



**DECISION NOTICE & FINDING OF NO SIGNIFICANT IMPACT**

**Rattlesnake Mountain OHV Trails**

**U.S.D.A FOREST SERVICE**

**SAN BERNARDINO NATIONAL FOREST**

**MOUNTAIN TOP RANGER DISTRICT**

**SAN BERNARDINO COUNTY, CALIFORNIA**

**DECISION**

Based on my review of the Rattlesnake Mountain OHV Trails project Environmental Assessment (EA), I have decided to select Alternative 3, the Mixed Use Alternative, which includes all of the elements of the Proposed Action (route designation and restoration), and adds OHV designation on a 4.9 mile section of Forest Road 3N14, Coxey Road. A project-specific Forest Plan amendment to change current zoning along some of the proposed trails from non-motorized to motorized is also included. This project will add 13 miles of designated OHV riding opportunities to the Rattlesnake Mountain and Big Pine Flat areas, eliminate and restore approximately 25 miles of unauthorized routes in the project area, and move toward desired conditions for the Big Bear Backcountry Place as described in the SBNF Forest Plan.

The Project Area is located on the Mountaintop Ranger District of the San Bernardino National Forest (SBNF). The area encompasses approximately 8,000 acres in the vicinity of Rattlesnake Mountain southeast to Big Pine Flat. The Project Area is generally defined by the SBNF boundary on the north, Forest Road 3N14 (Coxey Road) on the west and south, and by White Mountain and Forest Roads 3N17 and 3N11 on the northeast and east sides. The entire Project Area is within the Big Bear Back Country Place as described in the SBNF Land Management Plan (LMP) (SBNF 2006). The Project Area is primarily accessed via Coxey Road, from Hesperia and Apple Valley to the northwest and the town of Fawnskin to the southeast.

This area is located between two popular Off Highway Vehicle (OHV) recreation areas: Big Pine Flat at the northeastern terminus of the popular Redonda Ridge Trail and the Juniper Flat area on Bureau of Land Management lands to the north.

The Environmental Assessment (EA) for the project may be found on the Project website at <http://www.fs.usda.gov/project/?project=43331> and in the project record located at the San Bernardino National Forest Supervisor's Office in San Bernardino, CA.

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Design features have been incorporated into the project to avoid, minimize, and mitigate impacts to wildlife, botanical, heritage, soil, and water resources, and to minimize the spread of invasive species. The design features are described in the EA and will be implemented as part of the decision.

### **DECISION RATIONALE**

My decision to select Alternative 3 is based on my desire to provide improved OHV riding opportunities while balancing the needs to protect natural and heritage resources in the project area. From the beginning, a huge effort was made to evaluate many possible routes for OHVs with many hours of field surveys and coordination. I was concerned about not creating or exacerbating conflicts with other Forest users, as well as protecting vulnerable resources in the project area.

The project area has been a management challenge in terms of the creation, use and proliferation of unauthorized routes. By adding new designated riding opportunities, forming enjoyable loops, and completing important connections to the official trail system, riders will be more likely to stay on the authorized trail/road system. This is tempered by understanding that successful management of motorized use within the project area will also require clear and consistent signage, patrols, enforcement, monitoring, and education.

Based on input from the public, my staff developed Alternative 3 as a modification to the original Proposed Action. Alternative 3 is identical to the Proposed Action with the addition of authorizing non-highway legal vehicles (*e.g.*, green sticker vehicles) on Coxey Road (3N14) between Big Pine Flat and Grapevine Canyon Road (4N16), with associated changes to the maintenance level of 3N14 within the project area. Selecting the No Action alternative was not a viable option for me. The need is compelling in the Project Area for additional OHV riding opportunities, as stated in the Forest Plan and the Desired Conditions for the Big Bear Back Country Place, to meet current and projected demand. The need to restore unauthorized routes in the Project Area is also compelling.

While either the Proposed Action or Alternative 3 would have met the Purpose and Need, I have chosen Alternative 3 because it best balances the needs to provide more and better-connected riding opportunities and protects the natural and heritage resources. I weighed the pros and cons of adding Mixed Use traffic to an existing Forest Service road (Coxey Road) and I find that this designation completes a logical and needed connection.

