



Decision Notice and Finding of No Significant Impact Bass Lake Water Company Water Treatment Plant Project

U.S Forest Service, Sierra National Forest,

Bass Lake Ranger District

Madera County, California

Decision and Reasons for the Decision

The Forest Service (FS) prepared an Environmental Assessment (EA) for the Bass Lake Water Company Water Treatment Plant Project (Project) in accordance to the National Environmental Policy Act (NEPA) and other relevant laws and regulations. The EA analyzes and discloses the direct, indirect and cumulative effects that would result from the proposed alternatives. Additional documentation and a detailed analysis of the Project area resources can be found in the Project record located at the Bass Lake Ranger District (BLRD) office in North Fork and/or the Sierra National Forest Supervisor's office in Clovis, California.

Background

The Bass Lake Water Company's (BLWC) existing facilities are located on National Forest System (NFS) lands in portions of the Southeast, Northeast Section 9, Township 7 South, Range 22 East, and MDB&M in Madera County. The BLWC obtains their water through exercising its State appropriated water rights of 355-acre feet (115,669,224 gallons) per year from the North Fork (NF) Willow Creek. The State Water Resources Control Board, Division of Drinking Water regulates the BLWC whose service district includes the Pines Resort and residential areas, Madera County Government Center, the Falls Tract area, and Forest Service recreational facilities at Bass Lake including Crane Valley Group Camp, Recreation Point, the California Land Management office, CalFire station, Denver Church and Little Denver Church Day Use Areas, Forks Resort, and the Forks Campground. The BLWC provides water to approximately 1,100 permanent and 1,700 seasonal residents.

The existing BLWC water treatment plant (WTP), located on NFS lands east of County Road 274, is outdated, repairs are becoming increasingly difficult, and treatment plant discharges are causing erosion of an ephemeral drainage feeding into NF Willow Creek located behind the treatment building. In a scoping letter provided by the California Department of Public Health (CDPH), it was identified that the BLWC is required to upgrade its facilities to meet current and future state drinking water regulations, and that it was not technically feasible to update the plant at the current location. Details of CDPH requirements are outlined in a CDPH Notice of Proposed Action letter that is available in the Project record upon request.

The purpose and need of this Project is to:

- Issue BLWC a special use permit (SUP) authorizing the construction of a new WTP facility that would meet community needs for drinking water and comply with state drinking water regulations.
- Prevent further erosion in the ephemeral drainage into NF Willow Creek at the current site.

Issues

The Forest Service identified four key issues raised during the scoping period (a more detailed description of the identified issues can be found in the Project's final EA). These issues included:

1. The WTP at the previous Falls Resort parking lot site may cause noise impacts to residents living close to the treatment plant.
2. Construction of the WTP at the previous Falls Resort parking lot site may negatively affect the scenic resources of the area impacting recreationists and residents.
3. Construction of the WTP at the previous Falls Resort parking lot site may negatively affect economic resources by reducing property values of the residences in the nearby area.
4. Operation of the WTP may lead to transportation impacts in the Falls Beach area due to large equipment traffic.

The EA analyzes the effects of taking no action (alternative 1), preferred action (alternative 2), and construction at the same general location as the existing WTP (alternative 3). No additional alternatives were considered in detail that meet the purpose and need for the Project. Additional alternatives were considered but eliminated, as they did not meet the purpose and need. Those alternatives are discussed on page 6 of this DN or can be found in detail within the Revised Final EA (page 14).

Decision

Based on my review of the EA analysis documented and the associated Project record, including comments received from interested parties and direction from the SNF LRMP, as well as a field trip to the analyzed sites for each alternative, I have decided to implement a modified Alternative 2. The selection of alternative 2 will be implemented after careful consideration of all information including objections, the findings of the Objection Review Team (ORT) and the instruction issued by the Reviewing Officer, Jennifer Eberlien, Deputy Regional Forester, US Forest Service Region 5 Office. A more detailed description of the function of the ORT and the objection process can be found in the Pre-decisional Administrative Objection Opportunity section on pg. 12 of this Decision Notice.

