Decision Notice and Finding of No Significant Impact
Lower Kern Canyon and Greenhorn Mountains Off-Highway Vehicle (OHV) Restoration Project

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

Decision and Reasons for the Decision

Background

The Lower Kern Canyon and Greenhorn Mountains Off-Highway Restoration Lower Kern project (Project) will result in:

- Closure of non-system routes and site restoration within four recreation sites. Three of the four recreation sites (Black Gulch North, Black Gulch South and China Garden) are located in the Lower Kern Canyon. The fourth recreation site (Evans Flat Campground) is located in the Greenhorn Mountains near Evans Flat.
- Relocation of campsites and site restoration within one recreation site (Evans Flat).
- Rerouting and site restoration of sections of two OHV trails: one mile of the Woodward Peak Trail (Trail #32E53) and two miles of the Kern Canyon Trail (Trail #31E75).

Unauthorized routes targeted for closure in this proposal were considered, but not added to the National Forest Transportation System (NFTS) in the Sequoia National Forest Motorized Travel Management Project (2009). That decision did not preclude the closure, rerouting, or site restoration of either unauthorized or system roads and trails in future travel management actions.

The project addresses the needs to: (1) manage developed recreation sites and the NFTS to assure resource protection; (2) provide safe access and accommodate management needs; (3) establish partnerships with trail groups to help manage, protect, and patrol those areas where they can be an influence; (4) allow changes to the existing trail system to eliminate resource or facility damage; (5) prevent user conflicts; (6) place or construct some hard barricades, such as boulders or fences, to limit vehicular access to closed routes; and (7) improve signage within these recreation sites.

The Project is also designed to protect threatened, endangered, and sensitive species; to protect known cultural resources; to minimize impacts to sensitive botanical species; to reduce the potential for the introduction or spread of noxious weed species; and to protect watershed resources and water quality by employing best management practices (BMPs).

The Project Environmental Assessment (EA) documents the analysis of two alternatives to meet these needs. Four (4) developed or dispersed recreation sites and two (2) OHV trails are proposed for improvement in the Project and are presented below in Table 1:

Table 1. Recreation Site and OHV Trail Locations (Mount Diablo Base and Meridian [MDBM]).

Recreation Site	Township	Range	Section
Black Gulch North	T.27S.	R.32E.	Sect. 9
Black Gulch South	T.27S.	R.32E.	Sect. 10
China Garden	T.27S.	R.31E.	Sect. 33
Evans Flat Campground	T.26S.	R.32E.	Sect. 25
OHV Trail	**Township**	**Range**	**Section**
Kern Canyon Trail #31E75	T.27S.	R.32E.	Sect. 3
Woodward Peak Trail #32E53	T.26S.	R.32E.	Sect. 30

The project area encompasses recreation facility and trail improvements limited to specific developed and dispersed recreation sites, located in the Lower Kern Canyon, as well as in the Greenhorn Mountains near Evans Flat. All are found within the Sequoia National Forest, and the project area is contained within Kern County, California.

Decision and Selected Alternative

Based upon my review of all alternatives, I have decided to implement Alternative 2, the Proposed Action, hereafter referred to as the Selected Alternative, which includes the following activities: the closure of non-system routes and site restoration within four recreation sites, the relocation of campsites and site restoration within one recreation site, and the rerouting of sections of two off-highway vehicle (OHV) trails located in the Kern River Ranger District of the Sequoia National Forest.

Three of the four recreation sites and one of the OHV trails are located in the Lower Kern Canyon near the Lower Kern River, while the fourth recreation site and the second OHV trail are located in the Greenhorn Mountains. Other connected actions include closure of unauthorized routes and site restoration in the vicinity of the Black Gulch North, Black Gulch South, and China Garden dispersed recreation areas. The second phase of the Project includes the restoration of an interior access road and two associated campsites in Evans Flat Campground. The third phase of this project includes monitoring by OHV personnel and resource specialists on a routine basis to determine the effectiveness of project activities.

Restoration activities will include: (1) decommissioning approximately 38 unauthorized routes and hill climbs, as well as the old sections of two system OHV trails, by scarifying, cross-ripping, and re-contouring affected areas; (2) installing water bars and planting native vegetation along route prisms; (3) placing and/or constructing some hard barricades, such as boulders or fences to limit vehicular access to closed routes; (4) adding barriers and signage to discourage further route proliferation; (5) restoring an interior access road and two associated campsites within a developed recreation site; and (6) monitoring by OHV personnel and resource specialists on a routine basis to determine the effectiveness of the Project (see maps on pp. 23-27 of the EA).

