DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

DEER VALLEY 4WD TRAIL MEADOW RESTORATION AND BLUE LAKES/MEADOW LAKE ROAD MAINTENANCE PROJECT

U.S.D.A. FOREST SERVICE

AMADOR RANGER DISTRICT

ELDORADO NATIONAL FOREST

ALPINE COUNTY, CA

DECISION

Based upon my review of the Deer Valley 4wd Trail Meadow Restoration and Blue Lakes/Meadow Lake Road Maintenance Project **Environmental Assessment** (EA), the supporting documentation, and a review of public comments, I have decided to implement Alternative 3, the modified seasonal closure based on documented snowmelt at the Blue Lakes snow sensor station. I have also decided to extend the seasonal closure to cover the entire Deer Valley 4wd trail (19E01) on the Eldorado NF rather than only the portion of the trail closed by the Travel Management SEIS (see attached map). This will simplify compliance with the new seasonal closure for the public, while also providing necessary protection for Yosemite toads and designated Critical Habitat occurring along the northern portion of the trail. The implementation of this decision will reopen two important routes closed by the 2013 Travel Management SEIS to public wheeled motorized vehicles, complete important road maintenance and meadow restoration activities, and enact a new Forest Order for 19E01 and 09N01 implementing a seasonal closure to reduce impacts to Yosemite toad from public motorized wheeled vehicle use. A full description of Alternative 3 is found in the EA.

My selection of Alternative 3 considers the public comments received in response to the Scoping Notice and circulation of the Preliminary Environmental Assessment, consultation with U.S. Fish and Wildlife Service (USFWS), and discussions with the Interdisciplinary Team (ID Team). In making this decision, I intend to implement all resource protection design criteria identified for Alternative 3 in the EA, as well as all Terms and Conditions included in the Biological Opinion issued from the USFWS for the project.

DECISION RATIONALE

It is my determination that modified seasonal closure Alternative 3, best meets this purpose, need and overall project objectives. Alterative 3 will: 1) Implement restoration work along Deer Valley 4wd trail (19E01) to limit resource impacts associated with the existing Deer Valley 4wd

Trail at Deer Valley (meadow 9N83-2) and Clover Valley (9N83-1); 2) Implement necessary corrective measures to comply with S&G 100 for Blue Lakes/Meadow Lake Road; 3) Provide opportunities for high-country semi-primitive motorized vehicle use as described in the ENF Land and Resource Management Plan (LRMP 1989); and 4) Address potential impacts to Yosemite toads from reopening the two routes.

I reached this decision after carefully considering environmental effects, prior travel management decisions for the Eldorado NF, the importance of continued recreation opportunities on the Amador Ranger District, and results of the formal consultation process with the USFWS. Some key rationale used to reach my decision includes the following:

- The Deer Valley 4wd Trail and Meadow Lake Road were both included in the 42 routes considered in the 2013 Eldorado National Forest Travel Management SEIS, and this Environmental Assessment is part of the implementation of and is tiered to that SEIS. I attended meetings and open houses with a variety of individuals, groups and elected officials during the preparation of the SEIS, and heard both an overwhelming desire to retain the unique recreation opportunities these high elevation routes offer as well as a desire to restore the impacted meadows. My decision on the Deer Valley 4wd Trail Meadow Restoration and Blue Lakes Road Maintenance project addresses both of those desires expressed by the public, and reflects my shared commitment with the Forest Supervisor to complete the corrective actions for the 18 routes that were closed so that the routes can be added back onto the Motor Vehicle Use Map (MVUM) for public motor vehicle use.

- The Deer Valley Trail and Blue Lakes Road occur in the northern most extent of the range for Yosemite toads, which is federally listed threatened species. There have been multiple observations of Yosemite toads along both routes with documented impacts occurring along the Deer Valley 4wd trail. With the presence of a federally listed species along both routes, it is imperative that we provide necessary protection to this species and designated Critical Habitat. I believe Alternative 3 with the modified seasonal closure achieves this protection while continuing to provide important recreation opportunities on public lands.

