

## **Steps to Implement NEPA analysis of USFS Erosion Control Grant Projects**

July 2008

The following describes the steps required for the grantees and USFS Forest to complete the Environmental Analysis process required by NEPA for Erosion Control Grants Projects. The purpose is to early on clearly identify the appropriate level of analysis and NEPA decision process required for each project.

There are basically two different levels of NEPA that will apply to these projects. The vast majority of projects will be processed under a categorical exclusion in a decision memo (based on finding of no extraordinary circumstances, see attachment 1). If it appears that extraordinary circumstances exist, the Erosions Control Grants Program Manager (ECPM) will contact the USFS NEPA Advisor for guidance as there may be ways to avoid, modify or mitigate the project design that avoid potential effects of the project on extraordinary circumstance resource conditions. For projects for which this finding cannot be made the NEPA analysis will need to be documented in an EA or an EIS. The EA process will be followed if a finding of no significant impact (FONSI) can be made and EIS will be required if a FONSI cannot be made. **For most urban Erosion control projects elevation to an EA or EIS is unlikely to occur unless the project has a meadow, stream, or SEZ restoration component.** The level of NEPA (EA or EIS) and supporting analysis and documentation will need to be made on a case by case basis.

In most cases, the environmental analysis for the NEPA decision will be prepared by the USFS **using information provided** by the grantee and its contractors. If the NEPA decision is ONLY for issuing a special use permit on Forest Service parcels associated with an Erosion Control Project, the analysis required only applies to the Forest Service parcels to be permitted. If the NEPA decision is to allow the use of federal grants funds for construction of a project, analyses must be conducted for the entire project area. In Different levels of input from the grantee will be required for Forest Service land versus the non-forest service lands as described below.

At this stage no wildlife surveys are required. USFS staff will prepare the BA or BA/BE with existing wildlife survey information on file, and the botony survey information provided by the grantee. In the unlikely event that additional wildlife surveys are required (i.e. fisheries), the grantee will be contacted after reviewing the initial project submittal.

## STARTING THE REVIEW PROCESS

To start the review process the following documents will be submitted to the USFS Erosion Control Grants Program Manager (ECPM) by the Grantee/Applicant when 25% project design has been completed:

- Concise project description that describes nature and scope of project, type of improvements, level of disturbance, type of equipment to be used and implementation schedule.
- 8.5” BY 11” Project maps that clearly show location of project within the basin, the project boundaries, street names, and location and nature of improvements. These are not detailed design drawings but user-friendly schematics of the project. For USFS lands requiring special use permits we will also require a special use permit application, and 8 by 11 maps of each parcel and the proposed improvements, with identification of APN #, and Township, Range and Section location.)
- A noxious weeds risk assessment **for all lands** within the project using guidelines provided on the USFS website <http://wwwtest.fs.fed.us/r5/lbmu/ecgp/index.shtml> (scroll to bottom of page). This website will be updated periodically.
- For USFS lands only, a survey of USFS sensitive and special interest plant species as presented in attachment 2.
- A Determination of Need Letter for a heritage resource surveys: A Determination of Need Letter will evaluate the need for heritage resource surveys on lands within the project area that have not been previously disturbed. The letter will be reviewed by the USFS Heritage Resource specialist, to finalize agreement on surveys needs. Grantee will then complete and submit necessary heritage resource survey/ and report. If USFS lands are proposed for disturbance, consultant will also review files at USFS office to determine if Heritage resource surveys have already been conducted. For more information see attachment 3
- If Forest Service lands are to be utilized to construct project improvements, include a completed Special Uses Permit application

The ECPM will develop a draft decision memo to attach to the front of the environmental review package that clearly describes the scope of the project and the nature of the decision to be made. The findings part of the decision memo will be left blank until the USFS specialist have completed their review and provided appropriate language to the ECPM to include in the Decision Memo. A cover memo will also be prepared by the ECPM that will clearly highlights the nature of the project and any special concerns related to this project, including meadow, stream or SEZ restoration components.

This package will then be routed among appropriate USFS staff for review and to provide input into the Decision Memo. Specialists will document their findings in a letter to the file that will include any specific language that should be included in the Decision Memo related to their resource area. If more information is required from the grantee, the specialist will contact the grantee/consultant directly (with Cc to ECPM) with specific direction on what surveys or information needs to be provided.

