



## **DECISION NOTICE & FINDING OF NO SIGNIFICANT IMPACT**

### **SHADY REST OVER SNOW VEHICLE/**

### **OFF HIGHWAY VEHICLE STAGING AREA PROJECT**

**U.S. FOREST SERVICE  
MAMMOTH RANGER DISTRICT  
INYO NATIONAL FOREST  
MONO COUNTY, CALIFORNIA**

#### **DECISION**

Based upon my review of the Shady Rest Over Snow Vehicle/Off Highway Vehicle (OSV/OHV) Staging Area Project Environmental Assessment (EA), I have decided to implement Alternative 3: Staging Area Development minus Ride-Back Trail & OSV Parking. This alternative authorizes the design and construction of an OSV/OHV staging area along Sawmill Cut-Off Road in the Shady Rest Area. The development consists of two components, 1) the staging area development, and 2) the widening of Sawmill Cut-Off Road.

##### **1) Staging Area Development**

The staging area would be a two acre paved parking area adjacent to Sawmill Cut-Off Rd (Forest Road 3S08) in T3S, R27E, Section 25 (MDB&M). The parking area would accommodate approximately twenty-five vehicles with nose in, pull through, and parallel parking with curbs and sidewalks. The staging area would be able to accommodate both large and small vehicles such as RV's with trailers to pickup trucks. The site would be plowed during the winter and overnight RV use would be allowed during the winter only, that is, when the OSV trail system is groomed and open. Onsite amenities would include a restroom, several educational kiosks, picnic area, a loading ramp for summer OHV use, and an approximately .5 mile connector trail from the staging area to the groomed trail leading to the open snow play area and OSV trail system. Trail preparation would consist of removing enough trees and brush to accommodate the groomer width and laying down mulch to protect the groomer from large rocks. There would be no ground disturbance for this level of trail preparation.

##### **2) Widening of Sawmill Cut-Off Road**

Less than one half mile of Sawmill Cut-Off Road would be widened and paved from where the pavement ends at the Shady Rest Park turn-off to the proposed staging area. This section of roadway is currently dirt/aggregate. The road would be an overall paved width of 24 feet consisting of two 12 foot lanes, with 2 foot shoulders and a 10 foot buffer on either side of the

road. The total potential ground disturbance would be approximately 50 feet wide, which includes the paved roadway, shoulders, drainage structures, cut and fill slopes, and any localized clearing needed to accommodate roadside safety.

## **DECISION RATIONALE**

The purpose of the Shady Rest Over-Snow Vehicle (OSV)/ Off-Highway Vehicle (OHV) Staging Area Project is to provide safe, adequate, and well developed and diverse recreation opportunities within the Concentrated Recreation Area.

As documented in the EA, this alternative would consolidate motorized staging and reduce conflicts between motorized and non-motorized user groups as well as mitigate conflicts between recreationists and geothermal energy operations and potential future development. The proposed constructed facilities at the staging area would reduce resource damage by providing a well-developed location for recreationists to stage. This alternative provides for the greatest separation of motorized and non-motorized recreational uses, and safe locations in which both types of uses can occur.

Alternative 3 contains design features to protect cultural resources and wildlife species (EA, pp.6-7), with the result that the project will not adversely affect any cultural resources, and also will not affect any federally endangered or threatened species. The project could have some minor, local effect to the northern goshawk, and Forest Service sensitive species, but will not result in a loss of viability, or trend towards federal listing under the Endangered Species Act. The EA for the Shady Rest OSV/OHV Staging Area Project documents the environmental analysis and conclusions upon which this decision is based in more detail, and is hereby incorporated by reference.

Alternative 1 was considered but not selected due to several reasons. The Shady Rest Park was never designed for OSV staging, and the layout of parking area and vehicle turnarounds has proven somewhat awkward and problematic. The Town of Mammoth Lakes (TOML). has also expressed concerns over OSVs causing damage to park infrastructure. Additionally, under Alternative 1, OSV staging occurs adjacent to the non-motorized area surrounding the Shady Rest Campground, and therefore does not adequately separate motorized and non-motorized uses. Under Alternative 1, non-motorized recreationists are exposed to OSV noise and exhaust, as well as a greater likelihood of OSV incursions onto the ski and snowshoe trails.

Alternative 2 was not selected because the rideback trail component causes this alternative to not meet the purpose and need of the project as well as Alternative 3. The rideback trail causes mixing of OSVs and non-motorized users along the rideback trail. This could cause safety concerns due to the narrow width of the trail and the different speeds of OSVs as compared to pedestrians, as well as reducing the quality of the non-motorized recreation experience due to

noise and exhaust. Additionally, the benefits of the rideback trail to OSV users are fairly limited. OSVs are not currently allowed on TOML roads or trails, therefore, OSVs would have to stop at the proposed parking area at State Highway 203. OSV users would need to walk to the Welcome Center, or to any restaurants or stores in town. The limited benefits to OSV users, combined with increase conflicts between motorized and non-motorized recreationists led me to decide against authorizing the rideback trail at this time.