Safety related to mixed use is of great concern to me. I have carefully reviewed the Mixed Use Analysis and have discussed it with the Forest Engineer. Measures are provided for each proposed Mixed Use segment that will reduce the likelihood and severity of collisions. Completion of these measures is part of my decision, and for each segment, Mixed Use will not be authorized until these measures are complete and functioning as expected.

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In making my decision, I considered how best to meet the purpose and need for action. I considered public issues and concerns raised during scoping and the EA comment period. I considered comments both in support of and in opposition to project actions. I considered project impacts on the human environment and consistency with the Forest Plan as well as other applicable laws, regulations, and policies including the Endangered Species Act, Clean Water Act, National Historic Preservation Act, and the Forest Service Manual and Handbook. I considered opposing views, uncertainty and risk, and carefully evaluated both the benefits and costs of implementing the selected alternative.

My decision to select Alternative 3 is based upon a thorough review of all alternatives and the environmental consequences presented in the EA and project record. The analysis in the EA adequately discloses the environmental impacts of the project.

### **PUBLIC INVOLVEMENT**

The project proposal was listed in the Schedule of Proposed Actions on January 1, 2014, and project information has been available since then via the SBNF public website for projects at [http://data.ecosystem-management.org/nepaweb/project\\_list.php?forest=110512](http://data.ecosystem-management.org/nepaweb/project_list.php?forest=110512).

A press release was sent out on February 27, 2015 to inform the media and public about the project proposal, and in particular, the open house public meeting to be held Saturday March 7, 2015. The proposal was provided to the public and other agencies for comment during scoping, which began March 6, 2015. Scoping materials were provided via mail, email, and the internet. On March 7, 2015 the public meeting was held in Apple Valley, California, with 14 interested members of the public in attendance. Scoping materials were distributed at a SBNF OHV coordination meeting on 3/17/2015, with 7 interested members of the public in attendance. A legal notice of scoping and opportunity for public comment was published in the San Bernardino County Sun (the SBNF newspaper of record) on March 18, 2015. The scoping period ended 30 days after the publication of the legal notice, on April 17, 2015.

A total of 134 written or electronic comment letters were received. The comments and their disposition are summarized in the EA.

The draft EA was released for a 30-day public review and comment period beginning on November 17, 2015 and ending December 16, 2015. The legal notice of opportunity to comment was published in the San Bernardino County Sun on November 16, 2015. Twenty one comment letters were received. During this same review period, the State Clearinghouse submitted the EA for review by State Agencies and posted the document to the State Clearinghouse website. No State Agencies submitted comments. This process step will help the State comply with CEQA for any future State funding for this project. The comments and responses are recorded in Appendix B of the EA.

The Forest Service has documented, analyzed, and responded to the public comments received during the scoping and comment periods for the Rattlesnake Mountain OHV project EA. I have reviewed and considered all public and agency viewpoints submitted.

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

This decision is consistent with the LMP as required by the National Forest Management Act, and does not violate Federal, State, or local laws and regulations. Various key laws and regulations, and how the project complies with each are discussed by resource in the analysis section of the EA.

## **FINDING OF NO SIGNIFICANT IMPACT**

The following is a summary of the project analysis for significance, as defined by NEPA (40 CFR 1508.27). “Significantly” as used in NEPA requires consideration of both context and intensity of the expected project effects. Context means that the significance of an action must be analyzed in several contexts (*i.e.*, local, regional, worldwide), and over short and long-time frames. For site-specific actions, significance usually depends upon the effects in the local rather than in the world as a whole. As detailed in the EA, the effects from the proposed action are confined locally. Intensity refers to the severity of the expected project impacts. The following factors were considered to evaluate context and intensity.

### **Context**

The project area encompasses approximately 8,000 acres in the vicinity of Rattlesnake Mountain southeast to Big Pine Flat. The Project Area is generally defined by the SBNF boundary on the north, Forest Road 3N14 (Coxey Road) on the west and south, and by White Mountain and Forest Roads 3N17 and 3N11 on the northeast and east sides.

The primary public use of the area involves motorized vehicle travel. Forest Roads 3N14 (Coxey Road) and 4N16 (Grapevine Canyon Rd) are well-used thoroughfares for high clearance vehicles, and also provide access to two campgrounds within the Project Area. Forest Road 3N17 traverses White Mountain, and is classified as a “most-difficult” road that is popular with visitors who drive specially equipped four-wheel drive vehicles. Big Pine Flat campground is a developed concessionaire-run campground with 19 campsites, vault toilets, and drinking water. There is also an equestrian-oriented group campsite and a Forest Service fire station at Big Pine Flat. Horse Spring Campground is more rustic with no water, 11 campsites, and vault toilets. Both campgrounds are currently accessible to highway-legal vehicles only. The Project Area is also popular for dispersed recreation, finding solitude, hiking, birdwatching, botanizing, photography, and hunting.

