



DECISION NOTICE
PARKS EDDY WATERSHED RESTORATION PROJECT
U.S. FOREST SERVICE
SHASTA-MCCLOUD MANAGEMENT UNIT
SHASTA-TRINITY NATIONAL FOREST
SISKIYOU COUNTY, CALIFORNIA

DECISION

Based upon my review of the Parks Eddy Watershed Restoration Project (Parks Eddy project) Final Environmental Assessment (Final EA) (USDA Forest Service, 2014) dated September 2014, public comments, and the project record, it is my decision to implement Alternative 2.

Alternative 2 authorizes the following actions:

1. Roads

- Decommissioning - Close and decommission approximately 21.5 miles of roads,
- Closing - Close and store approximately 3.3 miles of roads,
- Maintenance - Clean, repair and reestablish road drainage structures including rolling dips, culverts and ditches on approximately 43.8 miles of roads,
- Other road actions include stormproofing, minor realigning to avoid sensitive areas, and changing the maintenance level of some roads,
- Re-route one road outside of an unstable, wet hillside,
- Create more turnouts (approximately 26 potential locations) on Parks Creek Road in existing wide areas for safe traffic flow and viewing scenery (Final EA pages 18-20).

2. Trails

- Add, convert or maintain 6 miles of non-motorized trails,
- Add, convert or maintain 1.5 miles of motorized trails,
- Construct 3 trailheads in existing wide areas or at road intersections,
- Improve one existing trailhead (Final EA pages 21-22).

3. Dispersed recreation

- Restrict vehicle access within some sensitive riparian areas by installing rock or other natural barriers, and stabilizing streambanks.
- Incorporate some user created routes accessing dispersed recreation areas into the Forest transportation system.
- Block access and decommission routes where vehicular access poses a threat to resources such as meadows, streams, or wetlands access to dispersed recreation

areas where vehicles are being parked more than one car length from Forest Service roads.

- Develop cross-country hiking and scenic overlook opportunities at some of the pullouts on Parks Creek Road and install interpretive Trinity Heritage Scenic Byway signs (Final EA pages 22-23).

Alternative 2 is detailed in the Final EA in the “Alternatives, Including the Proposed Action” section starting on Final EA page 18. Alternative 2 was modified from the June 2014 EA by refining the descriptions of some road and trail actions, refining the Resource Protection Measures (RPMs) for cultural resources, and correcting some depictions of activities on the project maps.

DECISION RATIONALE

My decision to implement Alternative 2 is based on thorough review of all the alternatives and the environmental consequences presented in the Final EA and project record.

The purpose and need of the project is watershed restoration in the Parks and Eddy Creek watersheds to promote long-term ecological integrity while providing safe and efficient access for administration of National Forest System (NFS) lands and recreation opportunities. Action is needed because sediment inputs to aquatic systems in the project area are mostly related to lack of maintenance, catastrophic road failure, ineffective road drainage (due to a lack of self-maintaining drainage structures such as rolling dips), and management relating to access (roads and trails) and recreation. Hazardous road conditions proliferate in the area creating unsafe access for forest visitors.

I based my decision to implement Alternative 2 on careful consideration of analyses in the Final EA, public comments, and responsiveness of the alternatives to public comments while meeting the purpose and need. I considered public issues and concerns from the scoping period and the alternatives developed from those issues (see Public Involvement section, below, and Final EA Appendix D). I also considered public comments on the June 2014 EA (Public Involvement section, below, and Final EA Appendix H).

Four alternatives were considered in detail. I selected Alternative 2 because it will best reduce sediment sources to help restore riparian and aquatic habitats and improve and maintain water quality. It will improve the motorized and non-motorized Forest transportation system in support of watershed condition restoration, and for safe and efficient administrative and public access. Also, Alternative 2 will improve trail access and trailhead facilities including parking, turnarounds, visitor information and services. Scenic opportunity on Parks Creek Road will be improved, and access to dispersed recreation opportunities will be protected. I have included all of the project RPMs that I believe are necessary to avoid or minimize impacts on the resources potentially affected (Final EA pages 26-35). The RPMs include monitoring specific to each resource where needed, and limited operating periods for northern spotted owl protection, extended to September 15 if nesting owls are detected; if surveys are not completed; or if activities that modify suitable habitat are proposed within 0.25-mile of a nest (RPM WF-8b, see Errata section below). Alternative 2 will improve public safety through road maintenance and reconstruction, improved signing, and better accessibility of sites. It will improve conditions for

trail users by improving trail design and location, which reduces erosion along routes. Placing signs makes the routes more easily located. Alternative 2 will also improve sanitation at the Parks Creek Trailhead by constructing a restroom [see Finding of No Significant Impact (FONSI) Intensity section, #2 below].

The selected alternative supports the Shasta-Trinity National Forest Land and Resource Management Plan (Forest Plan) (USDA Forest Service, 1995) goals for the Parks-Eddy Management Area, which include attaining Aquatic Conservation Strategy objectives in Riparian Reserves, maintaining riparian area values, maintaining or improving water quality and watershed condition, and other goals (Final EA pages 4-5). It is compatible with the Eddy and Scott Mountain Late-Successional Reserves, Riparian Reserves, and matrix lands standards and guidelines, and is consistent with the Shasta-Trinity National Forest, Forest-Wide Late Successional Reserve Assessment (LSRA) (USDA Forest Service, 1999) including Miscellaneous Activities #1, 10, 11, and 12 (see FONSI Intensity section #10, below).

ALTERNATIVES CONSIDERED

The Final EA analyzed and reviewed three action alternatives, a no action alternative, and three alternatives that were eliminated from detailed study. A more detailed discussion can be found in Chapter 2 of the Final EA (pages 18-36).

Alternative 1, the no action alternative, was not chosen because it would not meet the purpose and need of reducing sediment sources, restoring aquatic and terrestrial ecosystems, improving recreational facilities, or enhancing recreational opportunities. Conditions would continue to trend in the direction described in the Purpose and Need and Affected Environment sections of the Final EA.