Alternative 2 (modified) will be implemented with 2 changes to the design plan: removal of the emergency access road and a reduction in number of parking stalls from twelve to five stalls. The decision to reduce the number of parking stalls from twelve to five is based on (1) the number of BLWC servicing personnel that could be expected simultaneously in one operational work day (2) the number of service personnel at the current location under the previous permit for the past 20 years (3) the need for more parking than that identified in (1) and (2) was not identified in the purpose and need, or current application submitted by the BLWC. Likewise, the need for overnight parking/staging of vehicles was not substantiated for the specific operation of this water treatment plant and as a result, is not a part of this decision. My decision authorizes the issuance of a SUP to BLWC for the construction of new treatment facilities on a portion of the former Falls Resort located above County Road 432 at Bass Lake and the decommissioning of the existing WTP. A detailed description of the selected alternative can be found in the Revised Final EA, located in hard copy at the Bass Lake Ranger District, North Fork, CA or via internet at http://www.fs.fed.us/nepa/nepa_project_exp.php?project=42151.

Decision Rationale

My decision to implement Alternative 2 (modified) considers existing conditions, the design of the Project, environmental effects, the purpose and need for the Project, and public comments and objections. My conclusion is based on a review of the record that shows a thorough analysis using the best available science. I also considered direction provided in the SNF LRMP, federal and state environmental laws (e.g. Endangered Species Act and Clean Water Act, including State drinking water regulations), and related regulations and policies. I believe that the selection of this alternative best meets all the components of the purpose and need, considers the issues, and balances the need for clean water that meets state standards while continuing to maintain the Project area's current resource; as well as making improvements to the areas that are currently degrading, damaged and/or not to standard (e.g. erosion in the ephemeral drainage in Willow Creek at the current site). The key components I used in making my decisions include:

- How my decision meets the Purpose and Need for action.
- How my decision addresses the Key Issues developed from scoping.
- How my decision affects economic, social, and environmental resources.
- How my decision responds to public comment and objections.

Meets the Purpose and Need

My decision best meets the purpose and need of the Project as it achieves the need to issue BLWC a SUP allowing the treatment of water to meet community needs and comply with state drinking water regulations. My decision also meets the purpose and need to prevent further erosion in the ephemeral drainage into the nearby watershed that is being caused by the WTP at the current site in requiring its decommissioning.

Addresses the Key Issues

I understand and considered the public's concern regarding the noise impacts to residents living close to the treatment plant. Upon examination of the site and the analysis, I believe that the design of the new WTP will allow for daily operation that will incorporate significant sound mitigation measures, resulting in no negative impact to the surrounding residences. All operational equipment will be housed in the facility with sound dampening measures included. There will be a back-up generator that will not be housed in the facility which could produce some audible impacts; however, this generator will only be used in the case of an emergency and the effects would be short-term. I balanced these short-term effects against the resource damage occurring in the watershed and the community need for healthy and safe drinking water. Possible infrequent, but very short-term noise impacts were deemed to be a reasonable tradeoff.

I considered the effect of my decision on scenic resources, which some of the public was concerned may impact recreationists and residents. A scenic analysis was done and a design criteria was developed to maintain the visual integrity of the area. The analysis and reasoning for the design criteria can be found in the Visual Resources Appendix 2 of the Project's EA document. The specific design criteria can be found in the EA, Appendix 1. The closest residence is located ¼ of a mile away from the selected Project site. The site is currently screened by existing trees and would be further screened with additional trees per requests by the Landscape Architect and Botanist as a Design Criteria item (EA, Appendix 1) in order to ensure adequate visual screening from the roadway.

I considered the potential impact of the Project on property values of the residences in the Falls Beach area. Analysis does not predict that relocation of the WTP to the former Falls Resort parking lot will negatively affect property values. It is crucial that this area have a water treatment facility that meets all regulations in order to provide safe drinking water and a dependable water source in the event of an emergency.