- The modified seasonal closure described under Alternative 3 is flexible and accounts for changing climates and yearly variability in snow levels. I want to make sure Yosemite toads have adequate protection in high snow years but do not want to unnecessarily limit vehicles from accessing the routes in dry years when risks to Yosemite toads is limited once conditions suitable for breeding and toad emigration are no longer present along the two routes.

- I recognize the importance of vehicles adhering to the seasonal closure to limit impacts to Yosemite toad and will support collaboration with interest groups and volunteers; as well as utilizing outreach, education, and patrolling to insure that the seasonal closure is adhered to on the Deer Valley 4wd trail (19E01). In addition a gate will be installed per the Terms and Conditions issued by the USFWS in their Biological Opinion. I have spoken with a number of individuals in the OHV community during the development of

this project, and I am convinced that the vast majority of users desire to preserve the trail and surrounding high alpine environment that have made the trail an OHV destination in Alpine County. I am convinced that this commitment to stewardship of the trail will result in most recreationists respecting the six week seasonal trail closure following snowmelt in the spring.

- I also recognize that the seasonal closure needs to be extended to cover the entire Deer Valley 4wd trail (19E01) on the Eldorado NF. By extending the spatial scope of the closure, I believe we can simplify compliance with the closure for recreationists while also providing necessary protection for Yosemite toads and designated Critical Habitat along the trail.

- The focused purpose and need of the Deer Valley 4wd Trail Meadow Restoration and Blue Lakes Road Maintenance project is appropriate given that it is not the first look at these routes. The scope of this current EA has already been established and focused by the analysis and decision made in the 2008 Travel Management FEIS and ROD and the 2013 Travel Management SEIS and ROD, as well as a Federal District Court order.

- Meadow Lake/Blue Lakes Road (9N01) provides valuable recreation opportunities for non-motorized recreation at Meadow Lake including fishing, hiking, and non-motorized boating on Meadow Lake. Improving access to the lake was one of the 4e conditions for the Mokelumne Hydroelectric FERC License, but over the years the road has become degraded, impacting hydrologic connectivity of the meadows found along the route and impeding public access to the parking area at the end of the road. By repairing the road, this project will greatly improve access to the public to this high alpine lake, while also restoring hydrologic connectivity of meadows affected by 09N01.

- I recognize implementing this project would result in a "may affect and likely to adversely affect" the Yosemite toad and "may affect, but not likely to adversely affect" the Sierra Nevada yellow-legged frog and Lahontan cutthroat trout. Formal consultation with the USFWS pursuant to Section 7 of the Endangered Species Act was completed. The USFWS concurred with the determination in the Projects BA and concluded that the proposed project would not jeopardize the continued existence of Yosemite toad, Sierra Nevada yellow legged frog, or Lahontan Cutthroat trout. An Incidental Take statement was issued on August 30, 2016 which included reasonable and prudent conservation measures that will be included in the final project.

- As required by the Travel Management SEIS Informal Deposition Agreement, annual monitoring of 09N01 will occur for five years after corrective actions have been implemented. If additional corrective actions are needed, the Forest Service will design and implement necessary corrective measures as appropriate.

After weighing the above factors, I've decided that Alternative 3 with the modified seasonal closure will best meet the four main objectives of the purpose and need. At the onset of this project my primary objective was to develop a project that effectively restored hydrologic

connectivity along Blue Lakes/Meadow Lake Road (09N01) and addressed potential impacts to Yosemite toads and Sierra Nevada yellow-legged frogs from the Deer Valley 4wd trail and Meadow Lake/Blue Lakes Road. I believe Alternative 3 best achieves these objectives while still providing opportunities for high-country semi-primitive motorized vehicle use as described in the ENF Land and Resource Management Plan (LRMP 1989).

ALTERNATIVES CONSIDERED

Two additional action alternatives were considered and analyzed in detail in the EA (Alternative 1 and 4). Alternative 3 and 4 were developed as a result of public scoping to address specific issues. The issues, or disputes with the effects of the proposed action, were as follows:

1) A seasonal closure from January 1 to July 31 would impact recreation opportunities along the trail.

