

DECISION MEMO

CONDOR HABITAT IMPROVEMENT

LOS ANGELES RIVER RANGER DISTRICT ANGELES NATIONAL FOREST LOS ANGELES COUNTY, CALIFORNIA

BACKGROUND

Since 2000, California condors have been documented using the Loop Canyon communication sites and nearby areas along FS Road 3N17.8. The number of condors at the site at one time has varied from one to 22. The US Fish and Wildlife Service (USFWS) monitors condor activity for this area. Their monitoring indicates the condors spend much of their time perching on the communication towers, loitering in turnouts and scavenging the ground for garbage. The condors have been documented ingesting garbage from the turnouts.

Consumption of garbage and particularly microtrash is of concern because it has been documented to cause sickness and mortality in condor chicks. When nesting adults consume microtrash, they return to the nest where it is regurgitated. The regurgitated microtrash is then consumed by chicks who lack the ability to eject this material. As a result, microtrash accumulates in their stomach and can lead to injury or death. Garbage is the leading cause of death for chicks in southern California. The USFWS has indicated their primary concern for condor safety in this area is the availability of garbage and microtrash along the road and in turnouts (Posey pers. comm)

DECISION

It is my decision to approve habitat improvement for the federally endangered California condor (*Gymnogyps californianus*) in the vicinity of FS Road 3N17.8, as described above, in order to comply with the Endangered Species Act and the revised Angeles Forest Land Management Plan (2005).

Project Description

The purpose of the proposed action is to improve California condor habitat in the vicinity of Forest Road 3N17.8 (Santa Clara Divide Road). The area proposed for habitat improvement includes portions of R14W, T3N, Sections 7, 18 and R15W, T3N, Sections 8 through 17. Specific actions for implementation include the following:

1. Turnout #1 is located approximately 2.0 miles from the intersection with Little Tujunga/Sand Canyon. Approximate size is 120' X 60'. Turnout #1 will be eliminated. Approved fill material will be placed on turnout #1 to a depth of approximately 12 to 24 inches. An earthen berm will be placed along the front of the turnout to discourage vehicles from pulling into the area where the fill material has been placed.

2. Turnout #2 is located approximately 2.6 miles from the intersection with Little Tujunga/Sand Canyon. Approximate size is 100' X 15'. Turnout #2 will be eliminated. Approved fill material will be placed on turnout #2 to a depth of approximately 12 to 24 inches. An earthen berm will be placed along the front of the turnout to discourage vehicles from pulling into the area where the fill material has been placed.
3. Turnout #3 is located approximately 2.7 miles from the intersection with Little Tujunga/Sand Canyon. Approximate size is 100' X 40'. Turnout #3 will be retained but the available parking area will be reduced. On a portion of the turnout, asphalt or similar material will be placed on the existing surface to allow for vehicle parking. For the rest of the turnout, approved fill material will be placed to a depth of approximately 12 to 24 inches. An earthen berm will be placed along the front of the fill material to discourage vehicles from pulling into the area where the fill material has been placed.
4. Turnout #4 is located approximately 2.7 miles from the intersection with Little Tujunga/Sand Canyon. Approximate size is 100' X 15'. Turnout #4 will be eliminated. Approved fill material will be placed on turnout #4 to a depth of approximately 12 to 24 inches. An earthen berm will be placed along the front of the turnout to discourage vehicles from pulling into the area where the fill material has been placed.
5. Turnout #5 is located approximately 2.8 miles from the intersection with Little Tujunga/Sand Canyon. Approximate size is 120' X 40'. Turnout #5 will be retained but the available parking area will be reduced. If available, asphalt or similar material will be placed on a portion of the existing surface to allow for vehicle parking.
6. A gate will be installed and locked on FS Road 3N44. This road provides access to the facilities within the communication site referred to as Contractor's Point. The communication facilities located on Contractor's Point are operated under special use permits authorized by the Forest. FS Road 3N44 is located approximately 2.5 miles from the intersection with Little Tujunga/Sand Canyon, is approximately .2 mile long and is naturally hardened with no asphalt surface. Permit holders for the Contractor's Point communication site will have continued access to their facilities.
7. The evening closure of the existing gate on the 3N17.8 Road will continue. The gate will be locked daily from approximately 6:00pm to 8:00am. This closure will prohibit night time motorized access on approximately three miles of paved road leading from the Bear Divide Ranger Station to the Los Angeles County Fire Department Camp 9 facilities. It also restricts night time motorized use on Forest Road 3N17.9 which accesses the May Canyon, Wilson Canyon and Whitney Canyon areas. Night time motorized access will be permitted only for official use, special use permit holders and lease holders.

Mitigation and Minimization Measures

The avoidance and minimization measures included in Appendix A are incorporated into my decision, and are mandatory conditions of the authorization for this project.

REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION

The action is in a category of actions that may be excluded from documentation in an Environmental Impact Statement (EIS) or Environmental Assessment (EA). The category of exclusion is pursuant to Forest Service Handbook (FSH) 1909.15.31.2(6):

- Section 31.2 (6) “Timber stand and/or wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction (Service level D, FSH 7709.56).”

The environmental analysis determined that there were no extraordinary circumstances or conditions that might cause the action to have significant effects. Extraordinary circumstances included but are not limited to the presence of the following:

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

The BEBA reached a determination that project activities will not affect any threatened, endangered, proposed, or candidate species outside of the California condor. Project activities will not affect designated or proposed critical habitat for any listed species. It was determined that the project may affect, but is not likely to adversely affect the California condor (USDA Forest Service 2008).

This determination is based on the anticipated beneficial effects that will be generated as a result of project implementation. The project will reduce the availability of microtrash for California condors in areas where they are known to loiter. As a result, overall habitat conditions will be improved and the risk of injury or mortality reduced. Informal consultation was initiated by the USFS and a letter of concurrence issued by the USFWS on August 7, 2008 (USFWS 2008).