Alternative 3 would close or decommission all roads (approximately 40 miles) in Late-Successional Reserves (LSR) that are not 1) primary connector roads, 2) active cost share roads, or 3) roads that access private property. Outside of LSR, road actions with Alternative 3 would be the same as with Alternative 2. It also would not construct or reconstruct motorized trails in the LSR, new trailheads for West Parks Lakes and Caldwell Lakes would not be constructed, and no user created routes leading to dispersed recreation areas in LSR would be added to the Forest transportation system (Final EA pages 23-24). Alternative 3 was not chosen because, while it would meet the purpose and need of reducing sediment sources and restoring aquatic and terrestrial ecosystems to a greater extent within LSRs and improving the motorized and non-motorized Forest transportation system in support of watershed restoration and safe public access outside of LSRs (to the same extent as Alternative 2), it would not meet the purpose and need to provide *safe and efficient* access for administration of NFS lands or improve recreational facilities and enhance recreational opportunities.

With Alternative 4, road and trail actions would be the same as with Alternative 2. However, no improvements would be implemented to the Parks Creek trailhead. No trailheads for West Parks Lakes, Caldwell Lakes or Eddy Creek Meadow would be constructed, and all user created unauthorized vehicular routes to dispersed recreation areas greater than 30 feet from a NFS road would be decommissioned (Final EA pages 24-25). Alternative 4 was not chosen because while it would meet the purpose and need of reducing sediment sources and restoring aquatic and

terrestrial ecosystems, and providing safe and efficient access for administration of NFS lands and recreation opportunities (similar to Alternative 2), it would not meet the purpose and need to improve recreational facilities and enhance recreational opportunities.

Three other alternatives were considered but not in detail. Alternative 5, No Road or Trail Construction in LSRs would not meet the project purpose and need for recreation facilities and opportunity enhancement or to provide an improved motorized and non-motorized transportation system that would provide for safe and efficient administrative and public access. Alternative 6, No Parking or Turnaround Areas in LSRs, also would not meet the project purpose and need for the same reasons as Alternative 5. Alternative 7, Close and/or Decommission All Roads and Trails, and No New Activities in Late Successional Reserves, Northern Spotted Owl Core Areas, and Home Ranges, would also not meet the project purpose and need for the same reasons as Alternative 5. Plus, it would decommission numerous roads that are primary connector roads, access private land, or are included in cost share agreements with property owners adjacent to NFS lands (Final EA pages 35-36).

The Parks Eddy Watershed Restoration Project Final EA documents the environmental analysis and conclusions upon which this decision is based.

PUBLIC INVOLVEMENT

This project was originally listed as a proposal on the Shasta-Trinity National Forest Schedule of Proposed Actions prior to January 2011, and was updated periodically during the analysis.

Letters were sent to six potentially affected federally recognized Native American Tribes on November 6, 2013, offering to initiate formal consultation for the project. The District Ranger and Project Manager also presented the project to the Pit River Tribe at the November 2013 quarterly meeting in Burney, CA. Additional notification letters were sent to the Siskiyou County Sheriff and the Siskiyou County Board of Supervisors on November 19, 2013, followed by a short presentation to the Board on January 21, 2014. Flyers were posted along Eddy Creek, West Park (41N73) and Parks Creek trailhead to alert locals and users of the proposal and to encourage submittal of comments. A meeting with residents on Eddy Creek Road was held on June 6, 2013 to discuss road access needs by the Forest Service and recreating public as well as to explain the NEPA process. On June 11, 2013 a field trip was held with nine state and federal agencies to review the entire area and solicit input and feedback on the project proposal. On July 30th, a field trip was held with Siskiyou County Board of Supervisors, and Mount Shasta Trail Association representatives to review proposed road decommissioning, access needs along Eddy Creek, and access to West Park Lakes.

A legal notice describing the Proposed Action and the opportunity for public comment was published in the Record Searchlight (Redding, California) on December 30, 2013, which began a 30-day scoping period that ended on January 29, 2014. Scoping documents were posted on the Forest's website, and notices were mailed to individuals, non-federally recognized Native American Tribes, adjacent landowners, permit holders, organizations, and government agencies that had expressed interest in this project. A scoping notice was also published in the Mount Shasta Herald on January 16, 2014.

The Forest received 14 discrete responses to the scoping notice in the form of letters, emails, and telephone calls from a number of individuals and organizations. One of these responses was a form letter sent by more than 700 individuals.

The letters, emails and telephone calls resulted in 77 comments regarding the project. The public comments and project interdisciplinary team responses to them can be found in Appendix D of the Final EA. The comments were considered in the development of alternatives to the proposed action and in the environmental analysis presented in the June 2014 EA.

A legal notice for comment on the June 2014 EA was published in the Redding Record Searchlight on June 18, 2014, with a 30-day comment period that ended on July 18, 2014. Letters were mailed and emails were sent to over 708 individuals, non-federally recognized Native American Tribes, adjacent landowners, permit holders, organizations, and government agencies that had expressed interest in the project or provided comments during the public scoping period. The June 2014 EA and resource specialist reports were published on the Forest's website. A notice was also published in the Mount Shasta Herald on June 25, 2014. The public comments from this comment period and project interdisciplinary team responses to them can be found in the Final EA in Appendix H.

The major themes of the scoping comments and comments on the June 2014 EA are summarized below:

- **Roads in Late-Successional Reserves** – Concerns were expressed that reconstructing roads or constructing trailheads in LSR is not compatible with management of LSRs. These concerns were expressed in both scoping comments and comments on the June 2014 EA. Alternative 3, which would decommission all roads in LSR except primary connector roads, active cost share roads, or roads that access private property, was developed in response to this concern, although it would not meet the purpose and need to improve recreational facilities and enhance recreational opportunities.

The Forest Plan (page 4-39), states that “Road construction in Late-Successional Reserves...generally is not recommended unless potential benefits exceed the costs of habitat impairment...” No new road construction is proposed. The potential benefits to water quality in LSR outweigh the “road and trail reconstruction” proposed with this project. The LSRA (USDA Forest Service, 1999) was prepared as directed in the Forest Plan (Forest Plan page 4-37) to provide guidance for managing LSRs. The project activities are consistent with the LSRA under Desired Condition-Roads, and Miscellaneous Activities #1, 10, and 11 (Final EA pages 7 and H-1 through H-4; LSRA pages 171, 203-208), which are considered neutral to the objectives of LSRs. The LSRA general desired condition for road density in LSRs is less than 3.0 miles per square mile. Alternative 2 will result in open road density of 1.9 miles per square mile which is well below the LSRA maximum open road density.