Recreation site and trail improvements for the Selected Alternative include:

Lower Kern Canyon and Greenhorn Mountains Restoration - First Phase

Black Gulch North Dispersed Recreation Area:

1. Decommission and restore the sites of approximately 26 unauthorized routes and hill climbs within Black Gulch North Dispersed Recreation Area by scarifying, cross-ripping, re-contouring affected areas, as well as installing water bars and potentially planting native vegetation along the route prism. Routes whose sites will be restored include: U01237, U01239, U01192, U01236, U01187, U01214, U01215, U01216, U01217, U01220, U01179, U01170, U01187, U01213, U01172, U01190, U01191, U01173, U01169, U01168, U01167, U01211, U01208, U01207, U01238, and U01165.
2. Site restoration activities will include breaking up compacted soils and vertical mulching with native materials to restore identified areas to natural conditions.
3. Some hard barricades, such as boulders, fences and/or pipe gates may be placed and/or constructed to limit vehicular access. Barriers and signage will be used to discourage further route proliferation.
4. Installation of approximately one mile of range fencing along both sides of Black Gulch Creek to protect the riparian corridor.

5. Complete restoration work using volunteers and a restoration crew in combination with a small trail dozer and conventional hand tools.
6. Install a gate on Forest Service Road #27S30A where it crosses through Black Gulch Creek. This road provides access to a mining claim and will only be available for administrative use (e.g. agency personnel and/or the mining claimant).

Black Gulch South Dispersed Recreation Area:

1. Decommission and restore the sites of approximately nine unauthorized routes and hill climbs within Black Gulch South dispersed recreation area by scarifying, cross-ripping, re-contouring affected areas, as well as installing water bars and potentially planting native vegetation along the route prism. Routes whose sites will be restored include: U01178, U01180, U01181, U01182, U01221, U01222, U01177, U01174, and U01219.
2. Some hard barricades, such as boulders, fences and/or pipe gates may be placed or constructed to limit vehicular access.
3. Site restoration activities will include breaking up compacted soils and vertical mulching with native materials to restore identified areas to natural conditions.
4. Barriers and signage will be used to discourage further route proliferation.
5. Complete restoration work using volunteers and a restoration crew in combination with a small trail dozer and conventional hand tools.

China Garden Dispersed Recreation Area:

1. Decommission and restore the sites of two unauthorized routes identified as U01059 and U01061.
2. Restore a portion of the Patch Corner Trail #31E82 from the dirt parking area down to the river.
3. Decommission and restore the sites of unauthorized routes along Forest Service Roads #27S37 and #27S37A in an effort to restore approximately ¾ mile of the Patch Corner Trail #31E82 located within China Garden dispersed recreation area by scarifying, cross-ripping, re-contouring affected areas, as well as installing water bars and potentially planting native vegetation along the route prism.
4. Some hard barricades, such as boulders, fences and/or pipe gates may be placed or constructed to limit vehicular access.
5. Restoration activities will include breaking up compacted soils and vertical mulching with native materials to restore identified areas to natural conditions.
6. Barriers and signage will be used to discourage further route proliferation.
7. Complete restoration work using volunteers and a restoration crew in combination with a dozer, a small trail dozer and conventional hand tools.

Lower Kern Canyon and Greenhorn Mountains Restoration - Second Phase

Evans Flat Campground:

1. Relocate two campsites by removing both the picnic tables and fire rings at each campsite and install them in a new location within the campground's interior. Restore the vacated campsites to natural site conditions.
2. Decommission approximately 1/8 mile of the road which led to the two campsites.
3. Remove the existing cattle gate and relocate in the campground.
4. Install a pipe gate to prevent motor vehicle access to restored area. There will be no change to the remainder of the existing campground and its associated facilities.

Woodward Peak Trail (Trail #32E53):

Reroute approximately one mile of the trail to protect sensitive resources. The trail decommissioning and reroute will remove the stream crossing from the meadow. The new crossing will include an arch culvert or a squashed culvert to allow for aquatic organism passage. Boulders will be placed to prevent use of the decommissioned trail segment, and the older trail prism will be further screened with hand-scattered slash or straw.

