

Recreation Residence Tract Association Permits (33556) Decision Notice and Finding of No Significant Impact

Stanislaus National Forest
Calaveras and Summit Ranger Districts
Alpine and Tuolumne Counties, California

Decision and Reasons for the Decision

The Forest Service prepared an Environmental Assessment (EA) for the Recreation Residence Tract Association Permits in compliance with the National Environmental Policy Act (NEPA) and other relevant laws and regulations. The EA discloses the direct, indirect and cumulative environmental impacts that would result from the alternatives. Additional documentation, including more detailed analyses of project-area resources, may be found in the project record located at the Summit Ranger District Office in Pinecrest, CA.

The EA (p. 2) explains the Purpose and Need for Action, of which the key points are:

- The purpose of this project is to authorize new 10 year permits for the continued use of National Forest System lands for the purpose of operating and maintaining approved facilities in support of recreation residence permit holders to eight Recreation Residence Tract Associations representing 17 recreation residence tracts.
- The proposed mitigation measures would address existing natural resource issues to improve the natural environment.

The Proposed Action, as described in the EA (p. 5-14) authorizes new 10-year permits for the continued use of National Forest System lands for the purposes of operating and maintaining approved facilities in support of recreation residence permit holders for eight tract associations located on the Summit and Calaveras Ranger Districts. The mitigation measures in the Proposed Action would reduce soil compaction, improve riparian function in a meadow in the Brightman Tract, and reduce erosion and sedimentation. The Proposed Action responds to the Forest Plan¹ recreation goal to “provide a wide-range of developed recreation opportunities ...” (USDA 2010, p. 6).

This document contains a Decision Notice and Finding of No Significant Impact (FONSI). The Decision Notice identifies the decision and the rationale for selecting or modifying an alternative from the EA. The FONSI shows that the decision does not cause significant impacts on the human environment and explains why an environmental impact statement is not necessary.

Decision

Based upon my review of the alternatives, I decided to implement Alternative 1 (Proposed Action) as described in the EA (p. 5-14). In reaching this decision, I reviewed and considered the most recent information, including the specialist reports included in the project record and input from interested parties. My decision authorizes new 10-year permits to eight tract associations and the mitigation of existing natural resource issues in and adjacent to these tracts.

¹ USDA 2010. Forest Plan Direction. April 2010. Forest Service, Stanislaus National Forest, Sonora, CA.

Reasons for the Decision

I selected Alternative 1 (Proposed Action) for the following reasons:

1. This alternative maintains a developed recreation opportunity and meets the Purpose and Need by authorizing new 10-year permits for the continued use of National Forest System lands for the purpose of operating and maintaining approved facilities in support of recreation residence permit holders for the 8 tract associations.
2. It includes mitigation measures to: reduce soil compaction, erosion and sedimentation; protect cultural heritage sites; and, protect wildlife habitat.

Other Alternatives Considered

In addition to the selected alternative, I considered one other alternative. The EA (p. 15) includes a comparison of these alternatives.

Alternative 2 (No Action)

Under Alternative 2 (No Action) new permits would not be issued, triggering the requirement for removal of all of the improvements on the existing Association permits. No mitigation of resource issues would be implemented.

I did not select Alternative 2 (No Action) for the following reasons:

1. It would reduce developed recreation opportunities, by requiring the removal of support facilities for the 8 tract associations encompassing 17 tracts.
2. It does **not** include mitigation measures to: reduce soil compaction, erosion and sedimentation; protect cultural heritage sites; and, protect wildlife habitat.

Public Involvement

The Forest Service first listed the Recreation Residence Tract Association Permits project in the July 2010 issue of the Stanislaus National Forest Schedule of Proposed Actions (SOPA). The Forest distributes the SOPA to about 160 parties and it is available on the internet [<http://www.fs.fed.us/sopa/forest-level.php?110516>].

On June 11, 2010 the Forest Service held a meeting at the Stanislaus National Forest Supervisor's Office with the presidents and/or other representatives of the recreation residence tract associations that are included in this project to explain the project, process, and estimated timeline. Between July 23 and November 8, 2010 the Forest Service met with tract representatives to walk through each tract and identify existing facilities, needed roads and potential mitigations measures. The Forest Service used the information from these meetings to develop the proposed action for each tract.

