

FLMP
Amendment # 1

Decision Notice and Finding of No Significant Impact
to
Recreation Residence Term Permits
Eldorado National Forest

Based on the information contained in the Recreation Residence Term Permit Environmental Assessment, it is my decision to select Alternative 2, Issue Permits for 14 years. This alternative gives the Forest adequate time to complete the continuance studies through the National Environmental Policy Act process. It is also the most favorable alternative administratively, as all permits on the Forest will expire at the same time and permits would not have to be issued as frequently.

As stated in the attached environmental assessment, the *Eldorado National Forest Land and Resource Management Plan* directed that the Forest endeavor to complete analysis of recreation residence continuance prior to expiration of existing permits in 1991, or within 5 years following approval of the Plan. For those sites not completed before 1991, the Plan directed that annual permits would be issued. However, the National recreation residence policy has been appealed and has been sent back to the Chief of the Forest Service for revision. Until the policy is final, the Chief has directed that no continuance studies be completed, so this document will serve as a nonsignificant amendment to the Forest Plan direction, pending direction from the National policy.

Finding of No Significant Impact

Based on the analysis in the attached environmental assessment, I find that Alternative 2 is not a major Federal action that would significantly affect the quality of the human environment, and therefore, no environmental impact statement is needed.

Administrative Review

This decision is appealable under both 36 CFR 217 and, for permit holders, 36 CFR 251. Permit holders can elect which process to use for obtaining review of the decision, but in doing so, thereby forfeit all rights to appeal the same decision under the other review process. To initiate an appeal, a written notice must be submitted to Paul F. Barker, Regional Forester, within 45 days from date of publication of this notice. A concurrent copy must be sent to Jerald N. Hutchins, Forest Supervisor. Any Notice of Appeal must contain the specific information required in 36 CFR 217.9 or 251.90.

Implementation of this decision shall not occur for 7 calendar days following publication of the legal notice of the decision in the Mountain Democrat.


JERALD N. HUTCHINS
Forest Supervisor

DATE 10.5.90

Environmental Assessment
Recreation Residence Term Permits
Eldorado National Forest

Responsible Agency: USDA Forest Service

Responsible Official: Jerald N. Hutchins, Forest Supervisor

Information Contact: Tom Whear
 100 Forni Road
 Placerville, CA 95667
 916 622-5061

Purpose and Need

The purpose of the proposed action is to determine the length of time for which new permits should be issued for the recreation residences on the Eldorado National Forest. Most of the Forest's permits expire on January 31, 1991. The *Eldorado National Forest Land and Resource Management Plan* directed that the Forest endeavor to complete analysis of recreation residence continuance prior to expiration of existing permits in 1991, or within 5 years following approval of the Plan. For those sites not completed before 1991, the Plan directed that annual permits would be issued. However, the National recreation residence policy has been appealed and has been sent back to the Chief of the Forest Service for revision. Until the policy is final, the Chief has directed that no continuance studies be completed, so this document will serve as a nonsignificant amendment to the Forest Plan direction, pending direction from the National policy.

The Chief has also directed that an environmental analysis be completed to determine the length of time for which permits should be issued in the interim. The Chief has determined that these permits should be no longer than 14 years. This term incorporates the period (estimated to be 2-3 years) required to complete the recreation residence continuance studies plus the 10-year tenure notice required by the National policy should these analyses call for nonissuance of the permits for any sites. The continuance studies are to be completed after the National policy is established and before January 6, 1994.

Recreation residences are a valid use of National Forest land; however, some recreation residences on the Forest may occupy lands needed for higher public uses, like lakefront areas or streamsides. Decisions on future need and higher public use will be made upon completion of the continuance studies.

Affected Environment

The Affected Environment describes the environment of the area to be affected by the alternatives under consideration. Familiarity with the Affected Environment is helpful in understanding the alternatives and effects.

There are 992 lots currently classified as recreation residences on the Forest. Most of the permits for these residences will expire on January 31, 1991. A brief description of the tracts on each District follows. More detailed information is available at the Eldorado National Forest Supervisor's Office, 100 Forni Road, Placerville, CA.