Kern Canyon Trail (Trail #31E75):

Reroute approximately two miles of the trail to protect sensitive resources. The 2 miles of the old trail will be closed, decommissioned, and restored. Boulders will be placed to prevent use of the decommissioned trail segment, and the older trail prism will be further screened with hand-scattered slash or straw. Water bars and other mitigations to protect soils and water quality will be placed where necessary.

Lower Kern Canyon and Greenhorn Mountains Restoration - Third Phase

Common to All Restoration Areas Identified in the Project:

1. Implement monitoring by OHV personnel and resource specialists on a routine basis to determine the effectiveness of the restoration efforts.
2. If restored areas are observed to require additional treatment, further restoration work and resource protection measures will be implemented, incorporating appropriate strategies to eliminate unauthorized OHV use.
3. Establish photo point monitoring and record observations prior to implementation of the project's activities. Pre and post project photos and observations will document bare soil,

erosion, and vegetative conditions. These photo points and observations will determine if vegetative cover is increasing as a result of project activities.
4. Maintain a successful project outcome by using increased OHV patrols with citation authority to regularly conduct site visits to ensure greater compliance.
5. Utilize OHV patrols, Forest Protection Officers (FPOs) and Law Enforcement personnel for public contact purposes.
6. Implement use of Best Management Practices (BMPs) where ground disturbing activities are proposed.

The Selected Alternative includes the following Mitigation Measures:

- Restoration activities should be implemented outside of the riparian zones and capture project-generated sediment before it reaches the lake/river/streams where possible. The proposed reroute at Evans Flat will be located high in the watershed where there is little riparian vegetation. The new crossing will be over an ephemeral to intermittent channel. The proposed reroute will not remove any large riparian vegetation and should have little to no effect on the age class, structural diversity, composition, or cover of riparian vegetation.
- State certified BMPs will be implemented (see Appendix B of the EA).
- All standards and guidelines associated with Riparian Conservation Objectives (RCOs) will be implemented as described in SNFPA 2004. See Appendix C of the EA: RCO Analysis.
- Measures to prevent noxious weed infestation will be enforced and monitored under appropriate contract clauses. Equipment will be free of soil, seeds, vegetative matter, or other debris that could contain or hold seeds prior to entering the project areas.
- Measures for protection of known cultural properties will be enforced and monitored. Provisions will be incorporated in service contracts and implementation plans to assure that cultural resource damage during operations is avoided or minimized.

Decision Rationale

In making my decision I evaluated which alternative best meets the Project's purpose and need and responds to the issues raised by the public. The Selected Alternative meets the purpose and need by addressing the needs to: (1) manage developed recreation sites and the NFTS to assure resource protection; (2) provide safe access and accommodate management needs; (3) establish partnerships with trail groups to help manage, protect, and patrol those areas where they can be an influence; (4) allow changes to the existing trail system to eliminate resource or facility damage; (5) prevent user conflicts; (6) place or construct some hard barricades, such as boulders or fences to limit vehicular access to closed routes; and (7) improve signage within these recreation sites.

The Selected Alternative is also designed to protect threatened, endangered, and sensitive species; to protect known cultural resources; to minimize impacts to sensitive botanical species; to reduce the

potential for the introduction or spread of noxious weed species; and to protect watershed resources and water quality by employing best management practices (BMPs).

Therefore, I have concluded that the Selected Alternative, Alternative 2, provides the best outcome.

As displayed in Table 2 (EA, pg. 16), the action alternative addresses the purpose and need for the proposal. This alternative addresses the need for: (1) closing and restoring the sites of non-system routes in the vicinity of Black Gulch North, Black Gulch South, and China Garden dispersed recreation areas; (2) decommissioning approximately 38 unauthorized routes and hill climbs by scarifying, cross-ripping, and re-contouring affected areas; (3) installing hard barricades, such as boulders, gates, or fences to limit vehicular access to closed routes; (4) planting of native vegetation along route prisms to restore the landscape within heavily used recreation sites; (5) relocating campsites so use by forest visitors can continue while restoring an interior road and campsites that are vacated; (6) rerouting sections of two OHV trails for resource protection; (7) adding signage to discourage further route proliferation; and (8) monitoring by OHV personnel and resource specialists to determine effectiveness of project activities.

