

**DRAFT DECISION NOTICE AND  
FINDING OF NO SIGNIFICANT IMPACT  
U.S. FOREST SERVICE  
AMADOR HIGH COUNTRY ROUTES  
US FOREST SERVICE  
ELDORADO NATIONAL FOREST SERVICE  
AMADOR RANGER DISTRICT  
AMADOR AND ALPINE COUNTIES, CALIFORNIA**

## **DECISION**

Based upon my review of the Amador High Country Routes Environmental Assessment (EA), the supporting documentation and a review of public comments, I have decided to implement Alternative 1, the proposed action. The project is located at meadows 17E24-3, 17E24-4, 17E24-5 and 09N82-2 on the Carson Emigrant National Recreation Trail (17E24) and meadow 09N82-7 on the Forest System Trail 16E26. These locations were identified in the 2013 Travel Management Supplemental Environmental Impact Statement (TM SEIS) as not meeting Sierra Nevada Forest Plan Amendment (SNFPA) Standard and Guideline 100 with respect to hydrologic connectivity of the meadows. In addition to the corrective actions needed to comply with SNFPA Standard and Guideline 100, the proposed action will implement actions to address erosion and sedimentation at a crossing of a tributary to Bear River on the Long Valley Trail (17E28) and change the vehicle type designation on the northernmost .52 mile section of the Long Valley Trail from a “NFTS Trail: Open to Motorcycles Only” to “NFTS Trail: Open to All High Clearance Vehicles”. A full description of Alternative 1 is found in the EA.

My selection of Alternative 1 considers the public comments received in response to the scoping notice and circulation of the Preliminary Environmental Assessment and discussions with the Interdisciplinary Team. In making this decision, I intend to implement all resource protection design criteria identified for Alternative 1 in the EA.

## **DECISION RATIONALE**

It is my determination that Alternative 1, the Proposed Action, best meets the purpose, need and overall project objectives.

- Alternative 1 will implement corrective actions for the Amador High Country Routes to comply with Standard and Guideline #100 as it pertains to meadows in the Eldorado National Forest, as well as addressing sediment concerns at a crossing of Bear River on

the Long Valley Trail to improve habitat for the Sierra Nevada yellow-legged frog. Alternative 1 will also address an inconsistency in the use designation on the northernmost .52 miles of the Long Valley Trail.

- Alternative 2, which proposes construction of a reroute at Meadow 09N82-7, would also result in similar benefits as Alternative 1. However, due to the high elevation fragile soils at that location, the potential for additional soil erosion from that reroute is an overriding concern. Therefore, I chose not to select Alternative 2.
- The trails analyzed in this EA are three of the 42 routes considered in the 2013 Eldorado National Forest Travel Management SEIS, and this Environmental Assessment is part of the implementation of and tiered to that SEIS. I attended meetings and open houses with a variety of individuals, groups and elected officials during the preparation of the SEIS, and heard both an overwhelming desire to retain the unique recreation opportunities these high elevation routes offer, as well as a desire to restore the impacted meadows. My decision on the Amador High Country Routes project addresses both of those desires expressed by the public, and reflects my shared commitment documented by the Forest Supervisor in her 2013 Record of Decision for the Eldorado National Forest Travel Management SEIS to complete the corrective actions for the 18 routes that were closed so that the routes can be added back onto the Motor Vehicle Use Map (MVUM) for public motor vehicle use.
- The focused purpose and need of the Amador High Country Routes project is appropriate given that it is not the first look at this route. The scope of this current EA has already been established and focused by the analysis and decision made in the 2008 Travel Management FEIS and ROD and the 2013 Travel Management SEIS and ROD, as well as a Federal District Court order.
- The range of alternatives considered is adequate for the analyses necessary to support my decision. Additional alternatives for these trails were explored previously in the 2013 Travel Management SEIS, and additional alternatives for addressing the meadows are documented in Alternative 2 of this EA, as well as in the section of this EA on Alternatives Considered but Eliminated from detailed study. (See EA, pages 12-13)
- There will be some short term direct impacts related to ground disturbance during implementation of this project; however there is a long-term net benefit of improving hydrologic connectivity at the three meadows. The project complies with Section 106 of the National Historic Preservation Act of 1966, as amended in accordance with provisions of the Region 5 Programmatic Agreement. The project will not affect most threatened, endangered or sensitive wildlife or botanical species, and is expected to result in overall benefits to important wildlife habitats within the project area through improvement of meadow vegetation. Design Criteria have been incorporated into the project for protection of important resources.