1. Amador Ranger District: The majority of recreation residence tracts on this District are lake oriented and within a narrow strip bordering State Highway 88 between Lumberyard Ranger Station and the east Forest boundary at Carson Pass. An exception is the Bear River tract, which is located on a ridge about 2 miles from Bear River Reservoir. There are currently 181 lots in six tracts on the district (not included in this analysis are two lots that are on tenure, with permits expiring on December 31, 1990).
2. Georgetown Ranger District: There are two permitted cabins on the District, located on the Wentworth springs road just east of the Ranger Station. They have been categorized as recreation residences in the past; however, they will be converted to the category "Residence, Privately Owned Building," and will no longer be classified as recreation residences. These lots are not being considered as part of this analysis.
3. Pacific Ranger District: The area that encompasses the 116 lots in three recreation residence tracts includes much of the high elevation land of the District outside the wilderness area. The tracts are bordered on the south by the main ridge that parallels Highway 50, on the east by the Desolation Wilderness boundary, on the north by the ridge paralleling the Rubicon River, and on the west by a north-south line lying about 1 mile west of the Union Valley Reservoir. This area is within this portion of the District known as the Crystal Basin Recreation Area.
4. Placerville Ranger District: The Placerville tracts are all located within the water influence or travel influence zones along Highway 50 and the South Fork of the American River. The 693 lots are located in 30 tracts extending from Bull Creek on the west to Echo Summit. Not included in this analysis is one lot, which is on an annual permit pending correction of permit deficiencies.

Included in the 693 lots noted above are 45 recreation residences that are not being considered part of this analysis, because they have already been issued new permits. Due to a series of appeals in 1989, the Regional Forester ordered a stay on issuance of new permits; however, 45 permits were issued before the stay information was received by the Ranger District. Those 45 permits will not be affected by this analysis.

Scoping

After the Chief issued his decision on June 22, 1990, an interdisciplinary team was convened to gather issues from the public and from within the agency, to develop alternatives to respond to the issues, and to analyze the alternatives. The team began by identifying issues in internal meetings with Forest Service specialists and in meetings with interested people from the public. Several team meetings were held throughout the summer to analyze the issues and develop alternatives.

A letter was sent to update the public. It explained the Chief's direction and outline the course of action the Forest planned to do. From the input gathered in response to the update, the interdisciplinary team continued to analyze the issues and alternatives.

Issues

The analysis focused on and considered in depth the following issues, which were generated during the scoping process.

1. Administrative cost of processing permits and possible administrative costs of appeals and litigation. The administrative costs of issuing permits is related to the frequency the permits are issued.
2. Response to Chief's direction. As stated above, all alternatives were developed in response to direction by the Chief of the Forest Service to complete an environmental analysis to determine the length of time for which permits should be issued.
3. Timely completion of continuance studies. Several members of the public are concerned that the continuance studies will not be completed in a timely fashion.
4. Laws and Forest Service direction. The Forest Service must comply with the Act of March 4, 1915 and their own direction to issue permits for use of public lands.
5. Value of recreation residences. The longer term of the permits, the longer permittees feel they can maintain the value of their property and improvements.
6. Security for permittees. The permittees want to continue to use the land on which their residences are located. Longer term permits provide more security for the permittees.
7. Competition among Forest users. Many members of the public feel that there is too much competition for public use on Forest lands to continue issuing permits for recreation residences.

Other Issues

In addition to the issues listed above, many more issues that may affect the human environment were raised during scoping. These issues will be deferred until the continuance study is developed. These issues are considered beyond the scope of this analysis. The information needed to analyze the effects of these issues is incomplete and unavailable at this time.

1. The population around the Forest is rapidly expanding, increasing the number of Forest users and the number of people who do not bother to come because of the crowds and the possibility of being turned away.
2. Some recreation residence sites may now occupy areas that are not suitable for development, such as water influence zones, riparian zones, sensitive species habitat, meadows, and sensitive plant areas.
3. Some sites that are now occupied are suitable for other recreation developments now or in the future.
4. Some sites with specific scenic and visual quality should be recovered, because of visual quality considerations.
5. The safety of some areas along Highway 50 (due to ingress and egress) is impaired.
6. Many permittees, because of their long association with their tracts, consider themselves guardians of the National Forest who protect the vegetation, water, and wildlife.

7. Fire hazard is increased due to occupancy of residences, especially at the bottom of slopes.

As stated above, these issues will be deferred until the continuance study.

Alternatives Considered in Detail and Their Effects

Alternatives are defined as different ways to accomplish the proposed action, which in this case is the length of time for which to offer recreation residence permits. A No Action alternative is included in accordance with 40 CFR 1502.14(d). The alternatives were developed in accordance with the Chief's interim policy direction and in response to issues raised by the Forest Service and the public during scoping. A reasonable range of alternatives were developed that responded to these identified issues. Several alternatives were eliminated from detailed study and the reasons for elimination are explained in the next section.

The discussion of effects includes the environmental impacts of the alternatives, any adverse environmental effects which cannot be avoided, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources. Environmental effects are described as direct, indirect, cumulative, and long or short in duration.