I considered the public's concern regarding transportation impacts due to large equipment traffic in the Falls Beach area related to the treatment plant construction. Although considered, this scoping concern will not be considered an issue because large equipment use will only occur during construction and will remain temporarily. Traffic in the Falls Beach area will not increase during normal operations of the new WTP, because no expansion of personnel by the Bass Lake Water Company will be necessary. For a more detailed description of expected traffic during construction and operation of the WTP, please reference the Revised Final EA (pgs. 6-7).

Effects on Economic, Social, and Environmental Resources

In making the decision, I considered the direct, indirect and cumulative effects of implementing the selected alternative on various potentially affected resources including hydrology, wildlife, cultural resources, visual resources, recreation, botany and the spread of noxious weeds. The impacts of my decision on these resources are low or non-existent with the exception of recreation where short term effects may be moderate (EA pg. 12 & 13). I designed the Project (through the addition of design criteria) to minimize impacts to the environment and to the public. The design criteria are listed in the Project EA in Appendix 1. The Forest has experience to show that the Project design criteria are effective in reducing environmental impacts. Additionally, Project design criteria have been developed to make sure that the Project complies with the SNF LRMP by developing Project specific requirements that implement the applicable standards and guidelines.

Response to Public Comments

During the comment period, there were a number of comments received from interested parties of the Project. Comments received varied by individuals that were either in support of the Project, preferred other alternatives and/or were concerned with certain resources.

I considered the comments that expressed concern to recreational use and the visual resources in alternative 2 actions and impacts. A visual and recreation report addresses impacts of alternative 2 to the area (EA pg.19 and Appendix 2). Impacts to visual and recreational resources will be on a temporary basis and shall return to normal pre-project conditions.

I considered the comments that were in support of choosing alternative 3 to implement. Although alternative 3 addressed the purpose and need for clean drinking water, its level of impact to an undisturbed location of 4.5 acres could lead to effects on watersheds and aquatic resources (EA pg. 15). Personally walking the length of this location demonstrated to me the affects described in the specialists' analysis.

I considered the comments that expressed concern for quality of water source at the alternative 2 site which could affect drinking water quality. The EA does not cover water quality in the source water of alternative 2 or 3 locations; however, the purpose of the new WTP is to treat source water to meet drinking water standards regardless of either alternative's location. There is no evidence that the water source at either location is not a quality source.

I considered the comments that were in support of the Project. Those comments supported alternative 2 expressing understanding of the best suited option to meeting the need of the community and forest for clean drinking water. Alternative 2 utilizes an ideal location that has already been partially developed and provides some screening from view, which will increase as outlined in the Project design criteria.

I considered the comments that expressed concern to noise and traffic generated from the implementation of alternative 2. As discussed in the scoping issues, the analysis in the Project EA showed that there would be no impacts to area residents due to noise (EA pg. 4) since noise would be contained inside buildings except for temporary emergencies when a generator may be

needed. There would be no long-term impacts due to traffic (EA pg. 4) because the level of traffic once the construction is over would return to the same level as its current situation on Road 432. The number of employees operating the treatment facility would not change, recognizing this and hearing the public's concerns, has led me to my decision to decrease the number of parking stalls to 5. The reduction aids in the consistency of predicted traffic patterns and use of the new WTP. While long term impacts will not exist to traffic, there would be short-term impacts to transportation in the local area. Construction truck traffic carrying loads could impose a safety issue to themselves as well as the local traffic; therefore, traffic and transportation impacts will be mitigated with several measures including the establishment of flagmen, non-peak times of entry, entry location, signage and coning among others. (See Recreation Design Criteria in Appendix 1 for specific measures). There will be an increase in traffic during the construction of the facility at Falls Resort; however, there will be measures taken to counteract this temporary increase in traffic congestion including

I believe the selected alternative is a reasonable decision in resolving erosion problems at the existing WTP site, helping to ensure that the public will have a viable means to a clean reliable water source, improving the watershed function and allowing the permittee to comply with water quality regulations. This decision takes into consideration the protection of forest resources while meeting the needs of the community and general public. It is, therefore, my decision that the selected alternative with the design criteria included specifically to address public comments and concerns, meets the Project's purpose and need, best addresses the issues as a whole, and has reasonable effects on the environment while considering the range of public viewpoints on the siting of the new facility.