- **Northern Spotted Owls (NSO) and Their Habitat** – Concerns were expressed that the project activities will negatively affect NSO and NSO habitat/designated Critical Habitat. A Biological Assessment (BA) (Mapula, 2014) for the project was prepared to evaluate the direct, indirect, and cumulative effects of the project on NSO and NSO habitat. Consultation was initiated with the U.S. Fish and Wildlife Service, Yreka field office on January 23, 2014.

The analysis in the BA determined that Alternative 2 may affect, but is not likely to adversely affect, the NSO or designated Critical Habitat for the NSO. The U.S. Fish and Wildlife Service concurred with this determination in its letter dated June 13, 2014 (Williams, 2014).

Four NSO activity centers and 4,123 acres of designated Critical Habitat can be found in the Project Area. There will be temporary noise disturbance resulting from road decommissioning, maintenance and reconstruction activities on roads and trails. However, the project includes provisions for a range of limited operating periods (LOPs) contained in project RPMs that will be implemented if needed to minimize, direct effects on single or breeding NSOs, their young, and dispersing individual owls.

All treatments under Alternative 2 will occur within very minor amounts of suitable and dispersal habitat along existing NFS roads, user created routes and trails, and would be primarily limited to the existing road or trail prism. The treatments have limited to no potential to affect the NSO's ability to feed, breed, shelter or disperse by modifying habitat components. Effects to suitable and dispersal habitat will include both short- and long-term reductions of live shrubs, small trees, larger hazard trees and snags within the road prism and along trails. Effects will be restricted to narrow, linear extents along existing roads, routes and trails and NSO habitat function will be maintained. RPMs will be implemented such as minimizing disturbance to existing vegetation within the road clearing limits, minimizing cutting trees >16 inches diameter at breast height with cavities and decadence, and hardwoods, assuring that any snags and trees that may be or are being used by NSO will be maintained until after the nesting season, and retaining trees and snags that are felled on-site as coarse woody debris. No suitable or dispersal habitat will be degraded or downgraded.

Approximately 164.25 acres of designated Critical Habitat will be affected by the road and trail actions. Effects to stand components of Primary Constituent Elements (PCEs) are expected to be minor and insignificant in the short term, with both short- and long-term benefits by reducing the risk of losing quality habitat from human disturbance (fire starts, etc.) and protection (improved fire suppression access). Effects would not be at a scale that would significantly reduce the value of critical habitat, or the overall ability of the PCEs to function for their intended purposes.

- **Road Closures and Decommissioning** – Concerns were expressed that closing and decommissioning roads will negatively affect public access, fuelwood cutting, firefighting response times, the local economy, and low income users. Alternative 2 will permanently decommission some routes. However, a larger percentage of roads will be reconstructed or maintained for public access. Without the project, the recreating public will lose access to much of the road systems in the area as these roads are already impassable due to encroaching vegetation or erosion, and maintenance and reconstruction will improve the accessibility and safety of the roads. In addition, by adding currently unauthorized routes (that access dispersed recreation areas) to the Forest transportation system, Alternative 2 will improve legal access to those areas. Road decommissioning may reduce some areas available for fuelwood cutting, but with road maintenance and reconstruction other areas will become more available.

A project level Transportation Analysis Process (TAP) (USDA Forest Service, 2014) was conducted that considered the conditions, risks and benefits associated with roads in the project area (TAP Chapter 4, pages 19-29). The TAP made recommendations on which roads to maintain, close, reconstruct and decommission. Fire access and firefighting response times were considered in the TAP, specifically within the Wildland Urban Interface (WUI). The TAP recommendations were reviewed for consistency with the Parks Eddy project purpose and need, and incorporated into the project.

The Parks Eddy project road actions affect all users in terms of motorized and non-motorized access to roads, trails, dispersed recreation areas, and for other forest uses, regardless of income level. The project was developed consistent with Motorized Travel Management (MTM), which included a Civil Rights Impact Analysis considering the potential impacts of implementing MTM on various groups, including elderly, disabled, Native Americans, and other groups. Alternative 2 will benefit the local economy during implementation through increased expenditures at local businesses by the Forest for construction materials, fuel for equipment, and other needed supplies and over the long term by securing safe access for recreation events, hunting and fuelwood collection.

ERRATA TO THE FINAL EA

Errata corrections to the final EA are incorporated by and included as an attachment to this Decision (pages 19-21).

FINDING OF NO SIGNIFICANT IMPACT

A FONSI and Final EA for the Parks Eddy Watershed Restoration Project were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

As the responsible official, I am responsible for evaluating the effects of the project relative to the definition of significance established by the Council of Environmental Quality (CEQ) Regulations (40 CFR §1508.13). I have reviewed and considered the Final EA and documentation included in the project record, and I have determined the proposed action and action alternatives will not have a significant effect on the quality of the human environment. The Proposed Action (Alternative 2) is of limited scope and duration and would reduce active sources of sediment associated with poorly designed roads and trails. Through a combination of road maintenance, decommissioning, storage, reconstruction and realignment of the roads and trails, the overall effect will be to improve the environment, reduce maintenance costs and improve safe public access to National Forest System lands. Improvements to recreation facilities will resolve health and safety issues along with protecting the natural environment. Alternatives 3 and 4 would not pose significant short- or long-term adverse effects as described in Environmental Impacts section (starting on page 37 of the Final EA). RPMs minimize or avoid adverse impacts to the extent that any impacts are within accepted levels. As a result, no environmental impact statement will be prepared. My rationale for this finding is as follows, organized by sub-section of the CEQ definition of significance cited above.

Context

For the Proposed Action and alternatives, the context of the environmental effects is based on the environmental analysis in the Final EA.

