



File Code: 2720
Date: March 2, 2015

Scott Ferris
Director - Parks, Recreation and Waterfront Development
2180 Milvia Street
Berkeley, CA 94704

Dear Mr. Ferris:

Thank you to you and your staff for coming to Sonora on February 5, 2015, to present the recently developed conceptual plan for the rebuilding of the Berkeley Camp (the "Camp") on Stanislaus National Forest (STF) system lands. As you know, the Camp has occupied STF lands for nearly 100 years under a Special Use Permit (SUP) issued to the City of Berkeley. Unfortunately, most of the Camp was lost during the devastating 2013 Rim fire. Over the past year, we have met a number of times with you, your staff, your consultant and insurance and FEMA representatives. The successful February meeting was the culmination of site visits, several months of discussion regarding options for rebuilding (including scope and scale), and the presentation of current laws, regulations and the STF Forest Plan that ultimately set the sideboards for moving forward. On February 5, you presented a conceptual proposal along with a draft timeline to get to the ultimate goal of rebuilding Berkeley Camp, with a target to open in 2018.

This letter serves the following two purposes: 1) formal acceptance of your conceptual proposal (with Forest Service (FS) staff review/initial findings, and follow-up needed, and 2) it serves to set the stage as we move forward. This includes documenting the past year of informal discussion/solidified project sideboards, agreements and expectations, and a working list of miscellaneous items that have come up throughout the last few months that will need to be considered/completed as we move forward.

STF staff specialists have completed their review of the conceptual plan. A few more questions have been raised, which I will address below. While both the City and the STF recognize that there are many more details to work out, I believe that the conceptual plan you presented can serve as the basis for moving ahead. As shared at our recent meeting, key to moving ahead for the City is beginning to work with and to build community support both in the City of Berkeley and locally in the Groveland area of Tuolumne County.

ACCEPTANCE OF CONCEPTUAL PROPOSAL

At this time, the STF is formally accepting the conceptual proposal the City presented to our staff on February 5, 2015. Our acceptance of your proposal is based on the proposal itself, and the project sideboards and agreements as documented below. As you finalize the proposal and it moves



from conceptual toward eventual engineered drawings, etc., please recognize that there will need to be adjustments and refinements along the way.

Our recent staff review resulted in the follow ‘heads-up’ situations that may cause some such adjustments:

Heritage Resources: based on our recent office record review, portions of the project area needed to support the conceptual plan have never been surveyed for archaeological resources. Additional surveys will be needed. In addition, it appears that the proposed trail going down to Teepee Village may lie within an archaeological site. Until further field surveys are completed and the conceptual route is clearly defined on the ground, a final determination as to whether or not this trail can be authorized as proposed is not possible.

Aquatic Resources: an in-river structure creates a swimming area for visiting campers. This same structure is a barrier to fish passage. Use/operation/and maintenance of this structure as it relates to Forest Plan compatibility will need to be addressed.

Soils/Hydrology: conceptually, the proposed facility locations are fine. As more formal design work begins however, (i.e., where the structures will be placed on the landscape, exact location of the trails, etc.), there are a number of soil/hydrological studies, information needs and determinations to be made. For example, STF staff still needs to review the specific hydrological modelling and flow data being used for the project. This information and more “detail” as to the actual location of structures both permanent and temporary needs to be assessed. Additionally existing/remaining features may require new flood control mitigations to protect the feature from anticipated increased post-fire flows determined by the modelling. From a soils perspective, areas of instability and high hazard/erosion areas post Rim Fire need to be identified. These factors may affect the actual location of facilities or infrastructure within the project area.

In completing our review of the conceptual proposal, the concerns expressed above represent the kind of fine tuning you can expect in terms of adjustments to the final site plan/design. Further, it is recognized that the issuing the SUP authorizing the re-building of the Camp is dependent the required National Environmental Policy Act (NEPA) process and the associated decision made.

PROJECT SIDEBOARDS

The following project sideboards have been agreed to by both the City and the Forest:

1. The City has agreed to pursue the building of a new Berkeley Camp that replaces the lost facility, aiming for the same general camp capacity. It is recognized that a larger permit area (acreage) may be required to accommodate this need. This is due, in part, to the desire to provide for adequate parking areas to ensure that historic, unsafe parking on Harden Flat Road itself does not continue. In addition, all adjacent areas used for Camp related activities need to be included in the planning/permit process.
2. Due to current laws and regulations, the City recognizes that no overnight accommodations located within the floodplain will be considered.



3. No construction or use of the Sun City area will be allowed per my letter of January 28, 2015. The remaining tent platforms and structures in that area will need to be removed, with a buck and pole wood fence constructed for site protection.
4. The project proposal must be compliant with the existing STF Land Management Plan.