It is worth noting that the TOML has long considered potential changes to their trail system that could change the benefits of the rideback trail. The rideback trail as proposed would end adjacent to the TOML paved bicycle trail. This trail continues under State Highway 203 via a tunnel, and leads around the eastern and southern sides of TOML and leads to Sherwin Creek Road, where an additional opportunity for motorized and non-motorized staging has been suggested. While this potential staging area is on National Forest land, much of the bike trail between this point and the proposed OSV parking area near State Highway 203 is not National Forest, and the bike trail is under permit to TOML. The project record contains several documents that acknowledge that TOML may in fact consider authorizing OSV use along the bike trail. This would allow linking OSV opportunities to the north of TOML with those to the south. If TOML moved to authorize this use it would greatly change the potential benefits of the rideback trail. Were TOML to authorize OSV use on lands and facilities within its jurisdiction between the Shady Rest area and Sherwin Creek Road, the Forest Service would reevaluate the benefits of the rideback trail, and could possibly consider conducting an analysis under NEPA to authorize connecting the Shady Rest OSV Staging area with the trails described in this paragraph. However, at this time it is very speculative that OSV use will be allowed on TOML bicycle trail as described above, or when that might happen, so the rideback trail is not part of my decision at this time.

Alternative 4, moving OSV staging back to the entrance to the Shady Rest Campground was also considered but not selected. Similar to Alternative 2, this alternative does not meet the purpose and need as well as Alternative 3 because it does not as fully separate motorized and non-motorized users. Also, similar to the Park, the Shady Rest Campground was not designed to be used for winter staging, and snow plowing and other activities has caused damage to facilities in the past. Additionally, access to existing geothermal wells and potential future geothermal development can be accomplished in the most efficient and environmentally sensitive manner by using the paved Sawmill Cutoff Road, which would make accessing the OSV trail system from the campground more difficult.

## **PUBLIC INVOLVEMENT**

This action was originally listed as a proposal on the Inyo National Forest Schedule of Proposed Actions (SOPA) in April of 2012 and updated periodically during the analysis. People were

invited to review and comment on the proposal through three public meetings, a scoping letter and notice to comment letter mailed to interested parties and local tribes, a news release was sent out and a legal notice was published in the Inyo Register. A project description and project documents were also made available at the project website (<http://www.fs.fed.us/nepa/fs-usda-pop.php/?project=38834>) The EA lists agencies and people consulted on pages 24. Additionally, the Forest Service conducted two public meetings in winter of 2011, and a field trip in the summer of 2011, to discuss this project with interested persons.

A complete response to comments received can be found as Appendix A to the EA.

## **FINDING OF NO SIGNIFICANT IMPACT**

The significance of potential environmental impacts was considered in terms of context and intensity. This project was evaluated for potential effects to the Shady Rest area and multiple user groups who visit the area. The intensity of effects was considered in terms of the following:

### ***1. Beneficial and adverse effects***

There was no finding of significant adverse environmental effects due to this project. A summary of the specialist reports for Hydrology, Soils, and Air Quality, Wildlife, Sensitive Plants and Noxious Weeds, Cultural Resources, and Recreation can be found in Chapter 3 of the EA, and this summary documents no meaningful adverse effects to any of the resources considered.

Mitigations and management requirements were designed and incorporated into the preferred alternative to reduce the potential for adverse impacts. These requirements would minimize or eliminate potential adverse impacts caused by staging on or near sensitive cultural resources, grooming and OSV use only when snow depths are adequate, constructing staging outside areas of suitable goshawk nesting habitat, and provide separation of uses for safe and concentrated recreation to occur. All analyses prepared in support of this document considered both beneficial and adverse effects, but all significance determinations were made on the basis of only adverse effects.

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

One main purpose of this project is to address the safety issues associated with the proposed geothermal development and motorized and non-motorized users recreating in the same area. Providing well-designed OSV/OHV staging facilities, access beyond geothermal development and separating uses would improve and benefit public safety in the Shady Rest Area. This project would also include information kiosks which provide visitors with information regarding safe riding practices. Directional signage, authorized riding area signage and speed limit signage will also help motorists to recreate safely in the Shady Rest Area. No aspect of the project is likely to

affect adversely public health or safety, rather the project is likely to improve safety of forest visitors and users.