The Parks Eddy Watershed Restoration Project area is approximately 23,300 acres in size. However, less than 1 percent of the project area will reflect the physical footprint where proposed road, trail, and recreation facilities improvement actions will occur. More importantly, the actions will have a profound and localized effect on reducing erosion and sediment delivery by up to 52% (Final EA page 105, Soils section). Roads and trails will be better aligned and maintained which will improve safety for all users and ensure recreationists can easily locate and follow trails.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR §1508.27(b).

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

Consideration of the intensity of environmental effects is not biased by beneficial effects of the alternatives. For some resources both beneficial and adverse effects were identified. No adverse effects were determined to be significant and none are expected to be long term. No adverse effects exceed the thresholds set by the Forest Plan or other laws and regulations. Long term beneficial effects of the Proposed Action include a safe and efficient Forest transportation system (both roads and trails), restoration of unique meadows environments, improved visitor health and safety, and improved Riparian Reserve function (Final EA page 76). Beneficial effects were not used to offset or compensate for potential adverse effects. Adverse effects when considered alone, that is separately from beneficial effects, are not significant. The notable short-term adverse effects of implementing the Proposed Action include:

Geology – Some actions may have short term effects, such as 1-3 years of increased surface erosion with road decommissioning. These short term effects will be minimized by implementing RPMs, and are not considered significant, because thresholds of concern and soil quality standards will not be exceeded. Long term effects will be beneficial, such as reducing landslide potential associated with road fill failures. Road maintenance activities will greatly reduce the potential for culvert blockages and associated road gullying and failure of road fills. (Final EA Geology section page 60, Soils section pages 105-106).

Road and trail actions may also expose rock deposits with naturally occurring asbestos. These sites have the potential to produce asbestos bearing dust during construction; however construction areas will be subject to RPMs for naturally occurring asbestos such as seasonal timing (spring) and road watering, which will minimize dust exposure to an insignificant level.

Decommissioning and closing roads will decrease long-term exposure to these sites within the project area, a beneficial effect.

Water Quality- The project may result in localized brief periods of increased erosion, turbidity, and sediment delivery associated with the reconstruction of roads and trails, and the decommissioning and maintenance of roads. Areas closer to streams and stream crossings are more likely to see minor amounts of sediment. These short-term effects (1 week or less) are not considered to be significant because they would be localized, minor and would be less than the amounts of chronic sediment which are affecting water quality. Refer to water quality discussion starting on Final EA page 65 and effects starting on Final EA page 68.

Unique Botanical Community – Road and trail activities have the potential to directly affect individual plants for two of the ten sensitive plants species found within the project area (Final EA page 48). This effect is not considered significant because effects should be limited to no more than 1-2 growing seasons for those specific locations. Route improvements will have the beneficial effect of improving and stabilizing the habitat for future seasons.

Threatened and Endangered Species Habitat – The potential effects of road and trail actions on suitable and dispersal habitat for NSOs will include both short- and long-term reductions of live shrubs, small trees, larger hazard trees and snags within the road prism and along trails. While these habitat elements may be used by nesting, roosting or foraging spotted owls, the treatments will not measurably alter the function of the habitat (Final EA pages 132-133).

Critical Habitat for Northern Spotted Owl – The project’s influence on primary constituent elements of nesting/roosting (PCE 2), foraging (PCE 3) and dispersal (PCE4) habitat were evaluated. Project actions will occur in approximately 4 percent of the total combined PCE 2 and PCE 3 habitats that are in the Action Area. Neither PCE 2 nor PCE 3 would be removed with the project. Individual components may be reduced or variously affected (such as large trees, small trees, prey base habitat, canopy cover, coarse woody debris and snags along the roads, routes and trails), but these effects would not be at a scale that would reduce the value of designated Critical Habitat or the overall ability of these PCEs to function for their intended purposes. Project actions are not expected to appreciably reduce the function of PCE 4 given the small degree of change (Final EA pages 135-137).

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

The action alternatives would not pose a significant risk to public health and safety. The action alternatives incorporate public health and safety in the following:

Public Safety – The action alternatives include road maintenance and reconstruction activities that will result in increased opportunities for safe public access. Road maintenance, improved signing and accessible sites will create a safer transportation system for the recreating public (Final EA pages 111-114).

Realigning poorly located trails and converting roads to trails will improve non-motorized conditions for recreational users. A properly designed trail system offers better user experiences and is more sustainable for future use. Well-engineered trails will enable recreational users to more easily locate routes and increase their ease of use (Final EA pages 88-89).

Visitor health and safety will be improved by constructing a restroom at Parks Creek Trailhead. The new facility will meet Forest Plan Standards and the ABA Accessibility Standards of 2006. Sanitation and water quality concerns at and below this location will be reduced.

3. Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

Proposed Actions do not significantly affect the unique characteristics of the geographic area because the project is designed to avoid, protect, or enhance and interpret these features. Road and trail actions will improve many of the following unique characteristics of this area.

Sensitive and endemic plants – Unique vegetative patterns are found within the project boundary and are associated with the serpentine soils. Many sensitive and endemic plants are associated with fens, meadows, seeps and streambanks. The vegetative patterns are unique features within the context of the analysis area and the action alternatives are designed to protect, improve and maintain these features. Additional resource protection measures are included for implementation during project activities (RPMs Botany S-1 to S-4, Final EA pages 26-27).

Wetlands – There are numerous fens, meadows, and seeps within the project area. Existing conditions indicate that portions of wetlands are being affected by unauthorized motorized use as well as from unmaintained road features. Maintenance, reconstruction and some decommissioning of trails and roads will restore and improve wetlands. All proposed actions are consistent with Executive Order 11990 which was established to avoid adverse impacts to wetlands. There will be a net gain in wetlands improved and restored by this project (Final EA pages 39 and 199).

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

Effects of the Proposed Action on the quality of the human environment are not likely to be highly controversial among professional experts. Similar watershed restoration actions have been undertaken in several areas throughout the Shasta-Trinity National Forest. There is widespread agreement at a National level that reduction of chronic sources of sediment by improving road and trail locations and design can improve the quality of the human environment including improvements to public safety. The Parks Eddy project incorporates practices and technical procedures accepted by experts and common practices to protect the human environment as well as natural resources (See RPMs, Final EA pages 26-35).