Other Alternatives Considered

In addition to the selected alternative, the interdisciplinary team (IDT) and I considered and analyzed two other alternatives, including taking no action. Alternatives considered but eliminated are described in the EA (pg. 14). The no action alternative and alternative 3 were considered, but not selected and are briefly described below, along with the reasons for non-selection.

Alternative 1 (No Action)

Under the No Action alternative, no new construction would occur and the BLWC would continue to operate out of the existing facility. No rehabilitation would occur at the site. No construction or decommissioning would be implemented to accomplish project goals. Discharge of waste backwash water, chlorine, and coagulant chemicals into NF Willow Creek from the current WTP would continue.

Alternative 1 was not selected for the following reasons:

1. Taking no action would not accomplish the purpose and need of the Project to issue a SUP to BLWC permitting the upgrade necessary in the water treatment to meet community needs and comply with state drinking water regulations.
2. Taking no action would also not accomplish the purpose and need of the Project to prevent further erosion in the ephemeral drainage into NF Willow Creek at the current site.

Alternative 3

Alternative 3 considers the construction of the new WTP in the same general location as the existing WTP. This alternative includes the decommissioning of the old facility. The new WTP would require year round access to operators and service trucks. As such a new access road

would be constructed to the alternate WTP location. Additional new facilities would be constructed to meet the new regulatory requirements.

Alternative 3 was not selected for the following reasons:

1. While alternative 3 does meet the need to issue BLWC a SUP and provide a water source that complies with drinking water regulations to the community, it does not meet the need to address the issue of erosion in the watershed. A new WTP in this location would require construction of an infiltration gallery in the NF Willow Creek, a location that is poorly suited to an infiltration gallery style intake as the creek bed is relatively wide and shallow.
2. It is expected that implementation of alternative 3 would disturb approximately 4.5 acres of undisturbed land and affect watershed and aquatic resources caused from construction, reforestation, grading on steep terrain, disturbance to soil and blasting adjacent to and within Willow Creek even with mitigation measures put in place. The size of impact in acreage in alternative 3 is larger and raises more resource issues in comparison to alternative 2.
3. The Alternative 3 site does not have access to a sewer for disposal of the backwash water nor does it have 3-phase power required for a treatment facility that complies with current health regulations. Additional 3- phase power installation and sewage development planning would need to take place in order to implement alternative 3.

Alternatives Considered But Eliminated

Construction of New WTP on Existing Site

The old existing WTP site was considered as an alternative for new construction, but rejected and therefore led to the development of Alternative 3. The elimination of the existing WTP site as an alternative was made when it was determined infeasible not only by the CDPH, (a copy of CDPH Notice of Proposed Action is available in the Project record upon request), and for the following reasons: due to erosion issues at the site, greater construction needs resulting in an alternation of the Willow Creek streambed, lack of sewer access, extensive grading and soil removal, and access to the site is off a county road with higher rates of speed. More details on the elimination of this suggested alternative can be found on page 14 of the Revised Final EA.

Construction of New WTP on Private Land

A private parcel of land located near the intersection of County Roads 274 and 434 above the Pines Village was also considered, but eliminated as an alternative site for construction of a new WTP. In response to objection instructions, the Forest Service had a nonaffiliated engineer examine this parcel of land for WTP suitability (Project record, Engineer Report on BLWC private land, May 18, 2015). This parcel, identified as Outlot B, contains 38,465 square feet in which 14,138 square feet is deemed unbuildable land due to steep slopes and 2,709 square feet dedicated for access to the parcel and adjacent property. The remaining 21,618 square feet of the private parcel is further deemed unsuitable for a new WTP for the following reasons:

1. Presently, a 425,000 gallon concrete water storage reservoir occupies the majority of the remaining usable space. Plans are in place to replace the concrete reservoir with two (2) steel storage tanks in the near future which will continue to occupy most of the space.
2. The northerly portion of this area also slopes and would require retaining walls to become useable. Adequate pressure within the water system is needed due to the location's elevation.
3. Any unused space on the parcel will not accommodate such a facility being proposed.