### COMPLETING THE REVIEW PROCESS

The ECPM will perform the extraordinary circumstances review using the information received from the specialists. If the USFS staff determines that it has the information internally to make a finding of no extraordinary circumstances for biological and heritage resources, they will notify the grantee to submit the Public Scoping document (if not already submitted with original submittal) to complete the analysis and documentation required for the NEPA decision under a categorical exclusion using a Decision Memo (DM). Although unlikely, there is still a possibility that information contained in the public scoping document that will bump the project out of a CE. If that is the case the ECPM will notify the grantee immediately.

The public scoping document describing who was contacted (agencies, groups, individuals), how, when and where they were contacted (legal notices, public meetings, flyers), identification of issues raised, and response and resolution of those issues. This should all be contained in a 2 to 5 page summary report. We do not need copies of back up documentation (meeting minutes, notices, agendas) however all this material should be kept in the project file maintained by the grantee.

If at any point in the process a finding of no extraordinary circumstance cannot be made, or additional information is needed to complete a decision under a CE, further guidance will be provided to the grantee regarding the additional level of survey, analysis and documentation that will be required to complete the NEPA process. This will be determined on a case by case basis for each project.

If between 25% and 100% design, changes are made to the project that add new areas of disturbance these new areas will have to added to the analysis and review process, including all required surveys.

## **attachment 1**

### **EXTRAORDINARY CIRCUMSTANCES REVIEW**

Will this project impact any of the following resources?

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.
  - A. Yes/No
  - B. Briefly describe how this determination was made and refer to any specific reports, analysis, consultations or correspondence that supports this determination.
2. Flood plains, wetlands, or municipal watersheds.
  - A. Yes/No
  - B. Briefly describe how this determination was made and refer to any specific reports, analysis, consultations or correspondence that supports this determination.
3. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.
  - A. Yes/No
  - B. Briefly describe how this determination was made and refer to any specific reports, analysis, consultations or correspondence that supports this determination.
4. Inventoried roadless areas.
  - A. Yes/No
  - B. Briefly describe how this determination was made and refer to any specific reports, analysis, consultations or correspondence that supports this determination.
5. Research natural areas.
  - A. Yes/No
  - B. Briefly describe how this determination was made and refer to any specific reports, analysis, consultations or correspondence that supports this determination.
6. American Indians and Alaska Native religious or cultural sites.
  - A. Yes/No
  - B. Briefly describe how this determination was made and refer to any specific reports, analysis, consultations or correspondence that supports this determination.
7. Archaeological sites, or historic properties or areas.
  - A. Yes/No
  - B. Briefly describe how this determination was made and refer to any specific reports, analysis, consultations or correspondence that supports this determination.

## **attachment 2**

### **Botany Guidelines**

In most cases, the environmental analysis will be conducted by the USFS using information provided by the grantee and its contractors. If the NEPA decision is to allow the use of federal grants funds for construction of a project, noxious weed surveys for the and analyses must be conducted for the entire project area using guidelines posted at the following USFS website <http://wwwtest.fs.fed.us/r5/ltbmu/ecgp/index.shtml>. If the NEPA decision is only for issuing a special use permit on Forest Service (FS) parcels associated with an Erosion Control Project, the analysis required only applies to the Forest Service parcels to be permitted. Surveys on USFS parcels need to include noxious weeds, sensitive plants, and plant species of interest. Lists of sensitive and species of interest plants are attached to these guidelines.

Depending on survey results, the FS Botany Department would either write a letter to the file or a Biological Evaluation. For all Erosion Control Grants, a Noxious Weed Risk Assessment would be written by the FS Botany Department discussing the weed risk as determined from the contractor surveys.