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

Implementing the proposed action would not pose unique or unknown risks or result in highly uncertain effects on the human environment. The proposed road and trail actions and improvements to recreational facilities proposed by the Forest Service for achieving the desired conditions for the area are not unusual or unique. The existing conditions have been well documented, and the likely effects of implementation on the environment are well understood and described in the Environmental Impacts section of the Final EA (starting on Final EA page 37). No unique risks were identified and no unknown or undocumented risks are likely.

6. The degree to which the action may establish 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. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into smaller component parts.

According to the Council on Environmental Quality (NEPA) regulations “cumulative impact” is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions (40 CFR §1508.7).

The relevant boundaries (time and distance) and projects assessed for cumulative effects vary by resource based upon the area over which that resource may be affected by this project. Each resource cumulative effect area can be different and possibly larger or smaller. Relevant cumulative effects are discussed for each resource in the individual resource reports and the Environmental Impacts section of the Final EA (starting on Final EA page 37). The cumulative effects analysis for each environmental component or resource area is guided by and consistent with the Council on Environmental Quality letter “Guidance on the Consideration of Past Actions in Cumulative Effects Analysis” of June 24, 2005. A listing of potentially relevant related past, present and future management activities in the assessment area is provided in Appendix E of the Final EA. No cumulatively significant effects were identified for any resource. Notable cumulative effects include:

Threatened and Endangered Wildlife Species – The project will have beneficial effects in and of itself. No ongoing or future foreseeable actions significantly modify or improve habitat for the NSO. When taken into consideration with the past, ongoing, and future foreseeable actions, the activities proposed under the Parks Eddy project are localized and would result in relatively low impact with short-term effects. The project will not contribute to cumulative effects on the NSO or its habitat (Final EA pages 137-139).

Cumulative Watershed Effects – The proposed action would either meet or not prevent the attainment of each Aquatic Conservation Strategy (ACS) objective at the project and watershed scale. (ACS Objectives, EA pages 79-83) The cumulative watershed effects analysis showed the action alternatives will have positive effects on water quality and aquatic/riparian habitats located downstream and outside of the project area at the local HUC 8 and larger HUC 5 scales. In addition to quantitative Equivalent Roaded Area (ERA) assessment, several factors support the conclusions drawn including the action alternatives are restorative in nature and are in alignment with goals, objectives and standards for water resource management as found in the Forest Plan (See Cumulative Effects, Final EA pages 76-79).

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of

Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

None of the action alternatives analyzed in detail would cause the loss or destruction of significant scientific, cultural, or historical resources. Clearance for Section 106 of the National Historic Preservation Act has been accomplished under the Regional Programmatic Agreement (USDA Forest Service, 2013) and documented in an Archaeological Reconnaissance Report (ARR #R2014051400015). The assessment area has been surveyed for cultural and historical resources and sites have been identified in and adjacent to treatment areas. Road and trail actions have been designed to avoid or protect areas containing resources or sites (Refer to the Environmental Impacts section, Cultural Resources, Final EA pages 54-56).

RPMs (Final EA pages 28-29) would be implemented to protect cultural resources. Project activities would not be permitted within site boundaries except as allowed by the Forest Heritage Program Manager in consultation with the State Historic Preservation Officer if necessary.

Archaeological sites, or buried cultural materials not evident on the surface may be discovered during project operations. If this occurs, all work must cease immediately and the appropriate unit archaeologist consulted before project activities resume. No significant effects to heritage or cultural resources are expected from project implementation.

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 Threatened and Endangered Wildlife Species are discussed starting on Final EA page 129. A Biological Assessment (Mapula, 2014) (BA) for the project was prepared to evaluate any threatened or endangered wildlife species that may be affected by this project. Consultation was initiated with the U.S. Fish and Wildlife Service, Yreka field office on January 23, 2014. The final BA was submitted to U.S. Fish and Wildlife Service on May 14, 2014.

The BA addressed only the species and designated critical habitat known to occur and/or have suitable habitat in the area: the northern spotted owl and its designated critical habitat. The final BA is included in the Final EA as Appendix A. The project area does not contain suitable habitat that would support nesting or individual Western yellow-billed cuckoos (Final EA Appendix A, Addendum: Consideration of New Information, September 2014, page 4).

The analysis in the BA of direct, indirect and cumulative effects of the Parks Eddy project on the NSO, and its designated Critical Habitat, yielded a determination that Alternative 2 (the Proposed Action) may affect, but is not likely to adversely affect, the NSO or designated Critical Habitat for the NSO.

A Biological Evaluation of Wildlife and Aquatic Species (Mapula, 2014) for the project included Pacific fisher. The preferred alternative may affect individual Pacific fishers, but would not cause a trend towards federal listing or loss of viability of the species. If the Pacific fisher is listed as a threatened species, the Forest will initiate consultation with FWS at that time.

A Biological Assessment and Evaluation (Jordan, 2014) for the project was prepared to evaluate any threatened or endangered fish species that may be affected by this project. National Marine Fisheries Service provided technical assistance (Jordan 2014, page 13). There will be no direct or indirect effects to any Federally listed fish species (Southern Oregon Northern California Coast

coho salmon, green sturgeon, Central Valley steelhead, and winter-run Chinook salmon), and therefore no cumulative effects (Final EA page 189).

No Federally listed endangered, threatened, or proposed plant species are known to occur in the project area (Final EA page 48). The project will have no effect on Federally listed plant species.

10. Whether the action threatens a violation of 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 imposed for protection of the environment as discussed here and earlier in this document. The appropriate agencies have been consulted and documented for this project. The proposed action and alternatives are consistent with the Forest Plan, and alternatives were specifically developed to comply with the following laws, regulations and executive orders:

National Forest Management Act (NFMA) - Forest Plans are developed in compliance with the various statutory and regulatory direction including NFMA. The NFMA requires that projects are consistent with Forest Plans (36 CFR §219.10).

