



RECORD OF DECISION
ELDORADO NATIONAL FOREST TRAVEL MANAGEMENT
U.S. FOREST SERVICE
ELDORADO NATIONAL FOREST
ALPINE, AMADOR, EL DORADO, AND PLACER COUNTIES, CALIFORNIA

DECISION

Based on my review of the Final Supplemental Environmental Impact Statement (FSEIS), I have decided to implement Alternative 3, as described on pages 18 through 19 in Chapter 2 of the FSEIS and summarized below:

Designate for public motor vehicle use the following routes that field surveys found to not cross or border meadows: 08N23B, 08N35, 10N06, 10N26, 10N32, 10NY04, 11N09A, 11N22, 11N70, 12NY15, and 13N24 as “National Forest Transportation System (NFTS) Road: Open to All Highway and Non-Highway Legal Vehicles.” Designate 17E79 (the western 2.2 miles of 09N04) as “NFTS 4WD Trail: Open to High Clearance Vehicles.” Designate Road 09N54 (a secondary access road to Leoni Meadows) up to its intersection with 09N60 as “NFTS Road: Open to All Highway and Non-Highway Legal Vehicles.” Designate 17E12 as “NFTS Trail: Open to Motorcycles only.”

Designate for public motor vehicle use the following routes with meadows meeting Standard and Guideline (S&G) 100: 09N15, 10NY05, 10NY06, 12NY06, 14N05, 14N27 and 14N58 as “NFTS Road: Open to All Highway and Non-Highway Legal Vehicles.” Designate 10N03 as “NFTS Road: Open to Highway Legal Vehicles only.” Designate 17E17 and 17E21 as “NFTS Trail: Open to Motorcycles only.”

The following routes would continue to be part of the NFTS but would not be designated for public motor vehicle use and identified on a Motor Vehicle Use Map (MVUM) until the routes are in compliance with S&G 100 as it pertains to meadows: 09N01, 09N08, 09N95, 0.5 miles of 10N13 (Schneider Camp Road), 10N14, 10N98 and 14N39 as “NFTS Road: Open to All Highway and Non-Highway Legal Vehicles”; 16E26 (09N82), 19E01 (09N83), 17E73 (6.8 miles of 10N13, Strawberry 4WD trail), 16E27 (10N21), 16E33 (11N23F), and 16E21 (11N26F) as “NFTS 4WD Trail: Open to High Clearance Vehicles”; 11NY32 as “NFTS Road: Open to Highway Legal Vehicles only”; and 17E16 17E19 and 17E28 as “NFTS Trail: Open to Motorcycles only.”

This alternative identifies these routes for future corrective actions, but does not analyze the actions necessary to bring the affected meadows into compliance with S&G 100. Corrective actions would be proposed and analyzed as part of future NEPA analyses, as funding to

implement corrective actions becomes available. After corrective actions have been designed and implemented, the route would appear as a designated public motor vehicle road or trail on the next revision of the MVUM.

The portion of 17E24, Carson Emigrant Trail, from the new Mud Lake Trailhead south to the intersection with 17E28 would be designated for public motor vehicle use as “NFTS 4WD Trail: Open to High Clearance Vehicles”. The remaining portions of 17E24 would continue to be part of the NFTS but would remain closed to public motor vehicle use until the meadows along these routes meet S&G 100. The eastern portion of 10N01B (10N01), spur off Woods Lake Road, up to a point just east of meadow 10N01-1 would be designated for public motor vehicle use as “NFTS Road: Open to All Highway and Non-Highway Legal Vehicles”. The west portion of 10N01B (10N01) would continue to be part of the NFTS but would remain closed to public motor vehicle use until the meadows along these routes meet S&G 100. After corrective actions have been analyzed and implemented on the remaining portions of 17E24 and 10N01B (10N01), the routes would appear as designated public motor vehicle roads or trails on the next revision of the MVUM.

Physical closure will be considered for routes that will not be repaired for some time or analysis of corrective actions determines that repair is not practical in order to meet S&G 100.

My decision is based on a careful consideration of all the information available in the administrative record including the field data collection forms and analysis conducted as described in the FSEIS, all of the supporting documentation, and the public comments on the Draft Supplemental Environmental Impact Statement (DSEIS). Alternative 3 will allow public motor vehicle use on 24 of the 42 routes immediately, and encourage corrective actions to be taken to reduce and eliminate adverse effects on meadows along the other 18 routes and then allow them to be available for public motor vehicle use. Alternative 3 is consistent with the goals and objectives of the Eldorado National Forest Land and Resource Management Plan (LRMP) as amended by the Sierra Nevada Forest Plan Amendment (SNFPA). The FSEIS documents the analysis and conclusions upon which this decision is based.