2) A seasonal closure from January 1 to July 31 would not adequately prevent impacts to listed amphibian species on the portion of routes closed under Travel Management SEIS.

3) Vehicles would continue to travel on routes during the seasonal closure without a physical closure.

Alternative 1 (proposed action), was developed to provide a fixed seasonal closure date to limit impacts to Yosemite toads from vehicle travel on Deer Valley 4wd trail and Meadow Lake/Blue Lake Road (09N01). Based on public scoping and additional analysis for aquatic species, it was determined that a static seasonal closure date of July 31st would not allow the Forest Service enough flexibility to protect listed aquatic species in the face of a changing climate. In low snow years, a static closure date would unnecessarily preclude vehicles from using the two routes when the risks of impacting Yosemite toads was minimal, while conversely in high snow years a July 31st date may be insufficient to protect Yosemite toad from vehicles traveling on both routes. I feel that this alternative would not fully meet the purpose and need of this project to address impacts of public vehicles on Yosemite toad while allowing for high-country semi-primitive motorized vehicle use on Deer Valley 4wd trail and Meadow Lakes/Blue Lakes road.

Alternative 4 was developed to address issue #2. This Alternative would implement a seasonal closure from January 1 to August 15 along the portion of Deer Valley 4wd Trail and Blue Lakes/Meadow Lake Road currently closed under the Travel Management SEIS ROD and would also install a gate on 09N01. Although implementing Alternative 4 would keep public motorized vehicles off of both routes for the longest consistent period year after year, further review by my aquatic biologist found a dynamic closure date would afford greater protection for Yosemite toad since in high snow-level years an August 15th closure date could allow vehicles to access the trail when Yosemite toads are most vulnerable to impacts.

PUBLIC INVOLVEMENT

The Deer Valley 4wd Trail Meadow Restoration and Blue Lakes/Meadow Lake Road Maintenance Project has been listed in the Eldorado National Forest Schedule of Proposed Actions (SOPA) since October, 2014. A scoping letter with a description of the purpose and need and proposed action was sent to interested parties including all appellants of the 2013 Eldorado

National Forest Travel Management SEIS, Alpine County, and representatives of local tribes on November 17, 2014, with comments requested by December 3, 2014. Forty-nine letters were received with comments on the proposed action. A summary of all scoping comments received is located in project record.

The legal notice for the opportunity to comment on the Preliminary EA was published in the Mountain Democrat newspaper as well as the Amador Ledger Dispatch on August 14, 2015. The EA along with maps and specialist reports were posted on the project website during the public comment period. Thirteen comment letters were received during the 30-day comment period to the EA. The summary of comments received and how they were considered is included in Appendix A of the EA.

This project was subject to objection pursuant to 36 CFR §218, Subparts A and B. A legal notice announcing the 45-day objection period on the draft decision was published in the Mountain Democrat, the newspaper of record, on September 30, 2016. The Forest mailed notice of availability of the draft decision to those who submitted project-specific written comments during scoping or the 30-day comment period on the Preliminary EA. No objections were received.

Finding of No Significant Impact

The justification for the Finding of No Significant Impact (FONSI) is described below. A more in depth discussion of the effects related to the FONSI elements can be found in the EA. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

Context

The Deer Valley 4wd trail Meadow Restoration and Blue Lake Road Maintenance project is located on the Eldorado National Forest between the areas of Meadow Lake and Lower Blue Lake along Meadow Lake Road (9N01), and along Deer Valley 4wd trail (19E01). Blue Lakes Road has been used since the early 1900's when the hydrologic facilities in the Blue Lakes region were first established and has become a popular access road for recreationists interested in fishing, hiking, and boating in and around Meadow Lake. The Deer Valley 4wd trail is a popular off-highway vehicle route connecting the Blue Lakes region on the Eldorado National Forest with Hermit Valley on the Stanislaus National Forest. The trail was historically used as early as 1800's, and has been utilized by motorized recreationist since at least the 1960's. Both routes are within close proximity to the Mokelumne Wilderness, with the Deer Valley 4wd trail (19E01)

occurring within a 300 foot corridor through the wilderness (the trail was retained for motorized vehicle use when the wilderness was designated in 1964). The Deer Valley 4wd trail also occurs within the Reynolds peak inventoried roadless area (IRA).