4. Even if space was available, construction of a 2.1 mile water line and installation of a large booster pump to transport raw, untreated water from the intake facility at Willow Creek to the plant would also be required. A water line and booster pump of that capacity would further increase environmental impacts and trigger additional concerns.

Collaboration and Public Involvement

The Project proposal was first listed in the Schedule of Proposed Actions (SOPA) on June 27, 2013 and has since been listed in each quarterly SOPA. A web link to the SOPA can be found on the FS projects web page at: <http://www.fs.usda.gov/projects/sierra/landmanagement/projects> listed under Bass Lake Water Company Water Treatment Plant Project.

The Project was available for a 30 day public scoping period on June 5th, 2013. During this scoping period, 17 letters of comment were received. Using the comments from the public the interdisciplinary team developed a list of key issues to be addressed and came up with the alternatives listed. All letters received during the scoping period are available to review in the Project record located at the Bass Lake Ranger District office in North Fork, CA.

A legal notice announcing the opportunity to comment on the draft EA was published on February 25, 2015, in the *Fresno Bee*, as well as comment letters sent to interested parties. A total of 12 comment letters were received during the 30 day period.

A legal notice allowing an opportunity to object period that started with publication in the *Fresno Bee* on April 14, 2015 and ended on May 29, 2015. The SNF received 5 objection letters that went to the Pacific Southwest Region (Region 5) Forest Service offices in Vallejo, CA. After going through an objection review and conference call with all objectors, all parties received official response letters from the Region 5 Forest Service office. That letter provided 6 instruction items that were issued to the Project's Responsible Official. Those instructions have been met within the EA, this decision notice and are described in greater detail on pages 12-13.

Finding of No Significant Impact

After considering the environmental effects of my decision described in the EA, I determined that my decision 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 relied on the Project 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 Project is located on 1.5 acres within the Bass Lake Ranger District of the SNF. The effects from this Project are local and would affect a very small portion of the SNF's 1.3 million acres of public lands.

The general public has access to portions of the Project area as it contains important recreational opportunities, including the Willow Creek Trail, the Falls Beach Day Use area and nearby private residences. There is a high demand for clean drinking water in the area and the Project will not only meet that demand, but address the need to prevent further impact to the Willow Creek ephemeral stream channel at the current location of the existing WTP, described in the Hydrology report of the EA, pg. 22.

The Project is not likely to significantly affect society, as it is site specific to the SNF and those visiting the forest. The Project is anticipated to have a positive effect on the local community by providing and meeting the need for clean drinking water to the surrounding area.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis (EA, pg. 14-24) 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. The following ten elements of impact intensity were considered (40 CFR 1508.27(b)) in assessing the potential significance of the Project effects.

- 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.** Based on analysis provided by the resource specialists, significant impacts to resources affected by the proposed actions are not likely to occur. Specialist reports prepared for this Project are available upon request in the Project record which provide for the basis of the following determinations.

The benefits of addressing the erosion of the ephemeral drainage at the existing WTP site have not been mentioned to replace any adverse impacts caused by the Project implementation.

The adverse impacts caused from limitations on the access to recreation opportunities, ground disturbance, vegetation removal and construction activities would not be significant because the Project was designed to maintain current uses to the fullest extent possible. Construction would only cause disruption in short term duration (EA pg. 20) and have minimal affect to removal of sensitive species habitat (1 acre for terrestrial species habitat (EA, pg. 14) and 0.4 acres for aquatic species (EA, pg. 15). However, rehab of the existing WTP building, redwood settling tanks and diversion dam would result in 0.05 acres of habitat restored. Information on estimated acreage restored can be available upon request in the Project record.