2. Flood Plains, Wetlands, or Municipal Watersheds

The project area does not encompass flood plain, wetlands, or municipal watersheds.

3. Congressionally Designated Areas, Such as Wilderness, Wilderness Study Areas, or National Recreation Areas

There are no congressionally designated areas within the project area (U.S. Department of Agriculture, 2005).

4. Inventoried Roadless Areas

The project area is not located within an inventoried roadless area (Angeles National Forest, 2000).

5. Research Natural Areas

There are no research natural areas within the project area (U.S. Department of Agriculture, 2005).

6. American Indians and Alaska Native Religious or Cultural sites

Regularly scheduled meetings and correspondence with the Native Americans on general Forest issues and mutual concerns have not identified any American Indian or Alaska Native religious or cultural sites of concern located within the project area.

7. Archaeological Sites or Historic Properties or Areas

The Forest Archaeologist has determined that there are no known archaeological sites, or potential historic properties within the area of potential effect. Compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, has been completed for this project (08LAR19PI). The project site has also been covered under a previous survey (ARR#05-01-00641).

SCOPING

No significant issues were raised during the internal scoping which was conducted among the following Forest Resource Specialists:

Mike McIntyre – District Ranger
Steve Bear – District Resource Officer
Howard Okamoto – Recreation Officer
Will Spyrison – Battalion chief
Kathy Peterson – Forest Planner/Writer-editor
Sonja Bergdahl – Forest Engineer
Alan Edler – Engineer
Marty Dumpis – Forest Recreation Officer
Darrell Vance – Forest Archaeologist
Jose Henriquez-Santos – Landscape Architect
Stanton Florea – Fire Information Office
Mike McCorison – Air Quality Specialist
Lisa Northrop – Forest Resource Officer
Janet Nickerman – District Botanist
Ann Berkley – Wildlife Biologist
Nancy Sandburg – Forest Biologist

A total of 36 letters requesting comments on the proposed action were mailed to interested or affected persons or organizations on March 18, 2008. No comments identifying significant issues were received. This project was published in the Forest Schedule of Proposed Actions (SOPA) on April 1, 2008.

FINDINGS REQUIRED BY OTHER LAWS

This proposed action is consistent with management direction (Angeles National Forest Land Management Plan), as required by the National Forest Management Act (FSM 1926.41 and FSH 1909.12); National Environmental Policy Act; Endangered Species Act; National Historic Preservation Act; Clear Water Act; Clean Air Act; and, all other applicable Acts.

This action will not require a Civil Rights Impact Statement because it will not have a significant impact on the social environment.

IMPLEMENTATION DATE

This action may be implemented immediately.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This action is not subject to review or appeal under the requirements of 36 CFR 215.12(f); and therefore is not subject to administrative review (appeal) process as codified in 36 CFR 215.8.

CONTACT PERSON

Leslie Welch
Los Angeles River Ranger District
12371 N. Little Tujunga Canyon Road
(818) 899-1900 ext. 255

APPROVED



Mike McIntyre
District Ranger
Los Angeles River Ranger District

DATE Aug 27, 2008

REFERENCES

Angeles National Forest. 2000. Inventoried Roadless Areas Map. Roadless Area Conservation. September 15, 2000. Available: <http://www.roadless.fs.fed.us/states/ca/ange.pdf>.

Posey, Richard. Biologist, USFWS Hopper Mountain National Wildlife Refuge Complex. Personal Communication. June 2008.

U.S. Department of Agriculture. 2005. Record of Decision Angeles Land Management Plan. Pacific Southwest Region R5-MB-081. September 2005.

U.S. Department of Agriculture. 2008. Section 106 of the National Historic Preservation Act of 1966 Programmatic Agreement Project Implementation Tracking Form for Bear Divide Condor Habitat Improvement Project. Prepared by Darrell Vance, Heritage Resource Program Manager, March 27, 2008.

USDA Forest Service. 2008. Biological Evaluation/Biological Assessment for Condor Habitat Improvement. July 14, 2008.

USFWS. 2008. Letter of Concurrence for Condor Habitat Improvement. August 7, 2008.

Appendix A

Avoidance and Minimization Measures

The following avoidance and minimization measures shall be implemented to avoid the potential for significant adverse effects to sensitive environmental resources. These measures are mandatory conditions of project authorization:

- If condors are present in the turnouts at the time of project implementation, they will be monitored to ensure that project activities do not pose a risk of injury.
- The project area will be monitored post-implementation, and if/when problem areas arise, remedial and preventative actions would be taken as appropriate. Coordination with special use permit holders, public education, and signing would be used as appropriate.
- To limit the spread and establishment of invasive plant species into the project area, all off-road heavy equipment used during project implementation will be free of noxious weeds and seeds or invasive exotic weeds and seeds before entering the project area. Vehicles that have not left the road with paved or hardened surface will not be subjected to cleaning stipulations.
- Post-treatment, surveys for noxious weeds will be conducted monthly for the first year and bi-monthly year two and three to monitor for invasive species. Monitoring will be the responsibility of the Resources Staff in the Supervisor's Office. Any new populations of noxious weeds will be immediately treated under the direction of the Forest Botanist.
- All appropriate BMPs shall be implemented to minimize damage to surface soil structure and to reduce potential for erosion and sediment transport to drainages due to project activities.

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APPROVED Mike McIntyre
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District Ranger
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DATE Aug 27, 2008

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Appendix A

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Santa Clara Truck Trail
3N17.8



Bear Divide
Condor Habitat Improvement Project
Angeles National Forest
Los Angeles River Ranger District
San Fernando Quadrangle