The Parks Eddy Watershed Restoration Project Final EA and the project record document the interdisciplinary review process. Consistency with the Forest Plan is noted in each specialist report for individual resources, and achieved in the following ways:

- Desired conditions and objectives - Desired conditions are described in the Final EA Purpose and Need for Action section, starting on page 8.
- Forest Plan standards and guidelines— Forest Plan standards and guidelines are adhered to through project design and RPMs. The project would not retard or prevent attainment of any ACS objectives (Final EA pages 79-83). The project is in compliance with the list of Survey and Manage species in the 2001 Survey and Manage Record of Decision (Table 1-1, Forest Plan Standards and Guidelines, pages 41-51) (see Survey and Manage Species discussion, Final EA page 199). The Forest Plan management indicator monitoring requirement has been met and implementation of the Proposed Action is not likely to result in any meaningful change to population trends and habitat availability for the assemblages involved (Management Indicator Assemblages discussion, starting on Final EA page 190).
- Watershed - Hydrologic function, water quality and fish habitat will not be adversely affected. The project will not result in measurable damage to soils, slopes or other watershed conditions, detrimental changes in water temperatures, or blockages of water courses. See Resource Protection Measures Common to all Action Alternatives, (starting on Final EA page 26, and the Hydrology section starting Final EA page 63). Protection is provided for streams, streambanks, wetlands and other bodies of water from detrimental changes in water temperatures, blockages of water courses and deposits of sediment, where project construction activities could seriously and adversely affect water conditions or fish habitat. See the Soils section starting on Final EA page 99. Riparian Reserves are protected by RPMs. Hydrologic function and water quality will not be adversely affected (see Final EA starting on page 29).
- Late Successional Reserves – The LSRA was prepared as directed in the Forest Plan (Forest Plan page 4-37) to provide guidance for managing LSRs. The project activities

are consistent with the LSRA under Miscellaneous Activities #1, 10, 11, and 12 (Final EA pages 7 and H-1 through H-4; LSRA pages 203-208), which are considered beneficial or neutral to the objectives of LSRs.

Travel Management Rule - In accordance with 36 CFR §212, Subpart B, §212.55 Criteria for designation of roads, trails, and areas, general and specific criteria for designation and revisions of designations of NFS roads and trails were considered. Details regarding the Travel Management Rule are presented in the December 5, 2014 Memorandum to the Project Record (Subject: Travel Management Rule Compliance). The proposed action is compliant with the Travel Management Rule.

Clean Water Act - 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. The State Water Resources Control Board designated the Forest Service as a Water Quality Management Agency. The Forest Service employs Best Management Practices as the primary tool for managing for water quality on NFS lands. Applicable Best Management Practices were considered and used to develop resource protection measures to ensure that potential impacts to water quality would be prevented or effectively mitigated. Refer to RPMs starting on Final EA page 26.

Federal Clean Air Act, As Amended, State Clean Air Act and other Air Quality Regulations - Naturally occurring asbestos is present in the assessment area. RPMs were developed to prevent and/or reduce dust production during implementation and provide for safe working conditions [see RPMs NOA1-4 on Final EA page 31, and the Geology Report (de la Fuente, 2014)].

National Historic Preservation Act Section 106 (including the Region 5 Heritage Programmatic Agreement) - Refer to Cultural Resources starting on Final EA page 54. The requirements of Section 106 of NHPA have been met. The Parks Eddy project would have no adverse effect on unevaluated or National Register eligible historic properties, is in full compliance with Section 106 of the NHPA, and meets the requirements of the Regional Programmatic Agreement. Tribal consultation was undertaken for the project (see Final EA page 16).

Migratory Bird Treaty Act - The project is compliant with the Migratory Bird Treaty Act. Refer to Executive Order 13186 – Migratory Birds, starting on Final EA page 193. Implementation of the treatments proposed in the Parks Eddy project would maintain existing functional habitat over the short and long term, contributing to long term sustainability and resilience of the habitat that may be used by migratory birds. A limited operating period is provided for NSOs.

Executive Order 13112 amended by Executive Order 13286 Invasive Species - The project is compliant with Executive Order 13112. Refer to Executive Order 13112 amended by 13286 – Invasive Plant Species and the invasive weeds discussion, starting on Final EA page 51. There are no high priority invasive weed species in the Parks Eddy assessment area at the present time. With resource protection measures in place including post project monitoring and, if needed, treatment of high priority weed species, the risk of a new introduction of a high priority invasive weed species would be characterized as low - existing high priority weed infestations and/or susceptible habitat not likely to be affected. RPMs are developed to prevent the introduction of new invasive species (See RPMs Botany I1-I9, Final EA pages 27-28).

Executive Order 12898 Environmental Justice - The Native American population meets the Environmental Justice criterion as a minority population meaningfully greater than the general population of the states (Final EA pages 194-195). Therefore, the decision maker should pay careful attention to the potential impacts of management actions on Native Americans. No disproportionate adverse effects on low income or minority populations are expected as a result of implementation of any of the Parks Eddy project action alternatives. The Parks Eddy project is expected to create jobs and income in the local economy.

After considering the environmental effects described in the EA (Environmental Impacts section) and summarized above, 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 Code of Federal Regulations (CFR) §1508.27; therefore, an Environmental Impact Statement will not be prepared. I incorporate, by reference, the Final EA and project record in making this determination.

OBJECTION PROCESS

This project was subject to the objection process, pursuant to 36 CFR §218.8. Only individuals or groups that submitted timely and specific written comments (as defined at 36 CFR §218.2) about this project or activity during any designated public comment period (in accordance with 36 CFR §218.5(a)) have standing to object. The Legal Notice of the objection period for the Parks Eddy Watershed Restoration Project Environmental Assessment was published in the Record Searchlight (Redding, California) on September 12, 2014. The Regional Forester received objections from Conservation Congress (filed on October 24, 2014), Steve Layman (filed October 21, 2014), and Dolph Marshall (filed October 20, 2014). The objectors were eligible to file an objection and the objections were timely.

Objection Resolution

A teleconference resolution meeting was held on December 1, 2014 with the reviewing officer Deputy Regional Forester Bernie Gyant and the Shasta-Trinity National Forest, with Denise Boggs (on behalf of Conservation Congress) and Dolph Marshall participating.