BACKGROUND

The purpose of this supplement to the Environmental Impact Statement for the TMFEIS and ROD, March 2008, is to reconsider in light of the applicable law that portions of the Forest Service’s Final Environmental Impact Statement relating to the Riparian Conservation Objectives (RCO) Analysis for RCO #2 Standard and Guideline 100 pertaining to the meadows on 42 specific routes that were designated for public motor vehicle use in the Record of Decision and subsequently closed under the final court order on Case No. 2:09-CV-02523-LKK-JFM (United States District Court, Eastern District of California, filed 7/31/12).

The FSEIS addresses only the additional information and analysis relevant to the 42 specific routes, meadows, and Standard and Guideline 100 in the Eldorado National Forest. For a complete discussion of other resources and effects, including cumulative effects and monitoring requirements, the reader is advised to review the Eldorado National Forest Public Wheeled Motorized Travel Management EIS and ROD, March 2008, available on the Eldorado National Forest website <http://www.fs.usda.gov/eldorado/> or by request from 100 Forni Road, Placerville, CA 95667.

DECISION RATIONALE

The Notice of Availability of the DSEIS was published in the Federal Register on February 22, 2013. Over 231 individuals and groups commented on the DSEIS. The following important comments were received and taken into consideration: protect the meadows from further degradation, decreased wetness and sedimentation; meadow routes should remain open in a modified preferred alternative; the meadow routes are an integral part of the minimally functional network of motorized trails designated in the 2008 FEIS; balance the vehicle travel in the high country with protection of fragile alpine habitat; establish an interim wet weather/seasonal closure plan for meadow routes to allow use of these trails; consider mitigation efforts using local clubs to assist in repairing the meadows; protect the meadows and restore wetland hydrology; and outline detailed projects and timetables to allow access on the meadow routes as soon as possible.

I attended meetings and open houses to talk with a variety of individuals, groups, and elected officials and find out how the public perceived the analysis. I heard an overwhelming desire to retain the unique recreation opportunities these high elevation routes offer as well as a desire to restore the impacted meadows. I understand the importance of providing access to these more remote areas for those who enjoy driving for pleasure, camping, fishing, hiking, and picnicking. Some of the routes also provide access to trailheads and historical sites. Many individuals and groups want to see these routes open and available for future generations to enjoy.

In response to these public concerns, an alternative was added (Alternative 5), Alternatives 3 and 4 were clarified, and the effects analysis was modified. It is very important to me to allow public motor vehicle use on all 42 routes, yet it is also important to reduce adverse impacts to meadows. In addition to considering the adverse effects on meadows, I considered effects on two newly proposed threatened and endangered species, Sierra Nevada yellow-legged frog (endangered) and Yosemite toad (threatened). Effects to these two species have been analyzed in the FSEIS.

Multiple individuals requested I consider modifying the proposed action to keep the 18 routes affecting meadows open while the necessary corrective actions are analyzed and implemented. Alternative 5 was developed, added to the FSEIS, and analyzed to address this request. The analysis displayed an anticipated reduction of adverse effects once the corrective actions were implemented yet the adverse impacts would continue (and possibly increase) until the corrective

actions are implemented. I am committed to completing the corrective actions in a reasonable time period so these 18 routes can be added back onto the Motor Vehicle Use Map (MVUM) for public motor vehicle use. I have included a table in Appendix B outlining our strategy for completing analysis and implementation of the corrective actions by route.

I recognize my decision will not satisfy everyone, however my decision and this NEPA process benefited from the public participation. Alternative 3 is consistent with the purpose and need and responsive to public comments and significant issues. My rationale is also based on an evaluation of the Travel Management Regulations.

The Travel Management regulations require consideration of certain criteria when designating roads, trails, and areas for motor vehicle use as part of the NFTS (36 CFR 212.55(a) through (e)). In particular, the criteria related to meadows, were considered throughout all stages of this process for the 42 routes under consideration for addition to the NFTS. The following details underscore the importance I gave to this criterion in my decision to add these routes.

The FSEIS contains discussion pertaining to minimizing damage to soils and watersheds on pages 56 to 60. In particular, each trail was analyzed in relation to these criteria in Table 3.6. My decision minimizes impacts to both soil and water resources, including riparian and aquatic habitats.

PUBLIC INVOLVEMENT

A notice of intent to prepare an EIS was published in the Federal Register on October 12, 2012. Additionally, the proposed action was listed in the Eldorado National Forest Schedule of Proposed Actions and updated periodically during the environmental analysis. People were invited to review and comment on the proposal through mailings, emailing, and public meetings.

The following issues were identified from scoping comments and were used to determine the scope of the analysis. The significant issues included: eliminating access to Sourdough Hill at the end of 14N39 would impact the public's ability to enjoy the views from the summit; amending the Land and Resource Management Plan to allow continued public motor vehicle use in sensitive meadow habitat would result in impacts to hydrology, natural vegetation, and wildlife; and corrective actions have not been addressed in the proposed action so impacts to meadows will continue to persist. A full description of issues significant to the proposed action appears in the EIS on pages 8-10.

