquired until 1929. It’s unknown where they were housed but they are believed to have been sheltered in buildings provided by the counties they were assigned. The first official State “standby crews” (seasonal fire fighters) were not hired until 1931.

The old fire station buildings on Mount Zion are the only pre-CCC era suppression station facilities remaining in the CDF property inventory. They were constructed as part of the State labor camp located at the site in the winter of 1931-32. The buildings were “reconstructed” in the early 1950s.

By 1931 a number of counties had entered cooperative agreements with the State Forester in order to have the State place a Ranger in their territory. However, the State Ranger continued to look to his sponsoring County’s Board of Supervisors for any material aids and staff such as clerks, truck drivers and even Assistant Rangers that he needed. Almost nothing was available from the State budget for physical improvements to lookouts, telephone lines, firebreaks, or offices. It was in 1931 that the Board of Forestry hired Burnett Sanford, a forest engineer, to study what Clar reports had become a “complex and generally unplanned system of allotting operating funds among the numerous geographical sub-divisions into which the Division of Forestry had been allowed to grow.” The “Sanford Plan” basically proposed that State funds be apportioned along the lines of “weighted values” of area protected. The values were couched in the general concepts that had brought about the National Forests. Specifically, the State was concerned about watershed management and timber management in the larger sense and also for protection of public recreation and wildlife habitat areas. Sanford criticized the type of rural organization that had occurred, for one reason because the higher valued mountain regions were receiving less fire protection than the low lying range lands and valley floors. Under the Sanford Plan, the State was divided into three classes. Class 1 lands had the highest value to the State embracing watershed, timber, and recreation areas. Here, the State would focus its fire protection efforts. Class 2 lands had no general value but would be protected as needed because fires could potentially threaten Class 1 lands. Class 3 lands were left to the local citizenry to protect.

The Great Depression had a significant impact upon both Federal and State wildland fire protection programs. As the Nation’s economy degenerated, California became a beacon of hope. Though there was little employment available, thousands of the unemployed poured into the State. In the summer of 1931, S. Rexford Black met with Finance Director Vandegrift to discuss a work relief program. Black was Secretary of the lumberman’s California Forest Protective Association and in August he was also appointed to the
chairmanship of the State Board of Forestry. In the winter of 1931-32 the first California State labor camps were formed. State Rangers were assigned to oversee the camps; the work was to benefit the public. Jobless men and their families could come and go from the camps as they wished. In exchange for four to six hours of labor the men received food, tobacco, and some clothing. The program was strapped for funds, supplies were low, accommodations poor but the program succeeded. Hundreds of miles of road and firebreaks were constructed, telephone lines repaired, campgrounds improved, and roadside hazards removed. The camp program ceased in the spring but was re-activated in the winter of 1932-33. It has been suggested that California's relief effort was the model for the Federal programs instigated during Franklin Roosevelt's Presidency.

President Roosevelt asked Congress to set up a Federal Relief Administration to oversee a grants program designed to relieve the Nation's unemployment crisis. Unemployment relief through the performance of useful public works was the President's philosophy. In April of 1933 the Emergency Conservation Work (ECW) program was established. It became known almost instantly as the Civilian Conservation Corps (CCC). In California, the Forest Service's District Forester, Stuart Show, had developed a plan of attack on how to utilize this new labor pool. Funded by ECW money, the CCC would be assigned three basic tasks: firebreak construction, lookout station building, and general improvements. The "Three Cs" would cut firebreak around the State, with particular emphasis on establishing the "Ponderosa Way Firebreak." This continuous firebreak extended the length of the Sierra Nevada Mountains and into the Cascades, ending north of Redding. The firebreak was intended to be a permanent defensive line between the lower foothill regions and the higher elevation National Forest lands. The second project, construction of an integrated, statewide fire detection network would bring to fruition the recommendations of an investigative group that Show had organized in 1930 at the California Forest and Range Experiment Station (Pacific Southwest today) to scrutinize every aspect of the fire detection problem in California. The group had recommended an integrated, network of fire lookouts be setup to cover all of the State's fire prone areas from the Oregon line to the Mexican border. The third task, general improvements, included the building of administrative and fire suppression bases, installation of roads, bridges, telephone lines and innumerable other conservation projects.

The ECW programs lasted from 1933 to 1942. All told, the CCC-WPA laborers constructed over 300 lookout towers and houses, some 9,000 miles of telephone lines, 1,161,921 miles of roads and trails and erected numerous fire stations and administrative buildings in California. The CCC had also planted over 30 million trees and had spent nearly one million "man days" in fire prevention and suppression activity. Because the CCC was expected to fight forest fires, they constituted the single largest wildland suppression force ever assembled in American history.

The Forest Service system of lookouts, guard stations, and ranger stations had been renovated, replaced, and/or expanded. For the California Division of Forestry, a system of fire stations and lookouts now existed throughout many of the fire prone areas of California. The Forest Service had identified about 60 sites for the CDF detection system. Approximately 50 new lookouts were erected by the Civilian Conservation Corps for the California Division of Forestry. At least 30 of these stations were on sites previously not utilized by the State agency. Most of these lookouts were erected from 1934 to 1936. Some of the fire suppression camps located at the CCC camps became permanent State fire stations. In other instances a "spike camp" was extended from a base CCC camp. This spike camp would eventually evolve into a permanent fire suppression camp in the CDF system. Clar reports that State Forester Pratt remarked that the CCC program thrust the CDF "twenty years ahead of itself." As Clar comments "That was a modest boast if otherwise anticipated progress was to be measured by prior achievement."