Conservation Congress's requested resolution remedies were discussed, including: 1) choose Alternative 3 rather than Alternative 2 as the preferred alternative; 2) eliminate all road reconstruction in northern spotted owl cores and home ranges; 3) eliminate the proposed trailhead construction in LSRs; 4) limit any road work in LSRs to decommissioning, and to maintenance that does not widen any road prism or require the removal of vegetation; and 5) before any activities are implemented, complete northern spotted owl surveys using the 2012 protocol. The Deputy Regional Forester considered the Objector's requests for relief, but determined that my rationale for this project is clear and the reasons for the project are logical and responsive to direction contained in the Forest Plan. The Deputy Regional Forester instructed me to clarify that the road realignment proposed as reconstruction meets the intent of the LSRA Miscellaneous Activity #10, clarify that the proposed restroom at Parks Creek Trailhead is on previously disturbed land, and clarify that the LOP regarding noise generation for the protection of NSO extends to September 15 when no surveys are completed, consistent with that in the BA and USFWS LOC. These clarifications are made in the attached Errata. The LOP

clarification is also noted in this Decision Notice in paragraph 5 on page 2.

Dolph Marshall's requested resolution remedy, to prohibit motor vehicles from using unauthorized route U41N26H (do not add U41N26H to the Forest transportation system), was discussed. The Deputy Regional Forester considered the Objector's request for relief, and determined that the rationale for the project is clear and the reasons for the project are logical and responsive to direction contained in the Forest Plan. The Deputy Regional Forester instructed me to ensure that the effects analysis in the EA includes the effects of adding new routes to the Forest transportation system on adjacent private property owners. This analysis is shown in the attached Errata.

Objector Steve Layman was not able to participate in the teleconference resolution meeting of December 1, 2014. His requested remedy is to abandon the proposed road decommissioning and closures. The Deputy Regional Forester considered the Objector's request for relief, and determined that my rationale for this project is clear and the reasons for the project are logical and responsive to direction contained in the Forest Land Plan.

I was instructed by the Deputy Regional Forester to proceed with issuance of a Decision Notice and Finding of No Significant Impact for this project.

There will be no further review of this response by any other Forest Service or U.S. Department of Agriculture official as per 36 CFR §218.11 (b)(2).

IMPLEMENTATION

When an objection is filed, the responsible official may not sign a Decision Notice until the reviewing officer has responded in writing to all pending objections and all concerns and instructions identified by the reviewing officer in the objection response have been addressed (36 CFR §218.12). Written responses were provided to the objectors in the letters cited above. Instructions were address as described above. As such, this project can be implemented immediately upon my signature.

CONTACT

For additional information concerning this decision, contact: Stacy Smith, Shasta-McCloud Management Unit, Shasta-Trinity National Forest, 2-4 West Alma Street, Mt. Shasta, CA 96067. Phone: 530-926-9643. Email: slsmith01@fs.fed.us Fax: 530-926-4512.

Electronic copies of the Decision Notice, Final EA, and resource reports are available at: http://www.fs.fed.us/nepa/project_content.php?project=42264.¹



David R. Myers

Date

Forest Supervisor, Shasta-Trinity National Forest

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¹ It can also be located at the URL for the Shasta-Trinity National Forest website location for NEPA projects (<http://www.fs.usda.gov/projects/stnf/landmanagement/projects>) (select Parks-Eddy Watershed Restoration from the list.)

WORKS CITED

- de la Fuente, Juan. 2014.** *Geology Report, Parks Eddy Watershed Restoration Project.* Redding, CA : USDA Forest Service, 2014.
- Jordan, C. 2014.** *Biological Assessment and Evaluation for Endangered, Threatened, Proposed, and Sensitive Fish Species.* Mt. Shasta, CA : USDA Forest Service, 2014.
- Mapula, J. 2014.** *Final Biological Evaluation, Sensitive Wildlife and Aquatic Species.* McCloud, CA : USDA Forest Service, 2014.
- Mapula, Justin. 2014.** *Biological Assessment for Terrestrial Threatened, Endangered and/or Proposed Wildlife, Parks Eddy Watershed Restoration Project.* McCloud, CA : USDA Forest Service, 2014.
- USDA Forest Service. 2014.** *Final Environmental Assessment, Parks Eddy Watershed Restoration Project.* Mt. Shasta, CA : USDA Forest Service, 2014.
- . **2013.** *Programmatic Agreement Among the USDA Forest Service, Pacific Southwest Region (Region 5), CA SHPO, NV SHPO, and the ACHP Regarding the Process for Compliance with Section 106 of the NHPA for Management of Historic Properties by the Nat. Forests...* s.l. : USDA Forest Service, 2013.
- . **1995.** *Shasta-Trinity National Forest Land and Resource Management Plan.* s.l. : USDA Forest Service, Pacific Southwest Region, 1995.
- . **1999.** *Shasta-Trinity National Forest, Forest Wide LSR Assessment.* Redding, CA : USDA Forest Service, 1999.
- . **2014.** *Travel Analysis Process, Willow-Parks Watershed Analysis Area.* Mt. Shasta, CA : USDA Forest Service, 2014.
- Williams, Erin. 2014.** Field Supervisor. *Letter to Dave Myer, Forest Supervisor, Informal Consultation on the Parks-Eddy Restoration Project.* Yreka, CA : USDI Fish and Wildlife Service, June 13, 2014.

ERRATA

Parks Eddy Watershed Restoration Project Environmental Assessment

December 8, 2014

These errata correct the September 2014 Parks Eddy Watershed Restoration Project Environmental Assessment. The Decision Notice and Finding of No Significant Impact incorporate the following minor corrections to the September 2014 EA:

Parks Creek Trailhead Restroom – Alternative 2, Parks Creek Trailhead improvement (EA pages 21-22)

- Clarification that the restroom will be installed in an area that has been previously disturbed.