### **Intensity**

1. ***Impacts may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect will be beneficial (40 CFR 1508.27(b)(1)):***

Consideration of the intensity of environmental effects is not biased by beneficial effects of the action. For some resources, both beneficial and adverse effects were identified. No adverse effects were determined to be significant. No adverse effects exceed the thresholds set by the Forest Plan or other laws and regulations. Long-term

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beneficial effects included reduced soil erosion, reduced impacts in riparian and aquatic habitats, protection of heritage sites, and user satisfaction. Adverse effects when considered alone (*i.e.*, separately from beneficial effects) are not significant. No significant effects were identified either through resource analysis or from public comments.

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

The selected alternative would not pose a significant risk to public health and safety. The selected alternative incorporates public health and safety by having an engineered trail system that meets Forest Service standards (instead of a user-created trail system that does not meet standards).

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 selected alternative does not significantly affect the unique characteristics of the geographic area because the project is designed to avoid, protect, or enhance these features, or these features are absent. The following features have been identified as “unique characteristics of the geographic area.”

*Historic and Cultural Resources* – There are a number heritage and cultural resources in the project area. By restoring user-created trails and removing the uses from those areas, the heritage resources would be protected. An archaeologist would work with the restoration crews to ensure protection of heritage/cultural resources during road and trail work and restoration activities.

*Hydrologic Features* - Hydrologic features in the project area include a number of riparian areas, including Willow Creek, seeps, springs, and other unnamed ephemeral and intermittent drainages. The selected alternative would remove or reroute user-created trails away from riparian areas. The riparian areas would be protected from project impacts during implementation and trail construction through site design, Best Management Practices, and other Project Design Features intended to reduce erosion and protect drainages from sedimentation.

*Special Designation Areas* – No areas with special designation under the Forest Plan occur in the project area.

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

Effects of the selected alternative on the quality of the human environment are not likely to be highly controversial among professional experts. The Rattlesnake Mountain OHV Trails project incorporates practices and procedures technically accepted by experts and commonly practiced to protect the human environment as well as natural resources. Although there may be controversy related to the actions proposed, the effects on the quality of the human environment are not likely to be

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highly controversial with the majority of the interested and involved public because the proposed actions are in a National Forest where OHV activities have occurred for the past several decades in an area suitable and compatible with those forest management activities.

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

Implementation of the selected alternative would not pose unique or unknown risks or result in highly uncertain effects on the human environment. The existing conditions have been thoroughly documented, and the likely effects of implementation on the environment are well-understood and described in the Environmental Consequences chapter. No unique risks were identified and no unknown or undocumented risks are likely.

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:***

Implementation of the actions would not establish a precedent for future actions. The project does not imply approval of other future projects. Future proposals will be evaluated for effects to the environment prior to approval and implementation.

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

Based on the cumulative effects analysis for each resource in the EA, the cumulative impacts are not significant.

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:***

See response to Intensity Factor #3 above.

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:***

Effects to listed Threatened and Endangered species are discussed in the Environmental Consequences chapter of the EA. A Biological Assessment (BA) for the Rattlesnake Mountain OHV project was prepared to evaluate any threatened or endangered species that may be affected by this project.

Two federally-listed animals (California condor and desert tortoise) were considered but no effects are expected. Two federally-listed plants (*Eriogonum ovalifolium* var. *vineum* and *Acanthoscyphus parishii* var. *goodmaniana*) are known to occur and have designated Critical Habitat in the project area. The selected alternative would have

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wholly beneficial effects to both of these plant species and their designated Critical Habitat, due to the restoration of unauthorized routes that currently exist in the habitat. The Design Features include measures to protect habitat and limit disturbance to these species.

Under the Endangered Species Act, informal consultation with the US Fish and Wildlife Service (USFWS) has been conducted on the selected alternative, and concurrence on the determination of effects has been received.

