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DECISION NOTICE and
FINDING OF NO SIGNIFICANT IMPACT
for
AMENDMENT of the LAND ACQUISITION PLAN
PUBLIC LAW 96-586

This Decision Notice amends the Record of Decision for implementing the Santini-Burton Act land acquisition program approved on January 21, 1982, by Zane G. Smith Jr., Regional Forester, Pacific Southwest Region.

It is my decision to refine the system for selecting lands for acquisition as authorized by the Santini-Burton Act, PL 96-586. My decision will modify the system used to determine the eligibility of lands for consideration under the Santini-Burton Land Acquisition Program.

A system recently developed by the Tahoe Regional Planning Agency (TRPA) called the INDIVIDUAL PARCEL EVALUATION SYSTEM (IPES), forms the primary basis for the refinement. IPES will be added to the system for identifying parcels 5 acres and under eligible for acquisition. All parcels of land with an IPES score at or below the TRPA's "top rank" (currently established at 725) or those with stream environment zone (SEZ) as determined by IPES will be considered environmentally sensitive and thus eligible for acquisition. The sensitivity and eligibility for acquisition of larger unimproved acreage parcels (generally above 5 acres), including low risk lands depicted on the acquisition plan maps, would be based on the Bailey Land Capability System. Also, IPES scores will be used as a ranking in helping determine acquisition priorities. Highest priority for acquisition will be those parcels with the lowest IPES scores. Lowest priority will be those parcels having a high IPES score with only a small amount of SEZ and low risk lands.

This decision is based upon an environmental analysis that is documented in the Environmental Assessment (EA), titled Amendment of the Land Acquisition Plan Public Law 96-586. My decision is to implement Alternative Number Three, which is the preferred alternative in the EA.

The reason for selecting this action is that IPES eliminates the many problems associated with mapping inaccuracies in the current plan maps. Use of IPES also makes the Forest Service Land Acquisition program more consistent with similar acquisition programs of the states of California and Nevada. Both states have adopted IPES for use in determining environmental sensitivity and eligibility for purchase.

Other alternatives considered were the No Action and the IPES Only alternative. The proposed action will not have a significant effect upon the human environment. As a refinement of the current acquisition plan it does not cause a substantial change in environmental consequences as described in the EIS. Therefore, I am making a finding of No Significant Impact, and will not prepare an Environmental Impact Statement or amend the original EIS.

The Land and Resource Management Plan for the Lake Tahoe Basin Management Unit is also amended by this decision. Amendment of the plan is necessary to maintain consistency with the management direction identified in this decision. The standard and guideline for identifying land eligible for acquisition under authority of PL 96-586, Practice 42, is amended on page IV - 38 of the Land and Resource Management Plan. It is a non-significant amendment of the plan.

This decision is subject to administrative review (appeal) pursuant to 36 CFR 217, as revised effective February 22, 1989.

Approved by: _____

Robert E. Harris
Forest Supervisor

3-13-89
date

ENVIRONMENTAL ASSESSMENT

AMENDMENT OF THE LAND ACQUISITION PLAN

PUBLIC LAW 96 - 586

USDA Forest Service
Lake Tahoe Basin Management Unit

I. Purpose and Need for the Action.

The Forest Service has been acquiring land under the authority of the Santini-Burton Act since 1982. Field verification has revealed considerable inaccuracy in the Plan maps depicting environmentally sensitive unimproved land eligible for acquisition.

A new system for identifying the tolerance of small parcels of land for building homes has been created. This was the result of concerns for the accuracy of the "Land Capability Classification for the Lake Tahoe Basin, California-Nevada, A Guide for Planning", developed by Dr. Robert Bailey in 1974 (Bailey Report). As one of the issues tackled to resolve a lawsuit emanating from the Tahoe Regional Planning Agency's (TRPA) Regional Plan for the Lake Tahoe Basin, the Individual Parcel Evaluation System (IPES) was conceived. It has been developed as a system for rating the suitability of small parcels for building. IPES is now incorporated into the TRPA Regional Plan. (Note: Before IPES can be used for issuing building permits, amendments to the Lake Tahoe Basin Water Quality Plan must be adopted by TRPA, the State Water Resources Control Board, and the U.S. Environmental Protection Agency. A triple ratification by the two states and the Federal Government is now required before the plan can go into effect.) Final approvals are expected by mid-1989.