Visitors would continue to use areas of developed recreation sites. There may be short term impacts to those desired recreation destinations with access, sites, noise, presence of heavy equipment use, work crew and building material, but following construction, the new WTP will be screened to maintain visual integrity of the natural surroundings and after construction recreation will continue as before project implementation. (EA , pg. 18)

The public did express concern that public access for parking at the new WTP location would be lost. It should be understood that parking at this location was never an authorized use and although it did occur. The FS has no future plans of turning the site into an overflow parking lot. The recreation effects analysis section of the EA (pg. 19-22) indicates that the effects of alternative 2 will be temporary and will continue with pre-project conditions for recreational use in the surrounding area. There would be a short term impact of increased vehicle use for construction and hauling operations, which in turn may delay access to a favorite site for developed or dispersed recreation activities.

Only small impacts to stream courses at Bass Lake will occur because of the minor degree of ground disturbance, construction on relatively level ground and the implementation of water quality Best Management Practices (BMPs) which are designed to minimize erosion and prevent, or reduce, sediments from leaving the construction site (EA , Appendix 1).

Minimal impact to native vegetation would occur where vegetation is removed for construction as the amount of vegetation removed would be small compared to the amount available in the area. California spotted owl, bald eagle, northern goshawk, Pacific fisher, pallid bat, and fringed myotis bat are considered threatened, endangered, proposed, candidate

(TES) and/or as a Forest Service Sensitive species (FSS). No TES and/or FSS species plants would be affected as none are present. Decommissioning and rehabilitation of the existing facility would be beneficial for native riparian vegetation over a long term once the pipes and building situated on the banks of the ephemeral channel are gone and the site has been remediated to facilitate the recovery of native terrestrial and riparian vegetation (EA, pg. 22-23).

The Project area has been analyzed for potential impacts to TES terrestrial and aquatic wildlife habitats. There will be no impacts on terrestrial TES as there is not suitable nesting, denning or roosting habitat at the Project site, but there is suitable foraging habitat. Construction activities may cause a loss of 1 acre of available foraging habitat for those terrestrial species (EA, pg. 14), but also lead to a 0.05 acres of gained habitat restored with the rehabilitation of the existing WTP and related features (further information can be available upon request in the Project record). The Project may affect aquatic TES potential habitats for both foothill yellow-legged frog and western pond turtle, but impacts to species are not likely to occur so long as adherence to the design criteria takes place and protocols are taken if any individual of the species is found (EA, pg. 16). Further assessment on the California red-legged frog determined that there will be no direct, indirect, or cumulative effects expected due to lack of habitat within the Project area (updated Biological Assessment (BA) can be found in the Project record).

2. **The degree to which the proposed action affects public health or safety.** Alternative 2 was developed to provide improvements to human health and safety through the issuance of a SUP in allowing BLWC to construct and operate a WTP that would supply clean drinking water to the nearby community of Bass Lake. There is a need to supply clean drinking water that is up to standard, in which the current WTP is not providing. Therefore implementation of Alternative 2 will provide for a significant beneficial effect in meeting that need.
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.** There are no unique characteristics of the geographic area within the Project area because there are no cultural resources, parklands, farmlands, wild and scenic rivers or ecologically critical areas in proximity to the Project area. Improvements to wetlands would be completed through implementation of Alternative 2 when the existing WTP will be removed and erosion rehabilitated.
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** Based on the public involvement and addressing all issues brought forward (EA, pg. 4-7), there is no indication that the effects of my decision on the quality of the human environment are likely to be highly controversial. All comments received from the Project's interested parties and objections submitted were considered in the decision making process and addressed accordingly. Alternative 2 includes construction of a new WTP and the removal of the existing WTP, utilizing design criteria that are established to maintain adequate considerations for resources, all state, federal codes, laws and regulations, as well as including mitigation measures to address public concerns.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The analysis in the EA comes to concrete conclusions on the effects of potentially affected resources (pg. 14-24). The construction of public work facilities have occurred throughout the forest and do not involve unique or unknown risks. As discussed in #3 above there are no unique characteristics of the Project area that would make the risks unique or uncertain. The SNF has successfully managed SUP requests similar

to this Project for many years and has a very broad level of experience with the actions to be implemented. BLWC's previous SUP provides a good example of projects with similar management activities.