On June 30, 2011 the Forest sent 292 scoping letters to individuals, affected permittees, organizations, agencies and Tribes interested in this project. The letter requested comments on the Proposed Action between July 1 and August 1, 2011. Fifteen interested parties submitted letters, e-mails or verbal comments. Most comments addressed mitigation measures. Several comments identified errors in the depiction of authorized support facilities and the Forest made the corresponding corrections in the EA. A Scoping Summary, available in the project record or online at <http://fs.usda.gov/goto/stanislaus/projects>, identifies each commenter with their specific comments followed by a determination of relevancy and a brief response.

A legal notice, announcing the 30-day Opportunity to Comment on the draft EA appeared in the Union Democrat on September 16, 2011. The Forest mailed copies of the draft EA to 300 individuals, affected

permittees, organizations, agencies and Tribes interested in this project. The 30-day comment period ended on October 17, 2011. Nine interested parties submitted letters, e-mails or verbal comments during the comment period; and, two parties submitted comments after the comment period ended. The comments addressed: mitigation measures; how the Forest Service responded to scoping comments; and, identified new information leading to the refinements of the proposed action and the draft EA described in Chapter 2. The EA (p. 23-27) includes a response to comments received during the comment period; it identifies each commenter with their specific comments followed by a brief response.

Finding of No Significant Impact

After considering the environmental effects described in the EA (p.16-18), I determined that these actions will not have a significant effect on the quality of the human environment, considering the context and intensity of impacts (40 CFR 1508.27); therefore, an environmental impact statement will not be prepared. I incorporate, by reference, the EA and project record, in making this determination. I base this finding on the following.

Context

This project is a site-specific action that by itself does not have international, national, region-wide, or statewide importance. The Recreation Residence Tract Association Permits project encompasses small areas for which the Management Area Direction is Developed Recreation Sites. The Emphasis of this management direction is on providing developed recreation opportunities.

Intensity

I considered the following ten elements of impact intensity (40 CFR 1508.27b) in assessing the potential significance of project effects.

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action. All practical means to avoid or minimize environmental harm have been adopted (EA p. 10-12). Biological Evaluations (BE), Biological Assessments (BA) and specialist reports prepared for this project are available in the project record, and unless otherwise noted are available upon request. Those documents provide the basis for the following determinations.
 - No Sensitive plant species are present within the project area (Sensitive Plant BE, p. 2). The Recreation Residence Tract Association Permits project would have no effect on any Threatened, Endangered or Sensitive plant species (Sensitive Plant BE, p. 3).
 - The proposed action may affect individuals, but is not likely to result in a trend toward Federal listing or loss of viability for American martin, northern goshawk, and spotted owl and will have no impact on the remaining Region 5 Forest Service Sensitive fauna on the current list (Wildlife BE, p. 8). The proposed action would not significantly alter the existing trend in MIS habitat, nor will it lead to a change in the distribution of any MIS across the Sierra Nevada bioregion (Wildlife BE, p. 11).
 - Implementing the management requirements listed as part of the proposed action reduces or eliminates the risks of introducing or spreading noxious weeds in the project area (Noxious Weed Risk Assessment, p. 3).
 - This project is not expected to negatively change current estimated Cumulative Watershed Effects in the five 6th level HUC watersheds. Positive Cumulative Watershed Effects includes improved riparian function and reduced erosion and sedimentation in the long term. (Hydrology Report, p. 5)

2. There will be no significant effects on public health and safety, because the project improves conditions related to public health and safety through reduced erosion and sedimentation and reduced noise and dust within and adjacent to the individual tracts (EA, p. 18).
3. There will be no significant effects on unique characteristics of the area, because Alternative 1 (Proposed Action) continues to support developed recreation within the Recreational Residence Tracts. Alternative 2 (No Action) would negatively affect developed recreation in the tracts by eliminating the support facilities (access, water, etc.) developed in these tracts since their establishment (EA, p. 18).
4. Because there is no known scientific controversy over the impacts of the project, the effects on the quality of the human environment are not likely to be highly controversial. (EA, p. 18).
5. The Stanislaus National Forest has considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA, p. 18).
6. The action is not likely to establish a precedent for future actions with significant effects because it conforms to all existing Forest Plan direction and is applicable only to the project area (EA, p. 18).
7. The cumulative impacts are not significant (EA, p. 18).
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because the project considers all aspects of sites eligible for listing in the National Register of Historic Places with heritage surveys covering the entire project area. The proposed action is designed to protect and avoid disturbance of these sites during implementation. (EA, p. 18-19). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources. The project considers all aspects of heritage resources with heritage surveys covering the entire project area. The proposed action is designed to protect and avoid disturbance of these sites during implementation. Alternative 1 would reduce impacts to heritage sites by blocking unauthorized routes that currently traverse historic sites and by rerouting an authorized road to avoid a prehistoric site. (EA, p. 18-19).
9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, because biological evaluations determined no federally listed or proposed species exist within the project area (EA, p. 19).
10. The action will not violate applicable laws and regulations for the protection of the environment (EA, p. 19). The action is consistent with the Forest Plan (EA p. 1).