A DEIS was published for review and comment on February 22, 2013.

ALTERNATIVES CONSIDERED

In addition to the selected alternative, I considered 4 other alternatives, which are discussed below. Alternative 4 is the environmentally preferred alternative. A more detailed comparison of these alternatives can be found in the EIS on pages 12 through 21.

Alternative 1 – Designate for public motor vehicle use (routes found to not cross or border meadows) the following routes: 08N23B, 08N35, 10N06, 10N26, 10N32, 10NY04, 11N09A, 11N22, 11N70, 12NY15, and 13N24 as “NFTS Road: Open to All Highway and Non-Highway Legal Vehicles.” Designate the western 2.2 miles of 09N04 (17E79) as “NFTS 4WD Trail: Open to High Clearance Vehicles.” Designate Road 09N54 (a secondary access road to Leoni Meadows) up to its intersection with 09N60 as “NFTS Road: Open to All Highway and Non-Highway Legal Vehicles.” Designate 17E12 as “NFTS Trail: Open to Motorcycles only.”

Designate for public motor vehicle use (routes with meadows meeting Standard and Guideline (S&G) 100) the following routes: 09N15, 10NY05, 10NY06, 12NY06, 14N05, 14N27 and 14N58 as “NFTS Road: Open to All Highway and Non-Highway Legal Vehicles.” Designate 10N03 as “NFTS Road: Open to Highway Legal Vehicles only.” Designate 17E17 and 17E21 as “NFTS Trail: Open to Motorcycles only.”

Designate for public motor vehicle use (routes requiring a Forest Plan Amendment) 09N01, 09N08, 09N95, 10N01(10N01B), 0.5 miles of 10N13 (Schneider Camp Road), 10N14, 10N98, and 14N39, as “NFTS Road: Open to All Highway and Non-Highway Legal Vehicles”; 16E26 (09N82); 19E01 (09N83), 17E73 (6.8 miles of 10N13; Strawberry 4WD trail), 16E27 (10N21), 16E33 (11N23F), 16E21(11N26F) and 17E24 as “NFTS 4WD Trail: Open to High Clearance Vehicles”; 11NY32 as “NFTS Road: Open to Highway Legal Vehicles only”; and 17E16, 17E19, , and 17E28 as “NFTS Trail: Open to Motorcycles only.” These routes are proposed for a Forest Plan amendment because they provide important, high-value recreation opportunities (such as high elevation motorized trail experiences, connecting routes or areas, access to areas of interest, and access for dispersed camping. They would be designated for public motor vehicle use with an exception to Standard and Guideline #100 of the ENF LRMP SNFPA to allow for public motor vehicle use on sections affecting the hydrologic connectivity of meadows until such time as corrective actions are analyzed and implemented.

Alternative 2 – Under the No Action alternative, current management would continue. The same portions of the 42 routes that were closed under the court order would remain closed to public motor vehicle use. No designation of route segments currently closed would be implemented. There would be no amendments to the LRMP. There would be no requirement for corrective actions to bring routes into compliance with Standard and Guideline #100.

Alternative 4 – Alternative 4 is similar to Alternative 1 except for the following:

The following routes or portions of routes would be designated for public motor vehicle use: 09N54 (open up to intersection with 09N60, closed to public motor vehicle use past that point), 10N06, 10N26, 11N09A, 11N22, 11N70, 13N24, 09N15, 10NY05 (open from 10NY04 to a point just before drainage near 16E27, and closed beyond that point) and 14N05 (open up to McKinstry Trailhead, closed to public motorized use beyond the trailhead), and 14N27.

The following routes or portions of routes that are currently closed by court order would remain closed to public motor vehicle use until the routes are brought into compliance with S&G 100 as it pertains to meadows: 09N01, 09N08, 10N13 (open to a spot suitable for camping just north of Schneider Camp meadow, closed to public motor vehicle use beyond that point), 10N14, 10N21 (16E27) (open except for the section between 10NY04E and the section currently open on the west end), 11N26F (16E21), 11NY32. This alternative identifies these routes for future corrective actions, but does not analyze the actions necessary to bring each route into compliance with S&G 100. Corrective actions would be proposed and analyzed as part of future NEPA analyses, as funding to implement corrective actions becomes available. After corrective actions have been analyzed and implemented, the route would appear as a designated public motor vehicle road or trail on the next revision of the MVUM.