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

The project area is not in the proximity of any parklands, prime farmlands, wetlands, wild or scenic rivers, or any ecologically critical areas.

A Heritage Resource Report #R2013050401786 (Foxworth 2013) has been prepared by the District Archeologist. The Report's Finding of Effect concluded there would be no direct, indirect, or cumulative effects on historic or cultural resources. With implementation of the standard protection measures and completion of this report, mandatory historic preservation requirements for this undertaking have been met according to the Programmatic Agreement among the U.S.D.A Forest Service, Pacific Southwest Region, California State Historic Preservation Officer, and Advisory Council on Historic Preservation regarding the identification, evaluation and treatment of historic properties managed by the National Forests of the Sierra Nevada, California. The project area is in proximity to historic and cultural resources and through the design and planning the project is intended to protect those resources from further damage.

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

There is no known credible scientific controversy over the impacts of the chosen alternative. The impacts of building an OSV/OHV staging area are well known to the Forest Service and other land management agencies. The proposed project follows the management direction in the Inyo National Forest Land and Resource Management Plan (USDA Forest Service 1988), as amended by the 2004 Sierra Nevada Forest Plan Amendment (USDA Forest Service 2004). Through project location and design, potential adverse effects have been minimized to the point where there are few effects to draw controversy. Public involvement efforts did not reveal any significant controversies regarding environmental effects of this proposal. Based on comments from the public and the analysis of effects by an Interdisciplinary Team of the Forest Service, there are no significant effects expected to the quality of the human environment from implementing the preferred alternative. Additionally, the air quality analysis indicates any emissions are inconsequential in the context of local and regional air quality, and do not contribute to exceeding any thresholds of concern.

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

The proposed action is similar in type and scope to many projects completed on the Inyo National Forest. The Mammoth Ranger District has developed and maintained several parking and staging facilities on the District, including the existing parking area at the entrance to New Shady Rest Campground which is near the proposed development. Proposed construction and use activities are routine in nature and their effects are generally well known. There is also no expansion or change to the existing trail system.

**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 proposed action is a site-specific project that does not set precedence for future actions with significant effects, and it does not represent a decision in principle about a future consideration. Any other proposals in the project area would require a separate analysis.

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

A cumulative effect is the consequence on the environment that results from the incremental effect of the action when added to the effects of other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes the other actions and regardless of land ownership on which the action occur. A cumulative effects analysis was completed separately for each resource area. None of the analyses found the potential for significant adverse cumulative effects.

**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**

It was determined that there would be no effect to cultural resources from implementing this preferred alternative, and the preferred alternative does not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. A cultural resources review was conducted for this project, and this review concluded that this project will not affect any scientific, cultural or historical resources (Foxworth, 2013).

**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**

Biological Evaluations/Assessments were prepared for plants and wildlife. No threatened or endangered plant or wildlife species are known to occur within the project area. Several sensitive and one candidate wildlife species have potential habitat within the project area, but it was determined that this project would not have an adverse effect on these species or their habitats (Perloff, 2013).

10. Whether the action threatens a violation of Federal, State, or local law, or other requirements imposed for the protection of the environment

The proposed action and all the alternatives 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 (i.e.: Endangered Species Act, National Historic Preservation Act, Clean Water Act, and the Natural Forest Management Act). The above discussion of effects and the related references in the project file document that this project will not adversely affect soils, water quality, special status species, or cultural resources. The proposed decision is also consistent with the Inyo National Forest Land and Resources Management Plan (1988) as amended by the Sierra Nevada Forest Plan Amendment (2004).

## RESULTS OF PREDECISIONAL OBJECTION PROCESS

This project was subject to a pre-decisional objection process pursuant to 36 CFR 218, Subparts A and B.

No objections were received within the objection filing period provided pursuant to 36 CFR 218.26.

## IMPLEMENTATION DATE

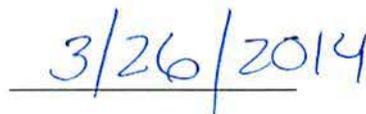
The project may be implemented upon the signature of this Decision. Because no objection was filed, approval of the project (i.e., signature of the DN) and implementation may occur on 5th business day following the close of the objection filing period (36 CFR 218.12(c)). The objection filing period ended on February 4<sup>th</sup>, and therefore the project may be implemented immediately upon signature of this document. However, full implementation is contingent on funding and the Forest expects to request funding for project construction in summer 2016.

## CONTACT

For additional information concerning this decision, contact Jon Kazmierski, District Recreation Officer, Mammoth Ranger District, at [jkazmierski@fs.fed.us](mailto:jkazmierski@fs.fed.us).



JON C. REGELBRUGGE



Date

District Ranger  
Mammoth and Mono Lake Ranger Districts