Findings Required by Other Laws and Regulations

This decision to implement Alternative 1 (Proposed Action) is consistent with the long term goals and objectives of the Forest Plan (USDA 2010, p. 5-16). The project conforms to the Forest Plan by incorporating appropriate standards, guidelines and desired conditions (EA, p. 11-12).

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, the 5th business day following the close of the appeal filing period [36 CFR 215.9(a)]. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition. In the event of multiple appeals, the implementation date is controlled by the date of the last appeal disposition [36 CFR 215.9(b)].

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR 215. This decision is also subject to administrative review under 36 CFR 251 Subpart C by term permit holders or applicants (36 CFR 251.86). However, term permit holders or applicants must choose to appeal under either 36 CFR 251 or 215, but not both (36 CFR 251.85).

Appeals Filed Under 36 CFR 215

This decision is subject to appeal pursuant to 36 CFR 215. In accordance with the April 24, 2006 order issued by the U. S. District Court for the Missoula Division of the District of Montana in Case No. CV 03-119-M-DWM, only those individuals and organizations who provided comments during the comment period are eligible to appeal [36 CFR 215.11(a), 1993 version]. Appeals must be filed within 45 days from the publication date of the legal notice in the Union Democrat. Notices of appeal must meet the specific content requirements of 36 CFR 215.14. An appeal, including attachments, must be filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the appropriate Appeal Deciding Officer [36 CFR 215.8] within 45 days following the publication date of the legal notice. The publication date of the legal notice is the exclusive means for calculating the time period to file an appeal [36 CFR 215.15 (a)]. Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

Appeals must be submitted to Regional Forester, USDA Forest Service, 1323 Club Drive, Vallejo, CA 94592, (707) 562-8737. Appeals may be submitted by FAX [707-562-9091] or by hand-delivery to the Regional Office, at the address shown above, during normal business hours (Monday-Friday 8:00am to 4:00pm). Electronic appeals, in acceptable [plain text (.txt), Portable Document Format (.pdf), rich text (.rtf) or Word (.doc)] formats, may be submitted to appeals-pacificsouthwest-regional-office@fs.fed.us with Subject: **Tract Permits**.

Appeals Filed Under 36 CFR 251

This decision is subject to appeal pursuant to 36 CFR 251. Applicants for, or holders of, a special use authorization wishing to appeal must submit a written notice of appeal. The notice of appeal, including the reasons for appeal, must be postmarked or received by the Appeal Reviewing Officer within 45 days of notification of this decision. Appeals must meet the content requirements of 36 CFR 251.90. It is an appellant's responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Deciding Officer's decision should be reversed (36 CFR 251.90). The Deciding Officer is willing to meet with applicants and holders to hear and discuss any concerns or issues related to the decision (36 CFR 251.93). An appellant may also include in the notice of appeal a request for oral presentation (36 CFR 251.97) or a request for stay of implementation of the decision pending decision on the appeal (36 CFR 251.91).

Appeals must be submitted to Regional Forester, USDA Forest Service, 1323 Club Drive, Vallejo, CA 94592, (707) 562-8737. Appeals may be submitted by FAX [707-562-9091] or by hand-delivery to the Regional Office, at the address shown above, during normal business hours (Monday-Friday 8:00am to 4:00pm). Electronic appeals, in acceptable [plain text (.txt), Portable Document Format (.pdf), rich text (.rtf) or Word (.doc)] formats, may be submitted to appeals-pacificsouthwest-regional-office@fs.fed.us with Subject: **Tract Permits**. A copy of the notice of appeal must be filed simultaneously with: Stanislaus National Forest; 19777 Greenley Road; Sonora, CA 95370.

Contact Person

For additional information concerning this decision, contact: John Nelson, ID Team Leader, Summit Ranger District, #1 Pinecrest Lake Road, Pinecrest, CA 95364, 209-965-3434 ext.5341, e-mail - johnnelson@fs.fed.us.

Signature and Date

Christina M. Welch

November 14, 2011

CHRISTINA M. WELCH
Deputy Forest Supervisor
Stanislaus National Forest

Date