- I recognize implementing this project would result in a “may affect and is likely to adversely affect” both the Yosemite toad and Sierra Nevada yellow-legged frog. Formal consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act has been initiated. We are working with the U.S. Fish and Wildlife Service to seek concurrence on this decision prior to project implementation.
- The public comments received during the scoping period and 30-day comment period on the Preliminary Environmental Assessment indicated that the level of controversy over the trails addressed in this EA is relatively low, that there is a desire by the public that the needed repairs to the trail be implemented in a timely manner, and that volunteers are interested in assisting with implementation.

The Amador High Country Routes EA documents the environmental analysis and conclusions upon which this decision is based.

## **PUBLIC INVOLVEMENT**

This action was originally listed as a proposal on the Eldorado National Forest Schedule of Proposed Actions (SOPA) in July, 2015 and updated periodically during the analysis. A scoping letter and description of the proposed action was sent to interested parties, including all appellants of the 2013 Eldorado National Forest Travel Management SEIS and El Dorado, Amador and Alpine counties on July 15, 2015. The scoping notice was also posted on the project website. One letter was received with comments on the proposed action. The comments were used to help shape the environmental analysis, including the development of alternatives.

The legal notice for the opportunity to comment on the Preliminary EA was published in the Mountain Democrat, as well as Ledger Dispatch on November 13, 2015. Letters were sent to interested parties including persons who provided scoping comments, all appellants of the 2013 Eldorado National Forest Travel Management SEIS, and El Dorado, Amador and Alpine counties on November 12, 2015. The Preliminary EA and legal notice announcing the opportunity to comment was also posted on the project website. Three letters were received during the 30-day comment period to the EA. The summary of comments received during the 30-day comment period and how they were considered is included in Appendix I of the EA.

## **FINDING OF NO SIGNIFICANT IMPACT**

The justification for the Finding of No Significant Impact (FONSI) is described below. A more in depth discussion of the effects related to the FONSI can be found in the EA. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

## CONTEXT

The direct effects of the proposed action are limited to impacts in the immediate project area. The Carson Emigrant National Recreation Trail (17E24), Forest System Trail 16E26, and the Long Valley Trail (17E28) are popular off-highway vehicle routes located on the Amador Ranger District of the Eldorado National Forest. Many of these routes date back to the early Emigrant migrations to California, and have important historical values. In more recent history they have become important off highway vehicle recreation destinations for multiple generations of forest visitors. Some of the routes also provide access for hikers to the western boundary of the Mokelumne Wilderness.

This analysis is tiered to and is part of the implementation of the Record of Decision for the 2013 Eldorado National Forest Travel Management Supplemental Environmental Impact Statement (TM SEIS), which identified 18 routes where corrective actions were needed prior to adding the routes back onto the Eldorado National Forest Motor Vehicle Use Map (MVUM) as designated for public wheeled motor vehicle use. As stated in the 2013 TM SEIS, trails would remain closed to public motorized vehicles until 1) the routes were brought into compliance with the 2004 Sierra Nevada Forest Plan Amendment (SNFPA) Standard and Guideline 100 as it pertains to meadows, and 2) a Biological Assessment and conferencing or consultation with U.S. Fish and Wildlife Service (USFW) were completed if corrective actions or vehicle traffic could affect the Sierra Nevada yellow-legged frog (SNYLF) or the Yosemite toad or their critical habitats.

This decision will address the necessary corrective actions needed to meet S&G 100 as well as the analysis and consultation with USFWS to reopen these important recreation routes to the public.

## INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.**

Beneficial effects were not used to offset adverse effects. In the absence of beneficial effects, no adverse effects will be significant even when considered all by themselves.

Mitigations and management requirements designed to reduce the potential for adverse impacts were incorporated into the proposed action and alternatives, including standards and guidelines outlined in the Eldorado National Forest LRMP (USDA Forest Service 1989), as amended by the Sierra Nevada Forest Plan Amendment (USDA Forest Service 2004), Best Management Practices, and project specific design criteria based on resource specialist knowledge and experience. These mitigations and management requirements would minimize or eliminate the potential for adverse impacts caused by the proposed project. (EA pgs. 17-28)

2. **The degree to which the proposed action affects public health or safety.**

The trail improvements and reroute would be designed and constructed to Region 5 Forest Service Standards to meet all safety standards for the anticipated use. The improvements are not expected to change the level or type of use by the public, therefore, would not change safety risk.

