

ORDER NO. 2-11-05.
CLEVELAND NATIONAL FOREST
OCCUPANCY AND USE

Pursuant to 16 USC 551 and 36 CFR 261.50(a) and (b), and to provide for public health and safety, the following acts are prohibited within the Palomar Ranger District of the Cleveland National Forest. This Order is effective from July 9, 2011, through November 8, 2011.

1. Going into or being upon the Cedar Creek Falls Closure Area. The Cedar Creek Falls Closure Area includes all National Forest System lands within ¼ mile on either side of the San Diego River Gorge Trail (Cedar Falls Trail), as shown on Exhibit A. 36 CFR § 261.53(e).
2. Being on the San Diego River Gorge Trail (Cedar Falls Trail), as shown on Exhibit A. 36 CFR § 261.55(a).

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 rescue or fire fighting force in the performance of an official duty.

These prohibitions are in addition to the general prohibitions 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 (6) months, or both. 16 USC 551 and 18 USC 3559, 3571 and 3581.

Executed in San Diego, California, this 8th day of July 2011.



WILLIAM METZ
Forest Supervisor

Decision Memo

U.S. DEPARTMENT OF AGRICULTURE – FOREST SERVICE

FOREST ORDER NO. 2-11-05

Occupancy and Use of the San Diego River Gorge Trail and Trailhead (Cedar Falls area).

CLEVELAND NATIONAL FOREST
SAN DIEGO COUNTY, CALIFORNIA

BACKGROUND AND NEED FOR THE PROPOSED ACTION

Cedar Creek Falls Closure Area encompasses both the trail and ¼ mile on either side (1/2 mile total width) of the San Diego River Gorge Trail (Cedar Falls Trail) along portions of Sections 1, 2 and 3, Township 14S, Range 2E and portions of Sections 34, 35 and 36, T13S, Range 2E ending at Cedar Falls.

In an effort to develop an infrastructure to enable safe management the Cedar Falls area, the Palomar Ranger District, in partnership with the San Diego River Gorge Conservancy implemented a trailhead and trail reconstruction project just recently completed. The project included the reconstruction of a gently graded hiking trail, obliteration of user-created trails, a public easement, construction of a trailhead with vehicle parking, restrooms, water spigots, trash receptacles; visitor host trailer pad, visitor information kiosks, signs and new rules for managing the area.

Historically, the rugged access to this back country destination and water attraction has resulted in serious injuries including fatalities over the past several decades. In 2005, plans for a trail and trailhead were developed to address recurring safety and resource protection problems. Though interrupted by the 2007 Fire Siege and aftermath, this month construction was completed. The Forest now has an infrastructure to manage this popular recreation site but requires a Forest Order to protect public health and safety from dangers associated with public use of this area.

Though not a complete list, the following incidents exemplify the importance of implementing this Forest Order. During the Fourth of July weekend of 1998, a young man died after drinking and lost his footing in an attempt to jump from the top of a 75 foot cliff. In 2003, two young men were rescued in separate incidents. One youth broke his back in four places, the other suffered paralysis. On the July 8, 2005, a 27 year old was found dead at the bottom of the pool. Three weeks later in 2005, a 17 year old broke his neck diving into the pool. At this time the Forest Service erected a sign indicating danger. In September of 2005, a 26 year old was permanently paralyzed jumping from the 75 foot cliff. At times, the water is 25 feet deep and then unknown to cliff jumpers and divers, evaporates to only 4 to 12 feet depths as the water typically dries up as summer progresses.

According to the San Diego Sherriff's Office, Cedar Creek Falls and the San Diego River Gorge trail leading to it have the highest amount of rescues in the San Diego County Sheriff's jurisdiction. The Forest Service is working in conjunction with the County and other rescue

personnel to attempt to create an environment for a safe and enjoyable recreation experience. During the 2010 calendar year, rescue personnel conducted a total of 48 helicopter medical assist calls to the Cedar Falls area. Ninety percent of these calls were related to dehydration, many of the remainder associated with dangerous jumping and diving off 75 foot or taller cliffs. In the past month alone, on June 13, a person broke their leg in what could have easily been a fatal jump that was documented on video by a visitor which is available at District headquarters.

There are numerous incidents of dehydration as well. In 2010/2011 the Palomar Ranger District rebuilt the trail to a standard and grade that was more gentle and easier for hikers. The Forest Service also added the trail to its official trail "system" after acquiring a needed easement from the adjacent Helix Water District. The District has also increased signage warning hikers of steep terrain and hot conditions as well as provided a water spigot at the trailhead. Despite these attempts, use of the trail has increased 5 fold in the past three years and there has been a surge in alcohol and partying off of the trail that is contributing to more rescues, and incidents of dehydration.

The area has also had a history of excessive alcohol consumption. Alcohol is contributing to injuries and other problems in the water play and surrounding area. Alcohol use is also exacerbated by hot temperatures routinely exceeding 100 degrees Fahrenheit during the summer months. Neighbors from the San Diego Country Estates are complaining of trespass, unruly behavior, public urination and report large numbers of youths in particular, carrying coolers and partying at the Falls or trailhead. Illegal campfire rings and unattended fires are being reported near the Falls. This month, there were a large number of assemblages of young people and partying. Alcohol is contributing to problems with behavior, and constrains the ability of Forest Service non-law enforcement personnel to enforce rules, manage people and further compromises safety for Forest Service employees. Unattended campfires, jumping or diving from cliffs, and dehydration are exacerbated by alcohol use. Concern is mounting that the area is becoming a known party spot with known alcohol and drug (marijuana) use. Since 2007, visitor use to the site has increased 5 fold from 50-60 cars on a peak weekend to a high of 260 cars. Increased public use of this area over the past 3 years is likely the result of considerably increased media attention especially in the form of social networking where Cedar Falls now has its own "Facebook" page. Three consecutive wet years following a prolonged drought have resulted in year round visitation. Trail development and high media attention to the controversies surrounding the site have increased use and exacerbated existing problems.

