

DECISION MEMO
USDA Forest Service, Sequoia National Forest
Kern River Ranger District
Kern County, California

Carver (Troy Meadow) Road Special Use Permit

BACKGROUND

Sequoia National Forest, Kern River Ranger District, issued a special use permit (SUP) to Stanley Carver (Troy Meadow) for a road on 12/30/91 and then again on 08/10/98. The SUP was issued for a road access (including a gate) to private property off of Forest Service Road 22S05 (NE1/4, NW1/4, NW1/4, Section 30, T21S, R35E, MDB&M). The road is in place and is approximately 280 feet by 15 feet. The gate is located at the start of the private road where it leaves Forest Service Road 22S05. Total area of the SUP is approximately 0.96 acres. A road maintenance schedule with standards for road maintenance will be incorporated in the operating plan for the permit.

PROPOSED ACTION

The Sequoia National Forest proposes to issue a new 10-year SUP for a road to Stanley Carver. There are no changes related to the operation and maintenance of the road. Any changes proposed to the SUP, involving major ground disturbing activities, will be addressed in a separate environmental analysis.

DECISION

I have decided to issue the SUP for the road for a 10 year term. This project involves issuing a new non-recreation SUP where suitable private land is not available and where the use does not conflict with forest management objectives.

An environmental assessment (EA) or environmental impact statement (EIS) will not be prepared. I have reviewed the resource conditions pertaining to extraordinary circumstances, including associated reports, and have determined that no extraordinary circumstances exist that would preclude use of a categorical exclusion in accordance with Council on Environmental Quality regulations at 40 CFR 1508.4. The project, as designed, will have little to no effect on the natural or human environment.

Further, I find that the re-issuance of this SUP meets the requirements found at 36 CFR 220.6 – Categorical Exclusions. Specifically, the project meets Category 36 CFR 220.6(e)(3) – Approval, modification, or continuation of minor special uses of National Forest System (NFS) lands that require less than five contiguous acres of land. This category is appropriate because the new SUP covers less than five contiguous acres, will be issued for a new 10-year term, there are no changes to the SUP, and the holder is in compliance with the terms and conditions of the previous SUP.

The Federal Land Policy and Management Act, as amended October 21, 1976, provides the principal authority to issue and administer road SUPs on National Forest System lands.

REVIEW OF EXTRAORDINARY CIRCUMSTANCES

In deciding whether a categorical exclusion may be used, the responsible official must assure there are no extraordinary circumstances related to the proposed action that would warrant further analysis and documentation in an EA or EIS. In accordance with FSH 1909.15 Section 30.4, the following resource conditions were considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or EIS:

- **Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.**
 - According to District Wildlife Biologist, Steve Anderson, there are no known federally listed plant or animal species or their habitats within the project area, nor are there any Forest Service sensitive species that would be affected by the project.
- **Flood plains, wetlands, or municipal watersheds.**

According to District Hydrologist, Chris Stewart, the activities to be authorized by the SUP involve only minor ground disturbing activities and will not adversely affect any flood plains or wetlands. The project is within, but will not affect, the Fish Creek Watershed.
- **Congressionally designated areas such as wilderness, wild and scenic rivers, or national recreation areas.**
 - The project area does not fall within any congressionally designated wilderness or national recreation areas. The project will not affect these determinations.
- **Inventoried Roadless or Research Natural Areas.**
 - The project area does not fall within any inventoried roadless areas or research natural areas. The project will not affect this determination.
- **American Indian and Alaska Native religious or cultural sites, archaeological sites, or historic properties or areas.**
 - According to Forest Heritage Program Monitor, Karen Miller, there are no American Indian and Alaska Native religious or cultural sites in the SUP area. Archaeological review of the project area was completed on 08/04/09. Any major ground disturbing activities (beyond normal grading, replacing the gate, and setting the fence posts) will require additional heritage review.

PUBLIC INVOLVEMENT

A letter requesting comments was mailed on 10/03/08 to the following:

- Local Legislators
- Local Chambers of Commerce
- Local media
- Local government agencies and departments
- Tule River Tribal Council
- Local Native American contacts
- Other interest parties listed on the Mediated Settlement Agreement mailing list

Of those that were contacted, no extraordinary circumstances were identified.

FINDINGS REQUIRED BY OTHER LAWS

- **National Historic Preservation Act.** The project constitutes an Exempt Undertakings (Attachment 4. II. (9): “routine road maintenance and resurfacing where work is confined to previously maintained surfaces, ditches, culverts, and cut and fill slopes where there are no historic properties or historic properties would not be affected because proposed work is clearly within disturbed context.”) under the *Programmatic Agreement Among the USDA Forest Service, Pacific Southwest Region, California State Historic Preservation Officer, and Advisory Council on Historic Preservation Regarding the Identification, Evaluation, and Treatment of Historic Properties Managed by the National Forests of the Sierra Nevada, California.*

- **Endangered Species Act.** No threatened, endangered, or candidate species are affected by the project.
- **Migratory Bird Treaty Act.** The SUP will not affect snags, recruitment snags, green tree retention, down wood, and diversity which will provide for migratory bird habitat at the project scale.
- **Clean Water Act.** The SUP operating plan will contain appropriate Best Management Practices in accordance with requirements of the California Central Valley Regional Water Quality Control Board to ensure compliance with the California Water Code and the Federal Clean Water Act.
- **Clean Air Act.** The SUP will be conducted in accordance with the Clean Air Act, the conformity provisions of the Clean Air Act, California's Title 17 (Smoke Management for Agricultural and Prescribed Burning), and local air pollution control district regulations.
- **National Forest Management Act.** This action is consistent with the goals, objectives, and management direction to grant new non-recreation SUPs when suitable public land is not available and where the use does not conflict with forest management objectives. This action does not conflict with forest management objectives of the Sequoia National Forest LRMP, as amended by the 2004 Sierra Nevada Forest Plan Amendment Supplemental EIS and ROD. This action is also consistent with the Sequoia National Forest Mediated Settlement Agreement.