Routes would remain closed during construction. A project Aviation Plan will be prepared for any Helicopter operations. Temporary traffic control for staging areas shall meet all requirements as stated in the Manual on Uniform Traffic Control Devices (MUTCD). (EA page 28)

3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

The proposed project is not within Wilderness or in proximity to any inventoried roadless areas, parklands, prime farmlands, or wild and scenic rivers, or other wetlands. The project includes work at four small high elevation meadows and one stream crossing. The focus of the project is to reduce impacts of the trails on those meadows and stream crossing and to improve hydrologic connectivity in the meadows. The project is expected to have an overall beneficial effect on meadow resources. The project includes reconstruction of a small portion of the Carson Emigrant National Recreation Trail, and is in close proximity to several other historic sites, however the analysis shows the project will not have an adverse effect on these cultural resources. (EA page 29)

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

Controversy in this context refers to cases where there is substantial dispute as to the effects, rather than opposition to its adoption. The proposed project follows the management direction in the Eldorado National Forest Land and Resource Management Plan (USDA Forest Service 1989), as amended by the 2004 Sierra Nevada Forest Plan Amendment (USDA Forest Service 2004). There is no known scientific controversy over the anticipated effects of the proposed activities. (See EA page 29)

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The proposed project follows the management direction in the Eldorado National Forest Land and Resource Management Plan (USDA Forest Service 1989), as amended by the 2004 Sierra Nevada Forest Plan Amendment (USDA Forest Service 2004). Local expertise in implementation of these types of projects minimizes the chance of highly uncertain effects, which involve unique or unknown risks. The analysis shows the effects are not uncertain, and do not involve unique or unknown risks. The proposed action is similar in type and scope to many projects on the Eldorado National Forest. Effects from this type of project are well known to the interdisciplinary team members. (See EA page 29)

6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.**

The Amador High Country Routes project represents a site-specific project that does not establish a precedent for future actions with significant effects because no significant effects have been identified for this project. Other routes found in the 2013 Travel Management SEIS to be impacting meadows will be analyzed in the future based on resource conditions unique to those projects and geographic locations. The project does not represent a decision in principle about a future consideration, because the scope of the analysis for the 18 routes was already established and focused by two previous EIS's and a Federal District Court Order. This EA is tiered to the 2013 Eldorado National Forest Travel Management SEIS. (EA page 29)

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

A cumulative effects analysis was completed separately for each resource area. Biological Assessments/Evaluations prepared for this project considered potential cumulative impacts of the proposal on aquatic and terrestrial wildlife and plants. These documents support the finding that this proposal would not cause significant cumulative effects on biological resources, even when considered in relation to other actions. The Hydrology Report for this project indicates that the proposal does not change the risk of cumulative watershed effects (CWE) in the two HUC 7 watersheds because the amount of ground disturbance is negligible. (See EA pages 30-32)

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed , or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

This project complies with Section 106 of the National Historic Preservation Act of 1966, as amended in accordance with provisions of the *Programmatic Agreement among the U.S.D.A. Forest Service, Pacific Southwest Region (Region 5), the California State Historic Preservation Officer, the Nevada State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Processes for Compliance with Section 106 of the National Historic Preservation Act for Management of Historic Properties by the National Forest of the Pacific Southwest Region (Regional PA 2013)*. The proposed action will have no adverse effect to cultural resources. In addition, *they have the potential to maintain integrity of historic setting, stabilize surface and subsurface deposits of cultural resources, and reduce disturbances caused by motor vehicles driving into cultural resource sites adjacent to the trails, thus resulting in beneficial indirect effects.* (EA page 32)

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

There will be no affect to federally listed terrestrial wildlife or botanical species.

Consideration of effects to aquatic species, including Sierra Nevada yellow-legged frog and Yosemite toad, is summarized in the EA and described in detail in the project's Biological Assessment and Evaluation for Aquatic Species (dated 1/11/2016).

Implementation of proposed route corrective actions may affect SNYLF and YOTO habitat in the short-term, but will be beneficial in the long term for both SNYLF and YOTO habitat. Opening the routes would result in an increase in vehicular traffic, leading to sediment delivery into streams or meadows and an increase in the risk of disturbance, injury or crushing of the SNYLF or YOTO. It was therefore determined that the project "may affect and is likely to adversely affect" the SNYLF and YOTO.