In 1982 the State of California passed an 85 million dollar bond act authorizing the acquisition of land in a program similar to the Santini-Burton land acquisition program. In 1986, the voters of Nevada approved the Tahoe Bond Act, a 31 million dollar initiative for buying sensitive properties in the Lake Tahoe Basin and funding watershed improvement projects. These two programs caused the Forest Service to make adjustments in the Federal Acquisition program. They also have, or are in the process of, adopting IPES as the system for selecting environmentally sensitive land for acquisition.

As a result of these actions, all of which are well supported and have undergone environmental analysis and public review, it is appropriate for the Forest Service to consider use of IPES in its acquisition program.

II. The Proposed Action

The U.S.D.A. Forest Service, would utilize the IPES system for determining land eligible for acquisition under PL 96-586. Those parcels 5 acres and less that fall under the Tahoe Regional Planning Agency's "top rank" (currently those with scores 725 and below) or within a stream environment zone (SEZ) would be determined sensitive and eligible for acquisition.

Use of the present acquisition plan maps would continue for those landowners who have been previously contacted and programmed for acquisition under the existing program.

The Bailey Land Capability System would be used to determine environmental sensitivity and eligibility for acquisition of larger acreage parcels (generally above 5 acres), including low risk lands depicted on the acquisition plan maps.

IPES scores would be used as a ranking to help determine acquisition priorities. Highest priority for acquisition will be those parcels with the lowest IPES scores. Lowest priority will be those parcels having a high IPES with only a small amount of SEZ and low risk lands.

Issues and Concerns

The issues and concerns include:

1. Should we continue to use the existing Land Acquisition Plan Maps and criteria or convert to IPES and revised criteria for selecting land eligible for acquisition?
2. Would IPES change the environmental consequences if implemented?
3. Does IPES meet the legislative requirements set forth in the Act?
4. Does the proposed action result in more or less cost to the Federal Government?

III. Alternatives.

A. Description of Alternatives.

1. No Action - This alternative would continue with the current system for determining lands that are eligible for acquisition and the current system for determining priority for acquisition. The current system is described on the Acquisition Plan Maps (developed pursuant to the Santini-Burton Act) and in the Final EIS for the program. Remaining parcels eligible for acquisition in this alternative is estimated at 2050. This represents about 2895 acres of land. About 2700 parcels totaling 9200 acres have been acquired thus far.

2. IPES Only - This alternative would solely implement IPES in determining the eligibility of lands for acquisition under the Santini-Burton program. IPES will become the criteria used in determining what vacant lands are environmentally sensitive and thus eligible to be purchased under the Santini-Burton Acquisition Program. In December of 1988 the TRPA governing board established the numerical score of 725, which determines whether a parcel can compete for a building permit. Those parcels scoring 725 or below could not compete for a building permit at this time and would qualify to be purchased. Under this alternative, the current system for determining eligibility for acquisition of lots would be abandoned entirely, with no provisions determining eligibility of larger acreage parcels.

3. Combination. - This is the proposed action as described in Section II, The Proposed Action. It is the preferred alternative.

There will be some parcels that were not eligible to be purchased under the existing system that would now be eligible. Conversely, there will be some parcels eligible for acquisition under the existing system that would not be eligible under the proposed action.

There would be no significant difference in environmental consequences or impact between the final EIS and the proposed action (Alternative 3). The final EIS identifies all unimproved environmentally sensitive land eligible for acquisition by the Forest Service except for certain low-risk lands. Under IPES, environmentally sensitive lands 5 acres and under would continue to be purchased, as IPES is only a field refinement of the Bailey land capability system. With the proposed action, unimproved parcels larger than 5 acres, that are sensitive according to the Bailey land classification system, would be eligible for acquisition.

B. Comparison of Alternatives.

The alternatives are compared in relationship to the significant issues and concerns.

1. Should we continue to use the existing Land Acquisition Plan Maps and criteria or convert to IPES and revised criteria for selecting land eligible for acquisition?

Alternative 1 does not change the system for determining what lands are eligible for acquisition. Alternative 2 would eliminate the current system and use only IPES which is considered as an improved system for determining eligibility for acquisition and prioritization. Alternative 3 makes use of both the Bailey system and IPES, and thus employs the benefits of each.