Table 2. Comparison of the Environmental Effects by Alternative

Feature	Alternative 1 - No Action	Alternative 2 - Proposed Action and Selected Alternative
Manage recreation sites to provide a means for visitor use to continue while protecting resources	None	Black Gulch North Black Gulch South China Garden Evans Flat Campground
Manage the forest transportation system and recreation facilities to focus on providing efficient routes adjacent to easily accessed and popular recreation sites	None	Black Gulch North Black Gulch South China Garden Evans Flat Campground
Establish partnerships where trail groups help manage, protect, and patrol in order to allow OHV enthusiasts and others alike a chance to contribute to the improved management of wheeled motor vehicle use and would result in all forest users being better served	None	Black Gulch North Black Gulch South China Garden Evans Flat Campground Woodward Peak Trail Kern Canyon Trail

Allow changes to the existing trail system to minimize trail degradation and to protect off-site resources. Restoration activities at or near recreation sites would complement efforts to maintain system trails	None	Black Gulch North Black Gulch South China Garden Evans Flat Campground Woodward Peak Trail Kern Canyon Trail
Improved signage at these sites, as well as along primary access roads and designated routes to help disburse information, control congestion and avoid conflicts	None	Black Gulch North Black Gulch South China Garden Evans Flat Campground Woodward Peak Trail Kern Canyon Trail

Other Alternatives Considered

In addition to the Selected Alternative, I considered one other alternative and analyzed both of these. I believe the alternatives are adequate for this National Environmental Policy Act (NEPA) analysis and for the complexity of the project. A comparison of the two alternatives analyzed in detail can be found on pages14 to 16 of the EA.

Alternative 1- No Action

In the no action alternative, the sites of unauthorized routes would not be restored in three dispersed recreation areas in the Lower Kern Canyon and at one developed recreation site in the Greenhorn Mountains. The relocation of campsites and restoration of the vacated sites within one developed recreation site, as well as the rerouting of sections of two (2) OHV trails would not occur.

- Unauthorized routes and hill climbs would remain at the following sites: Black Gulch North, Black Gulch South, and China Garden. The proliferation and expansion of unauthorized routes would continue to impact sensitive resources.
- The interior access road and two associated campsites at Evans Flat Campground would remain in place with no changes. Conflicts among OHV users and the non-motorized public would continue as a consequence of unmanaged OHV use. Routes leading away from the campground would remain. In many cases, these routes were developed across steep terrain on small hills.
- Continued OHV use of the Woodward Peak Trail (Trail #32E53) would increase the potential for erosion by channeling runoff and introducing sediment into the east fork of Greenhorn Creek. A section of the Kern Canyon Trail (Trail #31E75) would not be re-routed, and impacts to sensitive resources in and adjacent to the trail corridor (e.g., from channeling runoff) would continue.

- Planned monitoring by OHV personnel and resource specialists on a routine basis would be lacking. Diligent effort would be made to provide a quality OHV riding experience while minimizing impacts to natural resources. However, current recreation management budgets are not adequate to patrol all of these developed and dispersed recreation sites during the peak summer use season.
- Areas would not be restored and treatments would not occur. No additional restoration work, resource protection measures, or treatments would be implemented. The combination of decommissioning and restoring the sites of user-created routes to provide a foundation for a safe, responsible, and well managed OHV riding experience, while minimizing impacts to natural resources, would not be implemented at the identified sites.

Public Involvement

The Project was listed in the Sequoia National Forest Schedule of Proposed Actions for April 1, 2011 through June 30, 2011, and was updated periodically during the analysis. The proposed action was provided to 158 individuals; local tribal organizations; federal, state, and local agencies; and groups potentially interested in or affected by this project for comment during scoping between October 26 and November 28, 2011.

In response to scoping, nine public comment letters were received from six different parties. In addition, three calls were received. Using the comments from the public and other agencies, the interdisciplinary team developed a list of issues that were used to develop the alternatives. No significant issues were raised during scoping. The public involvement file contains copies of the scoping letters and comment analysis and is part of the project record.