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

The Proposed Action is consistent with all Federal, State and local laws or requirements relevant to protection of the environment. The selected alternative is consistent with the Forest Plan, and alternatives were specifically developed to comply with applicable laws, regulations and executive orders. Project reports identified that the proposed project complies with forest plan requirements, and other relevant laws, regulations, policies and plans.

1. National Forest Management Act (NFMA) - Forest Plans are promulgated in compliance with the various statutory and regulatory directions including NFMA. The NFMA requires that projects are consistent with Forest Plans (36 CFR 219.10). Consistency with the Forest Plan is noted in each specialist report for individual resources.
2. Endangered Species Act (ESA) - The analysis in the Biological Assessment covered the direct, indirect and cumulative effects of the selected alternative on Threatened and endangered species, and informal consultation with USFWS was conducted.
3. Clean Water Act (CWA) - Pursuant to Section 208 of the Clean Water Act, all agencies responsible for carrying out any portion of a State Water Quality Management Plan must be designated as a Water Quality Management Agency (WQMA). The State Water Resources Control Board designated the Forest Service as a WQMA. The Forest Service employs Best Management Practices (BMPs) as the primary tool for managing for water quality on NFS lands. Applicable BMPs were considered and used to develop project Design Features to ensure that potential impacts to water quality would be prevented or effectively mitigated.
4. Federal Clean Air Act, As Amended, State Clean Air Act and other Air Quality Regulations – The selected alternative would not have substantial effects to air quality. Air pollutants regulated under the National Ambient Air Quality Standards are expected to be well below the *de minimis* emission levels for a

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project of this scope and scale, and the project is therefore not be subject to a conformity determination under the Clean Air Act.

5. National Historic Preservation Act Section 106 (including the Region 5 Heritage Programmatic Agreement) - The requirements of Section 106 of NHPA have been met (see Heritage Resources section in EA). The selected alternative would have no adverse effect on eligible historic properties and is in full compliance with Section 106 of the NHPA, and meets the requirements of the Regional Programmatic Agreement (PA). The selected alternative provides for the protection of historic properties through the designation of some unauthorized routes and the restoration of other unauthorized routes. Either of these alternatives provides for the ongoing protection and public enjoyment of historic properties through monitoring, interpretive opportunities, and ongoing maintenance that will allow the character of linear resources to be retained.

Staff-level coordination was completed with the San Manuel Band of Serrano Indians, and no government-to-government consultation was requested. No comment has been received from this tribe or other interested parties concerning any potential effects to archaeological sites. Also, no response has been received expressing concern about how this project may effect areas of spiritual or traditional use.

6. Migratory Bird Treaty Act and Bald/Golden Eagle Protection Act - The project is compliant with the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and the National Bald Eagle Management Guidelines as documented in the project Biological Evaluation.
7. Executive Order 13112 amended by Executive Order 13286 Invasive Species - The project is compliant with Executive Order 13112 regarding non-native plants and animals (Non-Native section in the EA). There are known occurrences of non-native plants near the project area. With protection measures in place, the risk of a new introduction or spread of non-natives would be reduced.
8. California Environmental Quality Act (CEQA) – This project review has integrated requirements of CEQA into the NEPA process so that future State involvement (*e.g.*, funding) will be able to use this project analysis, documentation, and public involvement to satisfy their obligations under CEQA.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

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### ADMINISTRATIVE REVIEW OPPORTUNITIES

This proposed decision is subject to the objection process under 36 CFR 218. The objection period began February 10, 2016 and ended March 28, 2016. No objections were received.

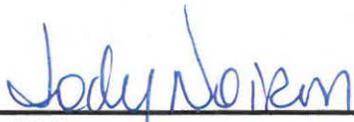
As referenced in FSH 1909.12 chapter 50, when a plan amendment would be approved in a decision document approving a project or activity and the amendment applies only to the project or activity, the administrative review process of 36 CFR 218 would apply instead of the objection process for plans (36 CFR 219).

### IMPLEMENTATION DATE

Implementation may begin immediately after the decision is made. Portions of the decisions are expected to be implemented in 2016, with the majority of trail and restoration work expected to occur in 2017 and 2018, subject to funding.

### CONTACT

For additional information concerning this decision, contact Scott Eliason, Big Bear Ranger Station, P.O. Box 290, Fawnskin, CA 92333 (seliason@fs.fed.us)



Jody Noiron  
Forest Supervisor



Date

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