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.** My decision is project-specific and is not likely to establish a precedent for future actions with significant effects because completed analysis by the effected resources identify no long term effects and/or future foreseeable projects. The selected alternative will conform to existing direction in the SNF LRMP and is application to the Project area only. Future project planning will need to have components that consider all relevant scientific, site-specific information that is available at that time and would need a complete independent analysis of environmental consequences. Alternative 2 does not involve future connected actions that have not already been addressed in this document.
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 small component parts. The Project's EA cumulative effects analyses found no resources to have significant impacts. Cumulative effects analyses were done for the following resources: hydrology, terrestrial and aquatic wildlife, botany, recreation/visuals and cultural resources (EA pp. 11-21).
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.** Although the action will have a temporary effect to a state road, it will have no significant adverse effects on districts, sites, highways, structures, or objects listed in or eligible for listing in the national register of Historic Places because my decision will comply with the established design criteria to eliminate and/or reduce the level of effects on resources. In addition, my decision will have no effect to cultural and historic resources because there are no qualifying characteristics and integrity of design and materials that qualify for anything within the Project area (EA pg. 24).
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.** During the analysis of Project's EA, the California spotted owl, bald eagle, northern goshawk, Pacific fisher, pallid bat, fringed myotis bat, foothill yellow-legged frog, western pond turtle, and California red-legged frog were identified as TES or FSS species. As potential listings, both terrestrial and aquatic wildlife biologists of the FS were involved and provided their specialist input for the Project's effects analysis portion. Resource analysis was completed, in consultation with the U.S. Fish and Wildlife Service, and BLWC contractors, Forest Service personnel, Madera County, and numerous field visits which were used to design Alternative 2. This analysis indicates that only 1 acre of possible foraging ground would be lost for the terrestrial species identified above and, if found in the Project area, the yellow-legged frog and western pond turtle may be affected by the Project's actions, but is not likely to be adversely effected. The Project's actions would not affect the California red-legged frog due to the fact that there is no suitable habitat in the project area (updated BA, Project record). In addition, there is an expected gain of 0.05 acres if habitat restored with the removal and rehab of the existing WTP and its related features (A. Otto, Project record). Design Criteria has been incorporated into the Project that specifically addresses Terrestrial and Aquatic Wildlife resources (EA, Appendix 1).

- 10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.** Alternative 2 is in compliance with the federal, state and local laws and other requirements imposed for the protection of the environment. The Project's EA follows the Forest Service Handbook and incorporates the SNF LRMP's standards and guidelines (S&Gs) to ensure all such regulations are not violated.

The Project's actions were analyzed for Management Indicator Species (MIS), animal species identified in the SNF MIS Amendment Record of Decision developed under the 1982 National Forest System Land and Resource Management Planning Rule (36 CFR 219.9(a)(2)). There were three potential affected habitat types that were identified: Oak-Associated Hardwoods and Harwood/Conifer Habitat; Early and Mid-Seral Coniferous Forest Habitat and Snags in Green Forest Ecosystem Component. Only Early and Mid-Seral Coniferous Forest Habitat was found in the Project area with an effect of 1 acre of early seral forest habitat.

Based on hydrological analysis, my decision implements the BMP for water quality ensuring standards are being met. BMPs are designed to minimize erosion and prevent, or reduce, sediments from leaving the Project's site.

