



June 18, 2018

United States Department of Agriculture
Office of Inspector General
PO Box 23399
Washington, DC 20026-3399

Complaint to the Inspector General

On behalf of the Environmental Protection Information Center (EPIC) and the Northcoast Environmental Center, please accept this complaint alleging that Six Rivers National Forest is knowingly permitting the trespass of public land by a private company. Mercer Fraser Construction Company is currently trespassing on Forest Service property through maintenance of a debris storage pile on Forest Service property near the Big Rock River Access Point on the Lower Trinity Ranger District. See Figure 1. The Forest Service is aware of the ongoing trespass and is tacitly permitting this trespass through inaction. We ask that this violation be corrected.

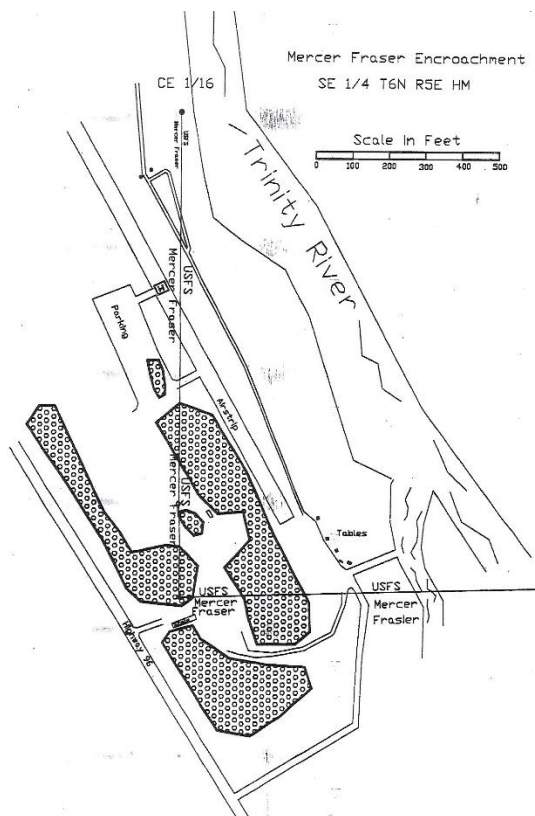


Figure 1: Map of Mercer Fraser and Forest Service Lands

Beginning in approximately 1968, Mercer Fraser has stored gravel mining debris on Forest Service property. At first, this storage was apparently permitted by the Forest Service through issuance of special use permits. However, starting in approximately 1989, Mercer Fraser no longer maintained a special use permit.

In 2002, the Forest Service notified Mercer Fraser of their trespass and the need to obtain a special use permit. Mercer Fraser shortly thereafter submitted a special use permit application. The Forest Service has not moved to process the application, because, for among other reasons, taking action could be a “sensitive issue among the public.”

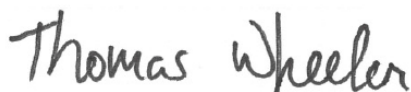
We are perhaps most concerned at the potential quid pro quo relationship between the Forest Service and Mercer Fraser. Mercer Fraser wishes to maintain use of the Forest Service’s property and the Forest Service wishes to maintain use of Mercer Fraser’s property. The Forest Service makes use of a paved portion of Mercer Fraser’s property as a helipad for firefighting in the Lower Trinity area. The Forest Service likewise makes use of Mercer Fraser’s property for the use of “pack tests,” physical fitness tests for Forest Service wildlands firefighters. Mercer Fraser appears to charge the Forest Service for the use of company property for these activities. In an internal memo, a Forest Service employee calls this relationship “essentially one sided,” as “[t]hey are difficult to deal with on allowing the pack test on their portion of the airstrip and extorting us for rental of a fire heliport while we sell them valuable gravel and allow them to use 3 acres of FS land next to our Recreation site without permit and without payment.”

This arrangement is a bum deal for taxpayers, not only because Mercer Fraser is paid by the Forest Service for the use of their property and the Forest Service is not paid for the use of their lands. But the debris storage pile negatively impacts the popular Big Rock River Access Point. The Forest Service acknowledges that the access point enjoys “extremely high swimming use” and that the debris storage pile—immediately adjacent to the river access point—may work to degrade the recreational value of this site.

Additionally, Mercer Fraser seeks to change the land use designation from Commercial Recreational to Industrial, Resource Related and the zone classification from Highway Service Commercial to Heavy Industrial. Together with these changes to the general plan and zoning code, Mercer Fraser seeks to develop a cannabis extraction facility that would use volatile solvents. These changes would permit greater development of the properties, further altering the aesthetics and recreational value of the Big Rock River Access Point.

In closing, we ask that the Inspector General make a complete investigation of the alleged violations of the law and resolve the longstanding trespass of public lands. If you have any questions, please do not hesitate to contact our organizations at tom@wildcalifornia.org.

Sincerely,



Thomas Wheeler
Executive Director
Environmental Protection Information
Center



Larry Glass
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Northcoast Environmental Center