On March 6, 2013, the Preliminary EA for the Project was released for public review and comment, with a legal notice published in the newspaper of record (the *Porterville Recorder*). Documents were sent to the twelve respondents who had participated in the initial scoping process. The comment period closed on April 5, 2013. The District Ranger received five letters in response, from five individuals representing two individuals, three conservation groups, and one state agency, which are filed in the project record at the Kern River Ranger District Office. The comments and responses are included in Appendix A of the EA.

Finding of No Significant Impact

The Council on Environmental Quality (CEQ) regulations note that when an environmental assessment has been prepared, the responsible official shall review that document and determine whether the

proposed action (selected alternative) may have a significant effect on the quality of the human environment and if an environmental impact statement should be prepared (40 CFR 1508. 13). I have reviewed the direct, indirect, and cumulative effects of the proposed activities documented in the Environmental Assessment for the Project. I have also reviewed the project record for this analysis and the effects of the proposed action and no action alternatives as disclosed in the EA. Implementing regulations for the NEPA (40 CFR 1508.27) provide criteria for determining the significance of effects. Significance, as used in the NEPA, requires consideration of both context and intensity.

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance will usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR 1508.27):

In this case, proposed recreation facility improvements are limited to specific developed and dispersed recreation sites located in the Lower Kern Canyon within the Sequoia National Forest. This is a site-specific action with minor localized effects on access and the resources in the area.

More than 150 scoping letters were mailed to interested parties. Nine responses or inquiries were received from six different parties. In addition three calls were received. Many of the responses were positive and in support of the project. Some of the comments received were outside the scope of the proposed project. Some of the respondents voiced complaints about the closure of any areas now open to vehicular traffic; some suggested that routine road maintenance would be all that is needed.

The most extensive reply was submitted jointly from Sequoia ForestKeeper and the Kern-Kaweah Chapter of the Sierra Club, who sent four comment letters, dated November 13, 14, 17 and 18, 2011. Their comments were addressed to all three of the simultaneously scoped projects. Their concerns included off-highway vehicle use conflicts, trail relocation, erosion control, and wildlife habitat. One of their concerns is that OHV use should be eliminated in some areas where it is currently permitted. However, the 2009 Sequoia National Forest Motorized Travel Management/Motorized Vehicle Route Designation Project determined where motorized travel is and is not permitted. Therefore, this issue is outside the scope of this project.

Another concern expressed was the impact of the Project on sensitive species. California condors, southwestern pond turtles, hardhead minnow, ensatina and slender salamanders, California legless lizard, Pacific fisher, California spotted owl, and northern goshawk are known to occur in the surrounding area and may exist within or use the project area. The biological evaluation/biological assessment (BE/BA) documented the determination that the Project would have no adverse effect on

these species as a result of implementing the proposed action. Best Management Practices (BMPs) have been established to prevent impacts to sensitive watershed habitats. No significant environmental impacts are expected as a result of this project, as described in Appendices B through E of the EA.

Activities protective of cultural resources, water quality, and threatened and endangered species (TES) plant and animal species are included in the Selected Alternative. In the context of short- and long-term effects, there have been other recreation sites in the Kern River Ranger District where similar improvements were implemented. Observation and anecdotal evidence of the improvements installed at Delonegha Bridge, Cyrus Canyon Off-Highway Vehicle Park, Camp 3 Campground, Brush Creek Flat, and the Johnsondale Bridge show that these improvements have not resulted in long-term adverse effects.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity (40 CFR 1508.27):

(1) Impacts may be both beneficial and adverse. A significant effect may exist even if, on balance, effects are believed to be beneficial.

Ripping and obliteration of unauthorized routes has the potential to temporarily affect aquatic resources while soil displacement could cause an effect on watershed condition and aquatic habitat. Both were identified as possible short-term effects. By incorporating project design features, the potential for, and intensity of, adverse effect is considered low. Implementation of restoration treatments is expected to improve hydrologic resources over the long-term. Restoration activities at or near recreation sites will complement efforts to maintain system trails. The Project will also provide efficient routes for forest visitors who use these developed or dispersed recreation sites while protecting resources (see EA, pgs. 11 -14).

(2) The degree of effects on public health or safety.