There will be no effect to heritage resource sites because any that were identified as candidates did not qualify to be included on the National Register of Historic Places with the concurrence of the California Office of Historic Preservation. In addition, consultation with the Native California Indigenous Tribes (Tribes) indicated that there is no cultural significance to the Tribes within the Area of Potential Effects (APE). The lack of historic properties and significant tribal cultural resources within the APE of the Project indicates that Alternative 2 will have no adverse effects to any significant cultural or historic resources.

Findings Required by Other Laws and Regulations

This decision to implement Alternative 2 is consistent with the long term goals and objectives of the SNF LRMP and other laws, regulations and policies as noted in intensity factor 10. The Project conforms to and enforces the SNF LRMP by incorporation of the applicable S&Gs and the desired conditions.

Implementation Date

Implementation will occur as soon as possible, weather permitting.

Pre-decisional Administrative Objection Opportunity

This decision is subject to a 45 day pre-decisional administrative objection period pursuant to 36 CFR 218. The objection period started with the publication of a legal notice in the *Fresno Bee* on April 14, 2015, ending on May 29, 2015. Five objection letters were received at the Pacific Southwest Region (Region 5) Forest Service offices in Vallejo, CA. At the Region 5 office, an Objection Review Team (ORT) analyzed and addressed the objection points that were submitted. All of the qualifying objectors, 5 total, were then invited to participate in a resolution meeting that took place on July 1, 2015. Attendees included the objectors, Regional Appeals Coordinator, Deputy Regional Forester, Forest Supervisor, Forest NEPA Planner, and Project Manager. The purpose of the meeting allowed all objectors to discuss the project and aided in determining, if any, instructions would be issued prior to decision making. The Deputy Regional Forester issued a letter to all members of the objecting party that included a list of instructions for me to complete as the Responsible Official on this Project. The 6 instructions were to be incorporated into the Project to be sure that all objections were thoroughly addressed. Prior to the signing of this

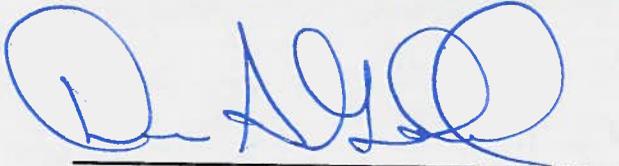
DN/FONSI, those instructions were required to be completed in order for the Project to proceed any further.

Details addressing the Instruction Items can be found in the Project's EA Revised Final. The Instruction Items issued by the ORT included the following:

- 1) Clarify the rationale for not using the current location of the WTP. Instruction item 1 is addressed in the EA, page 14.
- 2) Explain noise reduction measures for the new WTP, specifically, the expected noise levels when the plant and AC units are in full operation; immediately adjacent to the facility, and 100 yards from the facility. Instruction item 2 is addressed in the EA, pages 4-5.
- 3) Ensure adequate visual screening of the new WTP for it to not be visible from road 432, approaching it from either direction, within 5 years. Instruction item 3 is addressed in the EA, pages 5-6.
- 4) Ensure site ingress/egress complies with county and forest requirements as the proposed route of access is at the extreme point of a very tight curve on Road 432. Instruction item 4 is addressed in the EA, page 8 & 9.
- 5) Clarify the amount of traffic expected at the proposed site (alternative 2) during construction and during full operation. Instruction item 5 is addressed in the EA, pages 6-7.
- 6) Supplement the rationale as to why alternative 3 is not the preferred alternative. Instruction item 6 is addressed in the EA in a comparison chart of the alternatives on pages 12-13 and in this DN/FONSI on page 6.

Contact Person

Further information about this decision can be obtained from the Sierra National Forest, Bass Lake Ranger District office during normal business hours (weekdays from 8:00 a.m. to 4:30 p.m.) at 57003 Road 225, North Fork, CA 93643; by phone: 559-877-2218 extension 3126; by Fax: 559-877-3108; by mail (same as above), or by email: to Leak Pen at lpn02@fs.fed.us. A copy of the EA can be found at <http://www.fs.usda.gov/projects/sierra/landmanagement/projects>.



Dean A. Gould
Forest Supervisor
Sierra National Forest

3/28/16
DATE