AGREEMENTS

The following items represent broad level agreements that have been made between the FS and the City. Further refinement identifying the specifics of who, what, when, where, etc., will be part of the next steps.

1. The City will enter into a Cost Recovery/Collection Agreement that will provide the STF with funding associated for their respective staff time spent on the project. This will be triggered by the completion, submittal and acceptance of the formal SF-299, Application For Transportation and Utility Systems and Facilities on Federal Lands (Special Use Application). The Agreement will also cover any miscellaneous costs to be borne by the Agency (postage, legal notice fees, meeting rooms, etc.).
2. The City will, at their expense, complete the required NEPA process. This will include conducting most resource studies (proposed exceptions identified below) and associated analyzes, the NEPA document [expected to be an Environmental Assessment (EA)] and a draft decision document.

Proposed Exceptions – Resource Surveys: two specific resource needs have been identified that the Forest proposes to complete with Agency staff (as covered by the Collection Agreement).

First, additional cultural resource surveys are needed. The Agency will complete the needed additional surveys, will write the cultural resource report, and will complete the Section 106 Consultation requirements with the State Historic Preservation Office. Due to the Rim Fire, some tools are in place that will make this effort more efficient with the Forest taking the lead. Once the effort is complete, a copy of the report will be provided to you.

Second, a determination needs to be made regarding the proposed parking areas and new construction footprint and whether or not the areas are classified as meadows/wetlands based on the soils/vegetation types. We are currently conducting such assessments in other parts of the Rim Fire. By adding this location to ongoing efforts, consistency in protocols and efficiencies can be met. Any wetland delineation will be reviewed by the Army Corp. A wetland may have to be avoided and/or permits for construction may be needed. If a wetland is found/delineated and the proposal affects such, this may trigger restoration of a wetland elsewhere due to the federal requirements of a no net loss of wetlands.

3. STF staff will provide any additional existing data/information specialists may have and will review and comment on the draft NEPA documents.



4. Once a decision is made, any resulting SUP would be prepared and issued by Forest staff prior to construction activities.

LIST OF MISCELLANEOUS ITEMS/NEEDS (not all inclusive)

The following list simply captures a number of items that have come up during past meetings that will need follow-up, consideration, etc., as the project moves forward. This list is not all inclusive, but rather a working list that will undoubtedly continue to grow.

- Forest Service pedestrian bridge specifications to be provided/used.
- Determination regarding width of County Road (Harden Flat) right-of-way/easement.
- Timing (and details) of new Harden Flat bridge replacement project
- Coordination with other Agencies (example: written documentation from PG&E that construction and use of a parking lot under powerlines is acceptable; Tuolumne County building permit needs, etc.)
- Current threatened, endangered and sensitive species lists to be provided
- Confirmation of private land boundary on the west edge of the project
- Best Management Practices (BMP) will need to be applied to this project for erosion control purposes. BMPs are specified in: Water Quality Management for National Forest System Lands in California – Best Management Practices, USDA Forest Service, Pacific Southwest (PSW) Region, 2011 (http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5399662.pdf) and National Best Management Practices for Water Quality Management on National Forest System Lands, Vol 1: National Core BMP Technical Guide. USDA Forest Service, April 2012 (http://www.fs.fed.us/biology/resources/pubs/watershed/FS_National_Core_BMPs_April2012.pdf). The National BMPs are to be used to supplement the PSW Regional BMPs.
- Identify opportunities to partner in community meetings and outreach effort/joint public affairs plan
- Interested parties identified/included
- Requirement for State and Federal Regulatory Permits pending final design (401, 404, etc.)
- Removal of remaining structures in Sun City and protective fence construction.

NEXT STEPS

After reviewing and considering the information contained in this letter, please contact Forest Service Public Service Staff Officer Beth Martinez at (209) 532-3671 extension 321. Suggested next steps would include scheduling another meeting with a smaller FS group. John Maschi, our Planner, is critical to this meeting to provide additional guidance on our NEPA timelines and processes. This will help us refine the proposed timelines and key milestones along the way. I would suggest that set meeting dates be scheduled for the next few months while we formally get this effort underway. A formal SF-299 will need to be prepared and submitted. With your concurrence, staff can begin to work on the Cost Recovery/Collection Agreement and the field studies proposed to be done with Agency personnel can be scheduled. There may be several additional next steps.



Thank you your ongoing efforts to date. We look forward to continuing a partnership effort culminating in the targeted opening of Berkeley Camp in 2018.

Thank you very much.

Sincerely,

/s/ Jeanne M. Higgins

JEANNE HIGGINS
Forest Supervisor

cc: Beth Martinez, Phyllis Ashmead, Jim Junette, Fred Wong