The direct effects of the proposed action are limited to the immediate project area along the portions of the two routes (see EA pg. 4-5). It is expected that the majority of project activities will be implemented and completed within 2 years, with the proposed seasonal closure of the routes extending into the indefinite future. Some indirect and cumulative effects extend beyond the immediate project area in terms of improving hydrologic connectivity of meadows affected by 09N01 and effects to aquatic species occurring along the routes especially downstream of the two wet crossing on 19E01. However, the effects of the proposed meadow restoration and road maintenance are generally considered to be localized, with no measurable effect at the state or national level.

INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts 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.**

   Effects determinations are summarized from supporting analysis in the discussion of environmental consequences by resource (EA pp.9-22). All analyses prepared in support of this document considered both beneficial and adverse effects, but all effects determinations were made on the basis of only adverse effects. None of the potential adverse effects of this project would be significant, even when considered separately from the beneficial effects that occur in conjunction with those adverse effects. (EA, p. 26)

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

   No public health or safety impacts were identified for the proposed action items on Deer Valley 4wd Trail or Blue Lakes/Meadow Lake Road. The road maintenance along Blue Lakes/Meadow Lake Road would improve road condition allowing for vehicles to safely travel to the public access point for Meadow Lake. (EA, pp. 26)

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

   The project does occur near or within the Mokelumne Wilderness, Raymond Peak Inventoried Roadless Area (IRA), wetlands, and designated Critical Habitat for Yosemite toad and Sierra Nevada yellow-legged frog. However, there will be no significant effects on unique characteristics of the geographic area (See EA pp. 26-27). The proposed project is not in proximity to any parklands, prime farmlands, or wild and scenic rivers, therefore none would be impacted. (EA, p. 26)

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

Controversy in this context refers to cases where there is substantial dispute as to the effects, rather than opposition to its adoption. No anticipated effects have been identified that are scientifically controversial. Road maintenance activities similar to those proposed on Blue Lakes/Meadow Lake Road have been shown to improve drainage and reduce sediment delivery from roads into riparian areas. The meadow restoration activities and trail reroute are well accepted methods to improve meadow conditions. Use of seasonal closures is commonly used by the Forest Service across the Sierras and can effectively limit vehicle travel when properly enforced.

Some disagreement about aspects of the proposed action and alternatives relative to the effects on aquatic species is expected; however, substantial scientific dispute with respect to the effects of the treatments described in the proposed action and the determinations made by the Aquatic Biologist are not expected (EA p. 27).

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

   The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk (See EA p. 28).

6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.**

   The Deer Valley 4wd Trail Meadow Restoration and Blue Lakes/Meadow Lake Road Maintenance Project represents a site-specific project that does not set precedence for future actions or present a decision in principle about future considerations. Any similar action must be evaluated through an appropriate site-specific environmental review and decision making process consistent with applicable law, regulation, policy, and land use plan guidance. Implementation of the Deer Valley 4wd Trail Meadow Restoration and Blue Lakes/Meadow Lake Road Maintenance Project will not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration. (EA, p. 28)

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

   The Biological Assessments and Biological Evaluations considered potential cumulative impacts of this proposal on habitat for plants, terrestrial wildlife, and aquatic species. In addition, cumulative watershed effects analysis was completed for all watersheds within the project area, which considered past, present and reasonably foreseeable future activities. These documents and analysis disclosed in the EA support the finding that this proposal will not cause significant cumulative effects on biological or physical resources, even when considered in relation to other actions. (See EA p. 29)

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed , or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

This project complies with Section 106 of the National Historic Preservation Act of 1966, as amended in accordance with provisions of the Programmatic Agreement among the U.S.D.A. Forest Service, Pacific Southwest Region (Region 5), the California State Historic Preservation Officer, the Nevada State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Processes for Compliance with Section 106 of the National Historic Preservation Act for Management of Historic Properties by the National Forest of the Pacific Southwest Region (Regional PA 2013). No adverse effects to historic property are expected from the project since resource protection measures will be used to protect, manage or maintain historic properties in a manner that avoids adverse effects. (EA, p. 30)

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.**

   There will be no affect to federally listed terrestrial wildlife or botanical species.