IMPLEMENTATION DATE


Project implementation is proposed for July, 2010.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITY

This decision is not subject to appeal pursuant to Forest Service Regulations at 36 CFR 215, Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities, section 215.4(a).

CONTACT PERSON

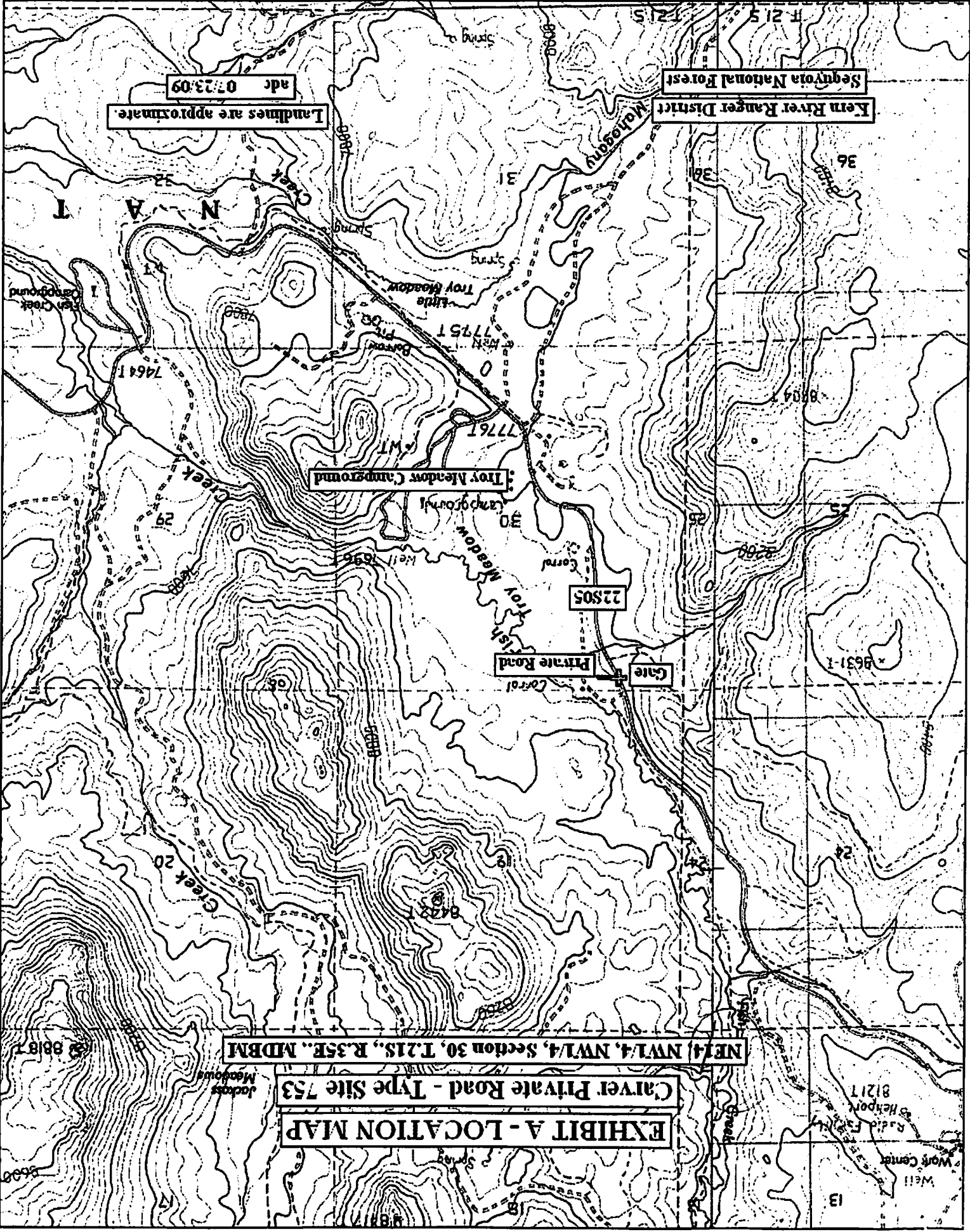
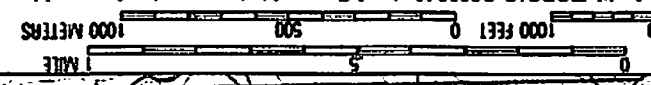
For additional information concerning this decision or any other questions, please contact Artie Colson, Special Use Officer, at (760) 379-5646, extension 562, or send to the Sequoia National Forest, Kern River Ranger District, P.O. Box 3810, Lake Isabella, CA 93240.

tr


 TINA J. TERRELL
 Forest Supervisor
 Sequoia National Forest

7/20/10

 Date



Landlines are approximate.
Date 07/23/09

Kern River Ranger District
Sequoia National Forest

Troy Meadow Campground

Private Road
Gate

NE1/4 NW1/4, NW1/4, Section 30, T15S, R35E, MDBM

EXHIBIT A - LOCATION MAP
Caver Private Road - Type Site 753

Well Center
Ridge Falls
Harpport
81217