If there are no Forest Service parcels, and no Federal funds, then directives from other agencies, such as the county where the land is located, or Tahoe Regional Planning Agency, need to be followed.

attachment 2 (continued)

| <b>LTBMU Special Interest</b>         |                         |   |
|---------------------------------------|-------------------------|---|
| <b>Scientific Name</b>                | <b>Common Name</b>      | <b>Habitat</b>  |
| <i>Arabis rectissima var simulans</i> | Washoe Trail rock cress | Jeffrey pine-fir forest on gentle slopes, in gently disturbed areas, on sandy granitic or andesitic soil; 7,021 – 10,020' elevation. Blooms June – July.  |
| <i>Meesia longiseta</i>               | Meesia moss             | <i>Meesia longiseta</i> is distinguished from <i>M. triquetra</i> by the entire leaf margins, synoicous sexual condition, and leaves generally more slender. This species occurs in habitats similar to those of <i>M. triquetra</i> .  |
| <i>Myurella julacea</i>               | Small mousetail moss    | This species occurs on shaded, damp cliffs and in crevices or on ledges, usually growing among other bryophytes or as small, pure patches on base-rich soil among rocks, or in crevices on mountains. often in calcareous areas, although it is not restricted to basic substratum. Occurring from sea-level to subalpine areas, it is seldom present in much quantity. |
| <i>Orthotrichum praemorsum</i>        | Orthotrichum moss       | Saxicolous, acrocarpous moss, characterized by its hygrosopic leaves and non-arctic habitat; found by Lawton in 1955 in the Lake Tahoe area.  |
| <i>Orthotrichum shevockii</i>         | Shevrock's moss         | Erect, small dark green tufts on dry granitic boulders. Leaves 5 mm long. Highly papillose leaf cells and bi-tristratose leaf margins. In the Lake Tahoe area, it has been found at Lake Tahoe, and also about one mile up in Voltaire Canyon near Carson City.   |
| <i>Orthotrichum spjutii</i>           | Spjut's bristle-moss    | Sierra Nevada endemic, previously known only from a single rock face by Koenig Lake, Bridgeport District, Humboldt-Toiyabe NF. Saxicolous, acrocarpous moss occurring on rocks and crevices with indirect light.  |
| <i>Pohlia tundrae</i>                 | Tundrae pohlia moss     | A moss of mesic alpine tundra in the western US; scattered, or forming dense, compact mats on soil, with a distinct gloss when dry. Propagula long and cylindrical and extend beyond the erect leaves of tufted plants. Suspected the length of the Sierra.   |
| <i>Sphagnum species</i>               | Sphagnum species        | Usually growing in wet places.  |

| <b>LTBMU Sensitive Species</b>       |                         |                 |  |
|--------------------------------------|-------------------------|-----------------|--|
| <b>Scientific Name</b>               | <b>Common Name</b>      | <b>FED List</b> | <b>Habitat</b>   |
| <i>Arabis rigidissima var demota</i> | Galena Creek rock cress |                 | Species is found in open, rocky areas along forest edges of conifer and/or aspen stands. Usually found on northerly aspects above 7,500 feet (ft). Blooms August.  |
| <i>Arabis tiehmii</i>                | Tiehm's rock cress      |                 | Species is known from open rocky soils in the Mt. Rose Wilderness.   |
| <i>Botrychium ascendens</i>          | Upswept moonwort        |                 | <i>Botrychium</i> species share similar preferences in habitat, i.e. wet or moist soils such as marshes, meadows, and along the edges of lakes and streams at elevations between 4,700 and 9,000 ft. They generally occur with mosses, grasses, sedges, rushes, and other riparian vegetation. Fertile July – early September. |
| <i>Botrychium crenulatum</i>         | Scalloped moonwort      |                 | See above  |
| <i>Botrychium lineare</i>            | Slender moonwort        |                 | See above  |
| <i>Botrychium lunaria</i>            | Common                  |                 | See above  |