The following routes or portions of routes that are currently closed by court order would remain closed to public motor vehicle use until mitigation for resource concerns not directly related to S&G 100 and meadows is implemented: 08N23B, 12NY15, 08N35, 10N32, and 10NY06. Reasons for mitigation of these routes are documented in the project record, but the mitigation is not analyzed in this document. Mitigation would be proposed and analyzed as part of future NEPA analyses, as funding to implement corrective actions becomes available. After the mitigation has been analyzed and implemented, routes would appear as designated public motor vehicle roads or trails on the next revision of the MVUM. Portions of these routes that are currently open under the court order would remain open for public motor vehicle use.

The following portions of routes that are not currently closed by court order would continue to be a part of the NFTS but would be closed to public motor vehicle use and until mitigation for resource concerns not directly related to S&G 100 and meadows is implemented: western 2.26 miles of 09N04 (17E79), and 10N03. Reasons for mitigation of these routes are documented in the project record, but the mitigation is not analyzed in this document. Mitigation would be proposed and analyzed as part of future NEPA analyses, as funding to implement corrective actions becomes available. After the mitigation has been analyzed and implemented, routes would appear as designated public motor vehicle roads or trails on the next revision of the MVUM.

The portions of the following routes that are currently closed to public motor vehicle use under court order would remain closed to public motor vehicle use: 09N54 past intersection with 09N60, 10NY04, 17E12, 14N58, 17E17, 17E21, the southern portion of 16E26 (09N82), 19E01

(09N83), 09N95, 10N01B (10N01), 17E73, 10N13 (closed beyond Schneider Camp), 10N21 (portion between 10NY04E and the section currently open on the west end), 10N98, 16E33 (11N23F), a portion of 12NY06, 14N05 past McKinstry Trailhead, 14N39, 17E16, 17E19, 17E24 (west and east portions), and 17E28. In addition, in a change from the draft TM SEIS, corrective actions to bring each route into compliance with S&G 100 would still be proposed and analyzed as part of future NEPA analyses, as funding to implement corrective actions becomes available. These routes would remain available for administrative use, emergency access, and non-motorized recreation, but would not be designated for public motor vehicle use. A portion of 12NY06 that is not currently closed to public motor vehicle use by court order would be closed in this alternative. In addition, physical closure will be considered for routes that will not be repaired for some time or analysis of corrective actions determines that repair is not practical. Administrative motor vehicle use would continue on routes regardless of they are open for public motor vehicle use.

There are no routes requiring LRMP amendments under this alternative.

Alternative 5 – Alternative 5 is similar to Alternative 1 with the following exceptions:

The 18 routes requiring corrective actions to be in compliance with S&G 100 would remain open to public motor vehicle use until the corrective actions were analyzed and implemented to bring them into compliance with S&G 100, however if the corrective actions are not implemented on a specific route within five years, that route would then be closed to public motor vehicle use until the corrective actions have been implemented to bring it into compliance with S&G 100.

Administrative motor vehicle use would continue on routes regardless if they are open for public motor vehicle use.

Physical closure will be considered for routes in the event that the analysis of corrective actions determines that repair is not practical in order to meet S&G 100.

ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

Federal agencies are required by NEPA to rigorously explore and objectively evaluate all feasible alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). Public comments received in response to the Proposed Action provided suggestions for alternative methods for achieving the purpose and need. Some of these alternatives may have been outside the scope of the purpose and need, duplicate of the alternatives considered in detail, or determined to be components that would cause unnecessary environmental harm. Therefore, a few alternatives were considered, but dismissed from detailed consideration for reasons summarized on page 22 in Chapter 2 of the FSEIS.

Comments and suggestions were received during the scoping process and the comment period on

the DSEIS. All suggestions were considered and discussed during the development of alternatives to the agency proposed action.

1. Include the closure and rehabilitation of some routes.
2. Analyze the on the ground corrective actions for each route that doesn't meet S&G 100.
3. Amend the LRMP for the routes that do not meet S&G 100 and include a seasonal closure for those routes until corrective actions are completed.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Eldorado National Forest Land Management Plan. The project was designed in conformance with Standard and Guideline 100.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer, Randy Moore, Regional Forester, at: USDA Forest Service, Regional Office R5, 1323 Club Drive, Vallejo, CA. 94592, fax: (707) 562-9229.

The office business hours for those submitting hand-delivered appeals are: 8:00 am to 4:00 pm Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or word (.doc) to appeals-pacificsouthwest-regional-office@fs.fed.us. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of the notice in the Mountain Democrat, the newspaper of record. Attachments received after the 45-day appeal period will not be considered. The publication date in the Mountain Democrat, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source. Individuals or organizations that submitted comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

IMPLEMENTATION DATE

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are

filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

CONTACT

For additional information concerning this decision, contact: Diana Erickson, 100 Forni Road, Placerville, CA 95667, (530) 621-5214.

Kathryn D. Hardy

6/13/13

Kathryn D. Hardy

Date

FOREST SUPERVISOR

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