The Selected Alternative will have the effect of reducing potential adverse conditions for public health and safety by closing and restoring the sites of unauthorized routes, improving access to and within recreation sites, and by providing hard barricades and signage to discourage route proliferation where there are none currently. Alternative 1 (No Action), on the other hand, would perpetuate the proliferation and expansion of these unauthorized routes, while failing to address risks to public health and safety, as well as to forest workers as hill climbs and non-standard routes on steep terrain would remain. Planned monitoring by OHV personnel and resource specialists on a routine basis would be lacking. Conflicts among OHV users and the non-motorized public would continue as a consequence of unmanaged OHV use. (see EA, pg. 11).

(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.

No park lands, prime farmlands, wetlands, or ecologically critical areas would be adversely affected by the proposed improvements. The Project area has been surveyed and analyzed for cultural resources. A total of twenty-four cultural resources have been identified within the area of potential effect (APE) from the proposed restoration measures. Under the no-action alternative impacts to cultural resources stemming from the use of unauthorized routes would continue unabated. The proposed action would directly benefit the resource by eliminating routes that bisect cultural resources and, by limiting route proliferation in the Black Gulch North, Black Gulch South, and China Garden project areas (route proliferation poses an impact to the integrity of setting and feeling of cultural resources located within its viewshed), the project could indirectly benefit cultural resources by restoring some of the landscape to a condition similar to its prehistoric and historic-period aspect.

The proposed improvements would implement the direction in the 1982 Kern Whitewater (WW) Floating Plan and are consistent with the Sequoia National Forest Land and Resource Management Plan (LRMP 1988) as amended by the Sierra Nevada Forest Plan Amendment Record of Decision, dated January 21, 2004. In addition, the proposed project would protect the ecological resilience of the natural and cultural resources, as well as Wild and Scenic River eligibility outstandingly remarkable values associated with the Lower Kern.

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

The effects of the Selected Alternative on the quality of the human environment are not likely to be highly controversial because this project would close and restore the sites of unauthorized routes in the vicinity of Black Gulch North, Black Gulch South, and China Garden Dispersed Recreation Areas. The Project area has been impacted by heavy recreation use, the proposal is limited in scope, and the project design features, including standard management requirements, are demonstrably effective in reducing impacts to national forest resources. The action alternative addresses the need for recreation facilities for all users; and would be beneficial by providing a foundation for a safe, responsible, and well managed OHV program that focuses on providing a quality OHV riding experience while minimizing impacts to natural resources (see EA pgs.11 - 14).

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

The conditions present in the Project area and the proposed action are similar to recreation facility improvement projects that have been implemented on the Sequoia National Forest in the past. BMPs have been shown to be effective in minimizing or eliminating off-site sediment transport when properly implemented. These effects have been monitored for several years and are displayed in annual forest reports (see EA Appendix B, Best Management Practices).

(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 precedent for constructing recreation facility improvements has been well established in the Forest Service Manual and National Forest Plans. This action does not set a precedent for future actions or represent a decision in principle about a future consideration. Future actions will be analyzed on their own merits in compliance with NEPA (EA, pg. 19).

Regarding the potential for significant effects, the Sequoia National Forest has implemented such practices for many years. Projects are designed with protection measures to prevent adverse effects from occurring. Based upon the analysis of the proposed action alternative, as documented herein, none of the proposed activities should result in significant effects.

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

A cumulative effect is the effect on the environment that results from the incremental effect of an action when added to the effects of other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes the other actions and regardless of the land ownership where the actions occur.

Design features included in the Selected Alternative will avoid or minimize adverse effects and protect plants, wildlife, aquatic species, and other sensitive resources to the extent that residual effects will not be significant. As a result, there will not be any significant direct or indirect effects associated with this proposal; without direct effects, there can be no cumulative effects (EA, pg. 16 - 21).

This project constitutes the minimum necessary action to improve recreation facility improvements are limited to specific developed and dispersed recreation sites and trails located in the Lower Kern Canyon or in the Greenhorn Mountains within the Sequoia National Forest. The incremental impact of the Selected Alternative is low in context, scale, and intensity.

(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, cultural, or historical resources.