| LTBMU Sensitive Species                     |                                   |    |   |
|---|-----------------------------------|----|---|
|   | moonwort                          |    |   |
| <i>Botrychium minganense</i>                | Mingan moonwort                   |    | See above   |
| <i>Botrychium montanum</i>                  | Western goblin                    |    | See above   |
| <i>Bruchia bolanderi</i>                    | Bolander's candle moss            |    | Montane meadows and stream banks are favored habitat. This moss tends to grow on bare, slightly eroding soil where there is little competition from other vegetation.   |
| <i>Dendrocollybia racemosa</i>              | Branched collybia                 |    | This species is a mycoparasite growing on old decayed or blackened mushrooms or occasionally in coniferous duff, usually within old growth stands.  |
| <i>Draba asterophora var asterophora</i>    | Tahoe draba                       |    | Species is found in rock crevices and open granite talus slopes at high elevations between 8,000 to 10,200 ft on north-east facing slopes. Blooms July – September.   |
| <i>Draba asterophora var macrocarpa</i>     | Cup Lake draba                    |    | This species is found on steep, gravelly or rocky slopes at elevations of 8,400 to 9,235 ft. Blooms July – August.  |
| <i>Epilobium howellii</i>                   | Subalpine fireweed                |    | Plants are known from wet meadows and mossy seeps at 6,500 to 9,000 ft in subalpine coniferous forest. Blooms July – August.  |
| <i>Erigeron miser</i>                       | Starved daisy                     |    | Plants are known from high elevation granitic rock outcrops above 6,000 ft. Blooms June – October.  |
| <i>Eriogonum umbellatum var. torreyanum</i> | Torrey's or Donner Pass buckwheat |    | This species grows in dry gravelly or stony sites, often on harsh exposures such as ridge tops or steep slopes. Blooms July – September.  |
| <i>Helodium blandonii</i>                   | Blandow's bog moss                |    | Habitat for this moss is in bogs and fens, wet meadows, and along streams under willows.  |
| <i>Hulsea brevifolia</i>                    | Short-leaved hulsea               |    | This species is known primarily from red fir forests, but has also been found in mixed conifer forests. The elevational range of the plant is between 4,920 to 8,860 ft. Blooms May – August.   |
| <i>Lewisia kelloggii ssp. hutchisonii</i>   | Kellogg's lewisia                 |    | Habitat for this plant occurs on ridge tops or flat open spaces with widely spaced trees and sandy granitic to erosive volcanic soil from about 5,000 to 7,000 ft.  |
| <i>Lewisia kelloggii ssp. kelloggii</i>     | Kellogg's lewisia                 |    | See above   |
| <i>Lewisia longipetala</i>                  | Long-petaled lewisia              |    | This species occurs on the northerly exposures on slopes and ridge tops at elevations between 8,000 and 12,500 ft where snow banks persist throughout the summer. The plants are often found near the margins of the snow banks in wet soils. Blooms July – August. |
| <i>Meesia triquetra</i>                     | Three-ranked hump-moss            |    | This moss prefers bogs and fen habitats, but is also found in very wet meadows.   |
| <i>Meesia uliginosa</i>                     | Broad-nerved hump-moss            |    | This moss often prefers dry microclimate near bogs and fen habitats, but is also found in very wet meadows.   |
| <i>Peltigera hydrothyria</i>                | Veined water lichen               |    | This species is found in cold unpolluted streams in mixed conifer forests.  |
| <i>Rorippa subumbellata</i>                 | Tahoe yellow cress                | CE | This species is endemic to the shorezone around Lake Tahoe in California and Nevada. Typically found in back beach areas between elevations of 6,223 and 6,230 ft. Blooms May – September.  |

### **attachment 3**

### **Cultural Resources Guidelines**

The process for the Cultural Resources documentation should be as follows:

- The applicant would retain a professional cultural resources specialist.
- That specialist would conduct an archives search to determine if previous inventories have been conducted and whether previously recorded cultural resources are present within the vicinity of the proposed erosion control project.
- The specialist would review the proposed project area in person.
- The specialist would prepare a letter to the Forest Service in which he/she summarizes results of the archives search and provide a professional recommendation on whether a cultural resources inventory is warranted.
- The Forest Service would review the recommendation of the specialist and render a decision on whether or not a cultural resources inventory would be required in conjunction with a specific proposed erosion control project.
- If an inventory is deemed necessary, the applicant would retain a specialist to conduct and report on that inventory.
- If an inventory is deemed unnecessary, then that would conclude the applicant's need to address cultural resource matters on behalf of that particular proposed erosion control project.

When discussing this, some have suggested that this process may be difficult to compress into the limited schedule that sometimes accompanies erosion control projects. They have suggested that, from a schedule prospective, it might be better to just go ahead and do the cultural inventory. Caution might be appropriate in this regard. If an inventory is performed by an applicant without first proceeding through this process, the Forest Service may determine that the inventory was not necessary and as such is not an allowable cost subject to reimbursement.