   Consideration of effects to aquatic species, including Lahontan cutthroat trout, Sierra Nevada yellow-legged frog and Yosemite toad, is summarized in the EA and described in detail in the project's Biological Assessment and Evaluation for Aquatic Species (dated 3/15/2016 and August 2016). The proposed action and alternatives would ***not*** adversely affect Lahontan Cutthroat Trout, Sierra Nevada yellow-legged frog or Critical Habitat for the Sierra Nevada yellow-legged frog and Yosemite toad. It was determined that the proposed action may affect, but unlikely to adversely affect the Lahontan cutthroat trout or Sierra Nevada yellow-legged frog. For the Yosemite toad, it was determined that the proposed action and alternatives may affect and ***are*** likely to adversely affect the Yosemite toad.

   The degree to which the proposed actions may adversely affect the Yosemite toad is minor, small in scale, and is not expected to jeopardize the continued existence of the Yosemite toad because the actions proposed; 1) are routine in nature, 2) have been implemented in the past under similar conditions, 3) would directly overlap with a very small portion of suitable and Critical Habitat for Yosemite toad (Table 7 and Table 10 Aquatics BA p.19 and p.32 respectively), 4) would employ standard practices (FS S&Gs and BMPs) and protection measures (design criteria), 5) have known possible effects, and 6) all but one specific action (the re-opening of routes 19E01 and 09N01) were included in the Programmatic Biological Opinion (USDI 2014). The Forest received a letter of concurrence from the USFWS on August 30, 2016 that the proposed action would not jeopardize listed aquatic species if all recommended conservation measures were followed.

10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.**

    Alternative 1 (proposed action), 3, and 4 were developed in accordance with and, therefore, do not threaten to violate any Federal, State or local laws, or requirements for the protection of the environment. The proposed action and alternatives are consistent with the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), Clean Water Act, Clean Air Act, and

National Forest Management Act (NFMA). The proposed action and alternatives are also consistent with the Eldorado National Forest Land and Resources Management Plan (1989), as amended by the Sierra Nevada Forest Plan Amendment (2004).

Findings Required by Other Laws and Regulations

This decision is consistent with the Eldorado National Forest Land Management Plan (1989) as amended by the Sierra Nevada Forest Plan Amendment (2004). The project was designed in conformance with Forest-wide Standards and Guidelines for all other resources affected by the proposed activities.

I have reviewed and considered the project EA and Finding of No Significant Impact (FONSI). I have determined these actions will not have a significant effect on the quality of the human environment. Therefore, it does not require the preparation of an Environmental Impact Statement.

Implementation Date

After this Decision Notice is signed, implementation may begin immediately.

The Deer Valley 4wd Trail (19E01) would be reopened immediately as conditions permit. The restoration activities to reduce resource impacts associated with the Deer Valley 4wd Trail at Deer Valley (meadow 9N83-2) and Clover Valley (meadow 9N83-1) are anticipated to begin in the summer/fall 2017 and would be completed within the next several years.

The Blue Lakes/Meadow Lake Road (9N01) would be reopened and added back to the MVUM after the corrective actions are implemented to bring the routes in compliance with S&G 100. The road maintenance activities to bring the road in compliance with S&G 100 are anticipated to be completed in summer/fall 2017.

Contact

For additional information concerning this decision, contact: Matt Brown, Placerville Ranger District, 4260 Eight Mile Road, Camino CA 95709, Phone: (530) 647-5390 or Email: mrbrown@fs.fed.us.