Proposed Mitigation

In order to mitigate the aforementioned situation it is recommended that the Cleveland National Forest should enact the following management actions:

For the reasons explained above, the Forest Service needs to reduce potential serious accidents or death which primarily results from reckless behavior of jumping and diving off cliffs and dehydration, particularly prevalent during the summer months. When provided in an order, it is prohibited be on a trail or go into or be upon any area which is closed for the protection of public health or safety. 36 CFR 261.53(e) and 36 CFR 261.55(a).

The actions encompassed by this Forest Order are consistent with management direction in the Cleveland National Forest Land and Resources Management Plan, 2006 as required by the

National Forest Management Act (FSM 1922.41 and FSH 1909.12). This restriction is a temporary measure taken to protect the safety of Forest visitors. Therefore, this action is categorically excluded from documentation with an EA or EIS and is not subject to appeal [(36 CFR 215.8(a)(4)].

This restriction will be in effect from the effective date on the Order until November 8, 2011, and will address public health and safety concerns related to recreation areas. The Order is issued in conformance with 31.1 Categories of Actions Excluded from Documentation; and 31.12 Categories Established by the Chief “Categories of Actions for Which a Project or Case File and Decision Memo Are Not Required. A supporting record and decision memo are not required, but at the discretion of the responsible official, may be prepared for the following categories: (1) Orders issued pursuant to 36 CFR Part 261-Prohibitions to provide short-term resource protection or to protect public health and safety.” Areas may be closed for the protection of public health or safety under 36 CFR 261.53 Special Closures. Trails may be closed for protection of public health and safety under 36 CFR 261.55(a). These restrictions are necessary due to increasing numbers of people and increasing incidents of reckless behavior. These conditions pose a significant threat to public health and safety.

REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION

This decision is categorically excluded from documentation under Forest Service Handbook 1909.15, Section 31.12(1) – Orders issued pursuant to 36 CFR Part 261 – Prohibitions to provide short-term resource protection or to protect public health and safety.

As a result of the above-mentioned analyses, I find there are no extraordinary circumstances that might cause the action to have significant environmental effects; therefore the proposed action is excluded from further documentation in an Environmental Impact Statement or Environmental Assessment. A discussion of the circumstances arising from -the area closure is provided below:

1. Threatened and Endangered species or their critical habitat.

This action will further protect threatened and endangered species, and their habitats, located adjacent to the area.

2. Flood plains, wetlands, or municipal watersheds.

This action will minimize impacts on flood plains, wetlands, and municipal watersheds immediately adjacent to the restricted area. The trail passes through the San Diego River which is a municipal watershed.

3. Congressional designated areas, such as Wilderness, Wilderness study areas, or national recreation areas.

There are no such areas in the Cedar Falls area or nearby, therefore there is no effect.

4. Inventoried Roadless Areas or potential Wilderness areas.

The nearest Inventoried Roadless Areas will not be affected by this action. This area is not a part of any recommendations for inclusion within the Wilderness system.

5. Research Natural Areas.

There are no Research Natural Areas within close proximity to the area.

6. American Indians and Alaska Native religious or cultural sites.

There are no negative impacts to cultural sites from this action. The Barona Band of Mission Indians which has land adjacent to this area, has previously expressed in writing their concern over impacts of Forest visitors trespassing on their lands. This action will have no negative impacts to neighboring tribal land.

7. Archeological sites, or historic properties or areas.

There are no negative impacts to archaeological sites or historic properties, or areas within or adjacent to the closure area.

SCOPING

Scoping with the general public was not conducted due to the exigency and significant safety concerns associated with the current situation. However, the District did have a meeting with the County of San Diego, rescue personnel from Cal Fire; Ramona Water and Fire Authority; Helix Water Authority, Barona Tribe of Mission Indians, Heartland District; and San Diego Sherriff's Office and neighbors from the SD Country Estates as well as its Homeowner Association; and members of Congressman Duncan Hunter's staff.

ALTERNATIVES

1. *No Action*
Under this alternative, significant impacts to public health and safety could occur.
2. *Area Closure*
Under this alternative, closure would be implemented in the designated trail area: Cedar Creek Falls. Occupancy and use within the designated area would be temporarily prohibited.

ENVIRONMENTAL CONSEQUENCES

This restriction will not pose an impact or effect resource values. Endangered, threatened and sensitive species, cultural, archaeological and historical sites, wetland protection will not be impacted from this Order.

The restriction will prohibit the public's ability to recreate and enjoy the area for a temporary period of four months and will likely displace visitors to other places on or off the Cleveland

National Forest. The Cleveland National Forest will guide visitors to other opportunities on the Forest during this period.

FINDINGS REQUIRED BY OTHER LAWS.

This action is consistent with management direction (Cleveland National Forest Land and Resources Management Plan) as required by the National Forest Management Act (FSM 1922.41 and FSH 1909.12).

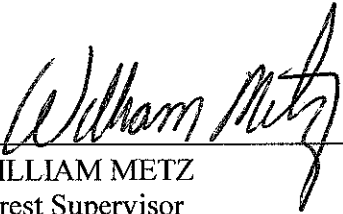
IMPLEMENTATION DATE

This action may be implemented on the effective date shown on the Order.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This action is not subject to review or appeal under the requirements of 36 CFR 215.8 (4).

APPROVED:



WILLIAM METZ

Forest Supervisor
Cleveland National Forest



DATE