2. Would IPES change the environmental consequences if implemented?

Alternative 1 does not use IPES and therefore does not change the environmental consequences.

Alternative 2 uses IPES only and the environmental consequences may be changed slightly, in that some lands may qualify under IPES that did not qualify under the current system, and vice versa. The environmental consequences would be a slightly negative change in water quality, as parcels now programmed for purchase would not be acquired and larger parcels of sensitive lands may not be eligible for purchase under IPES.

Alternative 3 would have the greatest positive environmental consequences if implemented. Under this alternative more lands would be purchased than under alternatives 1 and 2, resulting in more lands in National Forest ownership to safeguard and protect the water quality of Lake Tahoe.

3. Does IPES meet the legislative requirements set forth in the Act?

Alternative 1 does not change the system and therefore all the legislative requirements have been met.

Alternatives 2 and 3 meet the legislative requirements of the act because IPES has been determined to meet the legislative requirements as follows:

The land eligible for acquisition is within the Lake Tahoe Basin.

Land eligible for acquisition must be within environmentally sensitive area.

Conditions regarding the eligibility improved land for acquisition.

State and local government lands can be acquired only by donation.

The plan (map) must clearly identify the individual tracts by ownership for acquisition or non-acquisition.

IPES rates only land within or partially within the Basin.

IPES adds factors to those used previously to identify environmentally sensitive land. They assist in making the determination of sensitivity. This was envisioned when the program was developed in 1981 and was described as option 5 in the EIS for mapping environmentally sensitive land. The EIS states that option 5 would establish a new system for identifying environmentally sensitive land. Further, the EIS states that such an approach might be the most scientifically sound and would use the most current knowledge in the field. It was not selected as an option to pursue at the time since it would delay the preparation of the acquisition plan. So, in effect what was not practical or timely in 1981, has since been accomplished.

The requirements are different in of California and Nevada. The proposed action makes no change regarding eligibility of improved land for acquisition.

No change has been made in this condition.

Using IPES does not require the preparation of a map. Rather, the existing county assessors parcel maps are employed. Environmentally sensitive land will be determined from the IPES ratings. Then, using the parcel number, the tract of land can be identified on the County Assessors map. County records associated with the map clearly determine the ownership and the status of improvement. Alternative 3 would meet the legislative requirements by employing both the Bailey land capability map (for identifying unimproved parcels over 5 acres that are environmentally sensitive and thus eligible for acquisition) and the county assessor's maps (for identifying lands 5 acres and under that qualify under IPES).

4. Does the proposed action result in more or less cost to the Federal Government?

Since there is a potential change in the number of parcels and acreage eligible for acquisition in the proposed action (alternative 3), the cost to complete the program for acquiring environmentally sensitive lands would increase. It is estimated that 600 additional parcels would be eligible for purchase under this alternative. These additions would be partially offset by those parcels classified as sensitive under Bailey, but which scored above 725 under IPES, and the landowner decides to develop or use them. At a projected 85 percent buyout, there would be a net increase of about 300 parcels acquired at a cost of \$6.0 million, under the proposed action. With these additional parcels, there would also be a corresponding increase in the additional acreage acquired. Regarding cost, it should also be noted that adopting IPES for determining environmental sensitivity will reduce acquisition administrative cost, as it will not be necessary to verify sensitivity as was the case with mapping discrepancies under the Bailey system. Consolidation of National Forest lands through acquisition of larger inholdings in the Forest will facilitate more efficient and cost effective management.

IV. Environmental Consequences.

With the preferred alternative more lands would qualify to be purchased than under the old system. This in turn would help out those persons who are holding property for which they could not readily utilize because it is environmentally sensitive. Acquisition of these additional unimproved lands will provide greater watershed protection. National Forest ownership and management will also provide additional public recreational benefits.

There is no substantial change in the effects upon the physical or biological environment as a result of the proposed action.

V. Consultation with Others.

Tahoe Regional Planning Agency (TRPA)
League To Save Lake Tahoe
Tahoe Sierra Preservation Council
California Tahoe Conservancy (State of California)
The Tahoe Basin Act (State of Nevada)

Approved by:


Robert E. Harris
Forest Supervisor

3-12-89
Date