12-1-2016

RICHARD G. HOPSON — Date

Amador District Ranger

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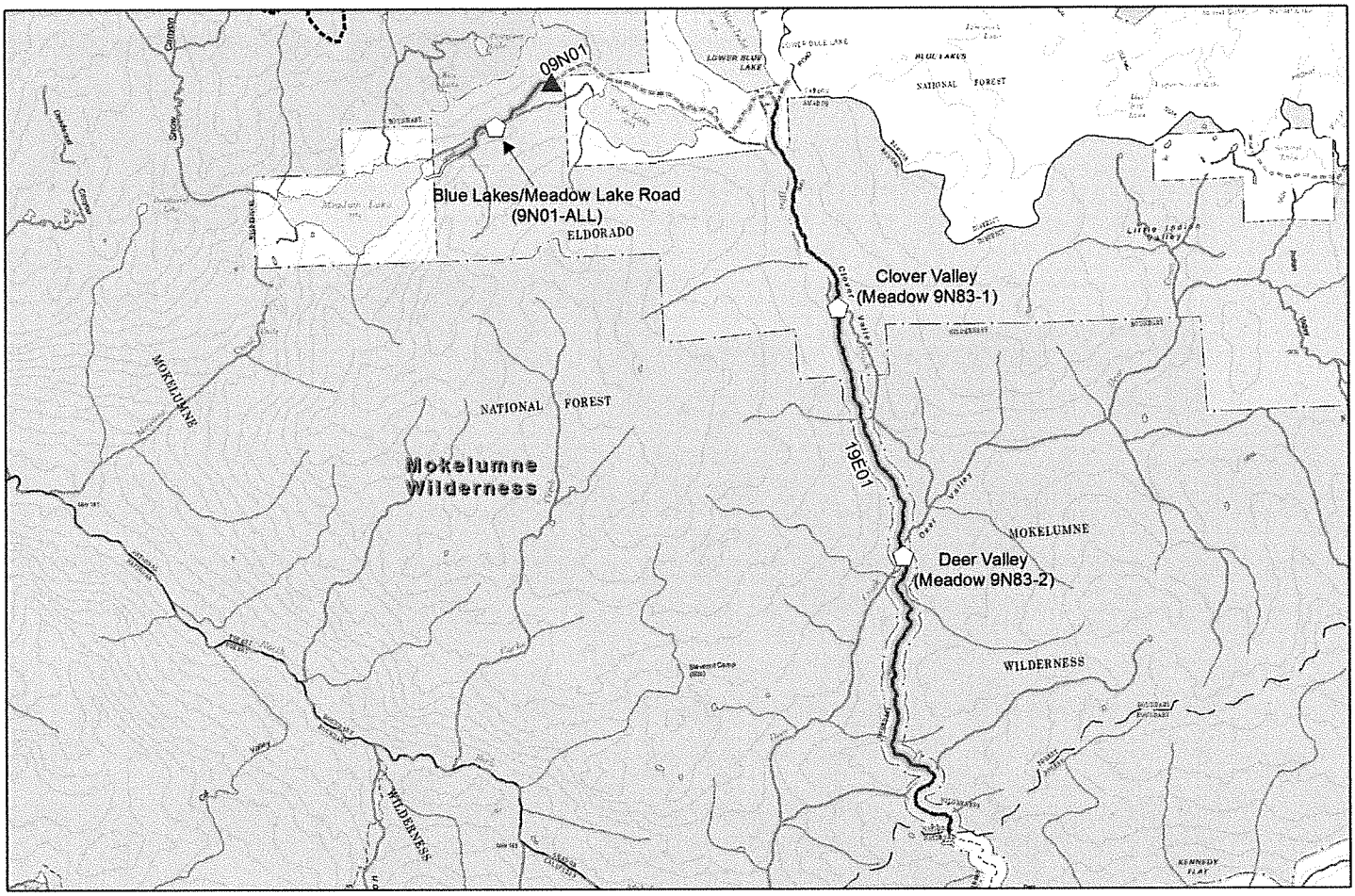
Deer Valley 4wd Trail Meadow Restoration and Blue Lakes/Meadow Lake Road Maintenance Project Area Map



SEIS Meadow Inventory-Proposed Restoration or Road Maintenance

Route to be Reopened

Route Currently Open

New Seasonal Closure

Proposed Gate (Alt 3 and 4)

0 0.5 1 2 Miles

N