Additional Compliance Topics, Late Successional Reserves (Miscellaneous Activity #10, EA page 192)

- Additional discussion and clarification regarding the short segments to be realigned on Eddy Creek Road to avoid sensitive areas: The boundary of the Eddy Late Successional Reserve is Eddy Creek. Except for a portion of the road in the east half of Section 18, Eddy Creek Road is outside of the LSR (on the opposite side of Eddy Creek). The segments of road to be realigned are outside the LSR and are not subject to compliance with the LSRA. Therefore Miscellaneous Activity #10 does not apply to them.

Road Maintenance Levels – Alternative 2, Road Storage (EA page 19) and Eddy Creek Road Reconstruction (EA page 20)

- Clarification that roads closures (total 3.3 miles) will result in a change in maintenance level (ML) from ML 2 to ML 1 (page 19). Eddy Creek Road (total 6.89 miles) will be changed from ML 3 to ML 2.

Northern Spotted Owl (NSO) Limited Operating Periods – Resource Protection Measures (EA page 34)

- Resource Protection Measure WF-8b: Extending the Limited Operating Period to September 15 will also apply in areas where surveys are not completed in any given year, as stated in the Biological Assessment and FWS Letter of Concurrence.

NSO Cumulative Effects Clarification of Effect of Past Projects on Current Conditions

- Past projects and natural events have likely resulted in a loss of NSO habitat over time. This is summarized in the Biological Assessment to disclose past actions and natural events that likely contributed to the existing condition within and surrounding the Action Area. This information enabled the FWS to make an independent assessment of project effects as required under the Endangered Species Act (ESA). The project will not contribute to cumulative effects under the ESA or the National Environmental Policy Act.
- The existing vegetation conditions within the watershed reflect past management activities and natural events including past harvest on approximately 8,239 acres of NFS lands that occurred prior to the listing of the NSO. These past actions are not considered relevant to the direct and

indirect effects of the project because no measurable direct or indirect effects will occur to NSOs or their habitat as a result of the project, and therefore no cumulative effects.

Approximately 102 acres of road will be decommissioned with a net beneficial impact over time.

Fuelwood Cutting Background Information – Appendix H, Public Comments/Responses (EA page H-40)

- SL #8: Additional background information on the Forest fuelwood cutting program added to the response to comment SL #8: The Shasta-Trinity National Forest sells personal use fuelwood permits (2400-1 permits) which limit fuelwood cutting to 12 cords per individual for personal use. These permits are non-refundable and non-transferable and should not be used to commercial re-sale. No commercial fuelwood cutting permits for the Unit area have been issued, therefore no commercial fuelwood cutting is currently permitted in the project area.

Based on data from 2012 and 2013, the Unit sold approximately 7,000 to 7,400 cords of fuelwood for personal use. There are approximately 2,325 miles of road available for personal use fuelwood cutting on the Unit, which is equivalent to approximately 56,315 acres available for woodcutting or game retrieval.

Alternative 2 proposes to close or decommission 24.78 miles of road, of which approximately 12 miles are currently undrivable and not available for woodcutting. Consequently, Alternative 2 would further limit fuelwood cutting or game retrieval opportunities on 12 miles of road (<1% of all fuelwood cutting/game retrieval opportunities currently available across the Unit). Closure or decommissioning of these 12 miles of road would potentially eliminate access to 35-38 cords of wood, if you assume all acres produce wood in equal quantity. This represents <1% of the total cords sold on the Unit annually. These effects to fuelwood cutting and game retrieval opportunities are expected to be negligible and, as indicated in the Recreation analysis (EA page 88), may be offset by road maintenance and reconstruction activities which would enhance access for fuelwood cutting and game retrieval in other locations.

- A November 19, 2014 memorandum to the Project Record (Subject: Additional Discussion of Project Effects on Fuelwood Cutting Opportunities) details the status of the Forest fuelwood cutting program and highlights the fuelwood cutting access in relation to the Shasta-McCloud Management Unit.

The Degree to Which the Alternatives Meet the Purpose & Need for Action as it Pertains to Economics (EA page 99)

- Last sentence of section edited to read “But all alternatives contain decommissioning and would result in a smaller road system needing long term maintenance.”

The Effects of Adding U41N26H to the Forest Transportation System to Adjacent Private Property (EA pages 22 and 90)

The Shasta National Forest retains large areas of checkerboard ownership as a remnant of the railroad land grants of the 1860’s. As a result, the Forest manages many boundaries against private land where activities on NFS lands are in close proximity to lands zoned for other uses (e.g. residential, industrial,

commercial, etc.). In each case, the Forest works with adjacent owners to provide visible boundaries (signs, barriers) that notify the public of the change in ownership and prevent trespass onto private land.

- User-created route U41N26H provides vehicular access to a dispersed camping area on NFS lands adjacent to Eddy Creek that has been in use for many years. The site is popular with locals and frequently in use during the seasons of the year when it is accessible. Illegal behaviors including dumping and trespassing onto adjacent private residential property have been known to occur at this site, as well as the annoyances of shooting guns, loud noise late into the night, and an increase of traffic on Eddy Creek Road.
- U41N26H is approximately 500 feet long and on relatively flat terrain. Adding the route to the Forest transportation system would put it on the MVUM and provide legal motorized access for dispersed camping. This could lead to increased use of the site, and increased traffic on Eddy Creek Road past the residential owners. Additional use of the camping site could also lead to additional incidents of loud noise, firearm use and illegal behavior.
- Because of the location of the dispersed camping area (not near other developed recreation or camping areas, not visible from major roads or highways) and the use primarily by locals, increased use is expected to be minimal. Therefore, annoying and/or illegal activities are not expected to increase.
- Because annoying and illegal activities have occurred in the past, it is possible those behaviors will persist into the future. The area will be monitored for activity level and illegal activities. If there is a continuous increase in illegal activities, additional actions may be taken to remedy the situation.

Transportation Management Rule Analysis (EA pages 109-115)

- The Transportation section of the EA contains analysis of how implementing the project alternatives will affect the transportation system.
- A December 5, 2014 memorandum to the Project Record (Subject: Transportation Management Rule Compliance) contains an analysis of effects as specified by the Rule. The preferred alternative is compliant with the Transportation Management Rule.