Although we recognize that there are biological and physical effects associated with recreation residences, analysis of these will be deferred and considered during the continuance studies. The information needed to assess these impacts is incomplete or unavailable at this time.

Alternative 1 - No Action.

In this alternative, no action would be taken and the permits would expire on January 31, 1991. New permits would not be issued.

Effects Recreation residence owners would be in trespass if they chose to use their residences without permits. This alternative would have direct and indirect adverse effects on recreation residence owners, because they would no longer have permits to use National Forest land, and the value of their property would not be protected.

This alternative would also be in violation of the Chief's direction and other laws and regulations, and would probably result in appeals and/or litigation. The appeals and/or litigation would result in increased administrative costs due to the time involved in responding.

This alternative could have a favorable long term cumulative effect on the public (non-permittees), as they could gain access to lands previously privately occupied. Dollars would not be expended to do continuance studies.

Alternative 2 - Issue Permits for 14 Years.

In this alternative, permits would be issued for 14 years and would expire on January 31, 2005. This 14-year period would include 4 years for the Forest Service to complete the continuance studies and 10 years of built-in tenure notice to permit holders, as directed by the Chief.

Effects This alternative would provide beneficial long term and cumulative effects to the recreation residence users. This alternative would give the permittee the most security, as it is the longest period allowed by the Chief's direction. The longer term would also provide more time for property and improvement values to appreciate, a beneficial indirect effect to the permittee.

This alternative is in compliance with the Chief's direction and other laws and regulations. Administrative costs would be the least of any alternative, because permits would not be issued as frequently. Dollars will be expended to conduct continuance studies.

This alternative would have a adverse cumulative effect on those who feel there is too much competition due to the private use of the recreation residences, as the recreation residences would remain for at least 14 more years.

Alternative 3 - Issue for a Period Less than 14 Years (10-13).

This alternative would be much like Alternative 2, except permits would expire between January 31, 2001 and January 31, 2004. This alternative would restrict the number of years available to complete the continuance studies.

Effects The effects of this alternative are the same as Alternative 2 except a shorter time period is allowed for completing continuance studies. Also, if the studies took longer than the time allotted, this alternative would result in more administrative time and costs due to the need to extend permits in order to provide time to complete the continuance studies.

Alternative 4 - Issue for 14 years But do Not Extend Permits Past the 14-Year Expiration Date.

In this alternative, permits would be issued for 14 years, which would include the 4-year continuance study period and 10 years of built-in notice; however, if the time for the studies exceeds 4 years, the built-in 10-year period would be reduced for those permits identified to be recovered by the same amount of time the studies were extended. Those permits would expire on January 31, 2005.

Effects The beneficial indirect effects to the permittees would be the same as Alternative 2.

There would be no recourse to extend a permit for those identified for recovery. This would violate Forest Service policy to provide a 10 year notice if a residence is to be recovered. There would be a greater risk of appeals and/or litigation, which would result in increased administrative costs. Dollars will be expended to conduct continuance studies.

There would be a positive effect for those who are concerned about the continuance studies being completed in a timely manner, as this alternative would help assure that the studies were completed in the 4-year period.

Alternative 5 - Issue Permits for 4 Years.

In this alternative, permits would be issued for 4 years and would expire on January 31, 1995. If continuance studies are not complete by this date, 1 year term permits would be issued.

Effects There would be negative indirect cumulative effects on permittees, as it is perceived that the value of their improvements would be lowered and they would not have the security provided by longer term permits.

This alternative would result in increased administrative costs if the studies are not completed within 4 years, as annual permits would have to be issued. There would be a greater risk of appeals and/or litigation, which would also result in increased administrative costs. Dollars will be expended to conduct continuance studies.

There would be a positive effect for those concerned about the continuance studies being completed in a timely manner, as there would be an added incentive to complete the studies before the permits expired.

Alternatives Considered and Eliminated from Further Study

1. Issue permits for 20 years. This alternative would be in conflict with Chief's direction.
2. Issue annual permits. This alternative is in conflict with the intent of Chief's direction to "build in" 10 year's notice. It is also in conflict with the interim direction.
3. Issue 14-year permits with 10-year notice for recovery of the lots. This alternative violates the Chief's direction because we have not completed the continuance studies and cannot give the 10-year notice until they are completed.

List of Agencies and Person Consulted

Publics: Various interested publics (permit holders and non-permit holders) on both sides of the issues were contacted and information regarding their calls and letters are on file at the Eldorado National Forest Supervisor's Office, 100 Forni Road, Placerville, CA. Their comments have been incorporated throughout this analysis.

Agencies: Board of Supervisors from Alpine County
Tri-County Technical Advisory Committee