As the CCC capital improvement plan unfolded, the CDF instructed a few of its Sacramento staffers to, as Clar reported, "study and prepare plans for an
orderly development of fire lookouts, crew stations, telephone lines and the personnel and auxiliary equipment to go with them. "The group was to take stock of the situation and develop long range goals. In 1938 the Board of Forestry instructed the State Forester to prepare a comprehensive statewide fire prevention, protection, and suppression plan. The outbreak of war in Europe added a new dimension and gravity to the fire planning studies of the 1930s. The war heightened apprehension about the State's vulnerability to fire. The earlier fire planning provided a foundation upon which a revised and solidified plan could be established. In 1939, the Board of Forestry appointed a four-man committee of staff and field men to prepare a fire plan for 1940. Clar was named chairman of the committee. The "Fire Plan of 1940" or "Clar Plan" as it became known redressed the financing scheme laid out in the Sanford Plan. As Clar states, there were "...two simple concepts. First, the idea seemed clearly reasonable that a consistent designation of area need should be indicated by types and numbers of units in the planned protection system, as modified by climate, geography, and the local fire problem... The second concept required a strict segregation of State responsibility from that of any other entity, government or private, and the use of State money to meet that responsibility."

Continue...
Exhibit B-3b - Middle Fork of the Feather River Pictures:
Exhibit B-4b – Butte Creek Pictures:
October 29, 1998

Dear Mr. Bailey,

Thank you for your letter and inquiry about maintenance and access of Ponderosa Way between Vilas Road and Forest Ranch Road written October 6, 1998. To fully understand the situation I must first explain a little history of the road and how it came to be.

In 1934, the federal government, through the Works Projects Administration (WPA), used Civilian Conservation Corp (CCC) crews to construct a fuel break, with a truck trail through it, from the Kern River to the Pitt River. This truck trail, or road, stretched approximately 700 miles along the West Side of the Sierras below the ponderosa pine belt and became known as the Ponderosa truck trail or Ponderosa Way. Each landowner that had property the road ran through signed an agreement with the USFS (Lassen National Forest (LNF) in this case) for a right-of-way. The right-of-way, not dedicated public easement, was for the USFS to build a fire access road across each person's property. Nothing in the agreement mentions public access. It is questionable whether these agreements are still attached to current deeds and are in force.

By 1943, mostly due to the war, the CCC program and Ponderosa truck trail/fuel break was abandoned. In 1949, the federal government turned over, through a Special Use Permit, the maintenance and responsibility of this fuel break/truck trail to the state of California. The California Department of Forestry and Fire Protection (CDF) is the department that signed the Special Use Permit with the Lassen National Forest (LNF). If CDF wishes, it can withdraw from the Special Use Permit in 30 days. The road and its bridges would revert back to the LNF.

The maintenance level that CDF applies is minimal due to its needs and budget. The Ponderosa road system was never engineered or intended to be maintained to a county road system level. It was simply a fire break access road. The original agreement done in 1934 says, "...after constructed, shall be kept in proper condition and repair by said second party [USFS originally], provided that they have available funds for use in keeping said road and maintaining the same in repair". CDF does not have the funds nor the equipment and personnel to maintain a road system. Frankly, we are very concerned right now about the future maintenance and repair of the bridges that run along the road system in Butte County. Over the years many sections of the original Ponderosa Way road system have washed out or fallen into total disrepair. If CDF feels a certain part of the old Ponderosa Way is critical to their needs, it diverts funds and personnel to do minimal work so that fire apparatus can gain access for fire fighting operations.

In the winter of 94/95 many parts of Ponderosa Way, between Cohasset and Forest Ranch, washed out and CDF was not able to make immediate repairs. It is ironic that the road washed out after CDF took special care to clear all the culverts along this section of road in 1994. The owner of the property at the bottom of Chico Creek stated he was going to gate Ponderosa Way at his property lines on both sides of the creek to protect himself from the liability of people driving into the huge washouts. All the washouts were on both sides of Chico Creek, on this one large parcel, between the proposed gates. During the summer of '95 this particular property owner made some repairs to the old road and made new sections of road in other areas. CDF was allowed to have
their lock on the new gates for fire access after the road was repaired. CDF felt this met the intent of the Special Use Permit from the USFS. CDF did make some repairs to the road late in 1995. CDF has not built a new bridge on Ponderosa Way or any other location in Butte County. If you drove across this road in 1997 it was because someone had left the gates open. As far as we know, the gates have been installed and continuously closed since the summer of 1995. The California Department of Forestry and Fire Protection feels that disputes about public access are private matters between the citizens and the landowners that Ponderosa Way passes through.

If you have any further questions please feel free to contact me at this office.

Sincerely,

Gary Ross
Unit Chief

cc: Mary Anne Houx, Supervisor District 3
Fred Davis, Chairman of the Board of Supervisors
Mike Crump, Director, Public Works