Impacts to cultural resources will be avoided, according to standard protection measures outlined in II (A) of the *First Amended Programmatic Agreement among the USDA Forest Service, Pacific Southwest Region, the Advisory Council on Historic Preservation, and the California State Historic Preservation Officer, Regarding the Process for Compliance with Section 106 of the National Historic Preservation Act for Undertakings on the National Forests of the Pacific Southwest Region* (Region 5 Programmatic Agreement, 2001), by establishing exclusion areas around the twenty-four archaeological sites located within or adjacent to the Project APE. Such exclusion areas would be flagged prior to project implementation and monitored by the heritage resources staff during the course of the project to ensure that no ground-disturbing restoration measures occur within site boundaries. Hand-scattering slash or straw within site boundaries to promote natural restoration is permitted. Conducted within the parameters of these stipulations, the Project would not pose an adverse effect to cultural resources. If any new heritage resources are discovered during project implementation, operations will cease in the area of new discovery until adequate protection measures are agreed upon with SHPO (EA, pg. 20- 21).

(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.

A biological evaluation (BE) has been completed to document analysis of the potential effects of this project's activities on endangered, threatened, and proposed species and their critical habitats. According to the Plant BA/BE and the Wildlife BE there are no federally listed Threatened, Endangered or Sensitive species proposed for listing affected by the proposed action or action alternatives. The project is within the range of the California condor which is known to forage in the general vicinity of the southern San Joaquin Valley and occasionally roost in the Greenhorn Mountains north and west of the project or south in the Breckenridge Mountains. There are cacti in the project area, but they were determined to be the common subspecies of prickly pear and not the federally protected Bakersfield cactus (*Opuntia basilaris treleasei*). The project sites are within the range of several special status wildlife and plant species including the southwestern pond turtle, hardhead minnow, ensatina and slender salamanders, legless lizard, Pacific fisher, California spotted owl, and northern goshawk.

However, the location of the sites in moderate to heavily used existing recreation sites and the nature of the project, which is focused on restoration of habitat in areas with existing heavy use and installation of improvements within existing developed facilities, limits the potential for impacts and results in the determination that there will be no loss of suitable habitat or significant adverse effect that would result in a trend leading to listing or loss of viability for any sensitive species.

Realignment of the trail and elimination of the existing stream crossing and campsites at Evans Flat Campground would have a potential beneficial effect. (EA, pg. 19-21).

(10) Whether the action threatens a violation of Federal, State, or local law or other requirements imposed for the protection of the environment.

The Selected Alternative will not violate federal, state, or local laws or requirements. It is fully consistent with the 1988 Sequoia National Forest Land and Resource Management Plan (Forest Plan) as amended by the SNFPA. This EA is in full compliance with the NEPA of 1969 and is consistent with the National Forest Management Act of 1976 (EA, pg. 21-22).

Findings Required by Other Laws and Regulations

The Selected Alternative meets requirements under the NEPA, the National Forest Management Act, the Endangered Species Act, the Clean Water Act, and the Clean Air Act. It is also consistent with elements of the Sequoia National Forest Mediated Settlement Agreement (MSA) of 1990 that are not replaced by the 2004 SNFPA (EA, pg.21). The project was designed in conformance with Forest Plan standards, as amended by the SNFPA (EA, pg. 21-22).

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five business days from the close of the appeal filing period. If appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed (regular mail, fax, e-mail, hand-delivery, or express delivery) with the Appeal Deciding Officer: Forest Supervisor, Sequoia National Forest, 1839 South Newcomb Street, Porterville, CA 93257.

Appeals may be submitted by FAX (559-781-4744) or by hand-delivery to the Sequoia National Forest Supervisor's Office, at the address shown above, during normal business hours (Monday-Friday, 8:00 a.m. to 4:30 p.m.). Electronic appeals, in acceptable (plain text (.txt), rich text (.rtf) or Word (.doc)) formats, may be submitted to appeals-pacificsouthwest-sequoia@fs.fed.us with Subject: **Lower Kern OHV**. The identity of the appellant must be identifiable. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days of the publication date of the legal notice of this decision in the Porterville Recorder, the newspaper of record. Appeals received after the 45-day appeal period will not be considered. The publication date in the Porterville Recorder is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source. Notice of this decision will be published simultaneously in the Bakersfield Californian.

Individuals or organizations who submitted substantive comments may appeal this decision. The notice of appeal must meet the appeal content requirements in 36 CFR 215.14.

Contact Information

For additional information concerning this decision, please contact Penelope Shibley, Kern River District Planner: P.O. Box 9, Kernville, CA 93238, or (760) 376-3781, extension 650.

AL WATSON
District Ranger

9/10/2013
DATE

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