However, the degree to which the proposed actions may adversely affect the SNYLF is minor and small in scale, affecting .04% of the suitable habitat within the aquatic analysis area for SNYLF and 0.5% of the aquatic analysis area for YOTO. The amount of use of these routes is estimated to be low (less than 500 vehicles/year) and had been ongoing prior to 2013 (between 30-50 years). In addition, the actions proposed for this project are 1) routine in nature, 2) have been implemented in the past under similar conditions, 3) would directly overlap with a very small portion of suitable habitat, 4) would employ standard practices (S&G's and BMP) and protection measures [design criteria, including applicable conservation measures in the 2014 USFWS Biological Opinion], and 5) have known possible effects. (See EA pgs. 32-34)

**10. Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.**

The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the

EA (see EA pages 13-33). The action is consistent with the Eldorado National Forest Land and Resource Management Plan (1989) as amended by the Sierra Nevada Forest Plan Amendment (2004). The proposed action is consistent with the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), Clean Water Act, Clean Air Act, and National Forest Management Act (NFMA).

Consultation with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the ESA will be completed prior to a final decision on this project.

### **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

This decision is consistent with the Eldorado National Forest Land Management Plan (1989) as amended by the Sierra Nevada Forest Plan Amendment, January 2004 (SNFPA).

The Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

### **ADMINISTRATIVE REVIEW OPPORTUNITIES**

This proposed decision is subject to objection pursuant to 36 CFR 218, Subparts A and B. Objections will only be accepted from those who submitted project specific written comments during scoping or the designated comment period on the Preliminary Environmental Assessment. Issues raised in objections must be based on previously submitted comments unless based on new information arising after the designated comment period(s).

Objections must be submitted within 45 days following the publication of legal notice in the Mountain Democrat. The date of this legal notice is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframes provided by any other source. It is the objector's responsibility to ensure evidence of timely receipt (36 CFR 218.9).

Objections must be submitted to the reviewing officer: Laurence Crabtree, Forest Supervisor, Eldorado National Forest; Attn: Amador High Country Routes Project; 100 Forni Rd., Placerville, CA 95667; (530) 621-5205. Objections may be submitted via mail, FAX (530) 621-5297, or delivered during business hours (M-F 8:00 am to 4:30 pm). Electronic objections, in common (.doc, .pdf, .rtf, .txt) formats, may be submitted to: objections-pacificsouthwest-eldorado@fs.fed.us with Subject: Amador High Country Routes Project.

Objections must include (36 CFR 218.8(d)): 1) name, address and telephone; 2) signature or other verification of authorship; 3) identify a single lead objector when applicable; 4) project name, Responsible Official name and title, and name of affected National Forest(s) and/or

Ranger District(s); 5) reasons for, and suggested remedies to resolve, your objections; and, 6) description of the connection between your objections and your prior comments. Documents may be incorporated by reference only, as provided for at 36 CFR 218.8(b).

### **IMPLEMENTATION DATE**

If no objection is filed on this project, a Decision Notice may be issued on, but not before the fifth business day following the close of the objection filing period (36 CFR 218.21). If an objection to this decision is filed in accordance with 36 CFR 218.26, then this Decision Notice may not be signed until all concerns and instructions from the reviewing official in the objection response have been addressed (36 CFR 218.12(b)).

Preparation of a Biological Assessment and Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) will be required prior to a decision. The Biological Assessment has been prepared and submitted to the USFWS. Once consultation is completed, USFWS will issue a biological opinion governing protection of these species for this project.

After this Decision Notice is signed, implementation may begin immediately. The use designation on the northernmost .52 mile section of the Long Valley Trail would be changed and that section reopened immediately. The remainder of the Long Valley Trail (17E28) will be reopened upon completion of the improvements to the crossing at Bear River. The Carson Emigrant Trail (17E24) and Forest System Trail 16E26 will be reopened upon completion of the corrective measures that bring the routes in compliance with S&G 100. It is expected that portions of the project will be implemented in the field season (summer/fall) of 2016, and other portions in the field season of 2017, depending upon funding availability. As the work may be done in stages, individual routes or sections of routes will be reopened when the work on that route or section is completed.

### **CONTACT**

For additional information concerning this decision, contact: Diana Erickson, Eldorado National Forest, 100 Forni Road; Placerville, CA 95667, phone number (530) 621-5214.

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RICHARD G. HOPSON

Date

District Ranger

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