

Decision Notice / Finding of No Significant Impact
for the
**Environmental Assessment of the Comprehensive River Management Plan for
Cottonwood Creek Wild and Scenic River**

Inyo National Forest
USDA Forest Service
Mono and Inyo Counties, California

Purpose of and Need for the Project

The Inyo National Forest (the National Forest) is proposing to adopt a comprehensive river management plan for the Cottonwood Creek Wild and Scenic River. This proposed comprehensive river management plan (CRMP) would cover a total of 21.2 miles of river, of which 17.1 miles are on the National Forest and 4.1 miles are managed by the Bureau of Land Management; the river is classified into wild, scenic, and recreational segments. This plan is administrative in nature; actions proposed include establishing a permanent boundary and establishing user capacity levels for the river. The river corridor has been managed as a wild and scenic river since they were determined eligible in 1991 during the Land and Resource Management Planning process. Both rivers were designated as Wild and Scenic by Congress in 2009.

The purpose of this project is to adopt a CRMP to protect and enhance the values for which the river was designated (free flow, water quality, and outstandingly remarkable values) and identify and implement Forest Service management actions needed to protect these values within the Cottonwood Creek corridor. Section 3 of the Wild and Scenic Rivers Act (16 USC 1274, as amended) specifies a CRMP will be developed for the designated river corridor.

Planning is needed to integrate management of multiple resources, resource designations, and activities in the planning area. Management of uses on public lands is necessary in this congressionally designated area to address private, public, and administrative access needs; protect resources; promote public safety; and minimize conflicts among uses of public lands.

By designating Cottonwood Creek as a wild and scenic river, Congress directed the Forest Service to develop a comprehensive management plan for the river segments under their jurisdiction. As part of this action, the Forest Service needed to develop an environmental assessment (EA) to fulfill this mandate and comply with the National Environmental Policy Act.

Decision

I have read the EA, reviewed the analysis in the project file, and fully understand the environmental effects disclosed therein. Based on my review of the alternatives, it is my decision to select the Proposed Action described in the EA. This decision will authorize the implementation of the proposed actions and mitigation features in their entirety.

I have decided to implement the Proposed Action because it most fully addresses the purpose and need. My decision is based on careful consideration of the analysis and the acknowledgement of risk.

Alternatives Considered

The no-action alternative and Proposed Action are fully analyzed in the EA. Additionally, one other alternative was considered that would have established capacity at current use levels. However, current use levels in the corridor do not degrade river values and there is no reason to believe that the proposed user capacity in the Proposed Action would result in effects that are significantly different from the current levels of use. Therefore, this alternative was dismissed from detailed analysis in the EA.

Public Involvement

The project was listed in the Inyo National Forest's quarterly schedule of proposed actions beginning July 2020. An initial civic engagement notice for the preliminary Resource Assessment was posted on the Forest website and was provided to the public and other agencies for comment during the civic engagement period (August 24, 2020 to September 24, 2020). Six comments were received.

The public scoping notice for the *Draft Cottonwood Creek Wild and Scenic River Comprehensive River Management Plan* was provided to the public and other agencies for comment from June 23 to August 6, 2021 (the scoping period was extended from the original end date of July 23, 2021). Comments were received from 47 commenters.

The *Draft Cottonwood Creek Wild and Scenic River Comprehensive River Management Plan Environmental Assessment* was completed and posted on the Inyo National Forest project website on March 15, 2022. The legal notice for a 30-day comment period was sent to the interested individuals and posted in the Inyo Register on March 15. The comment period was from March 15 – April 15. Comments were received from 22 commenters.

The *Cottonwood Creek Wild and Scenic River Comprehensive River Management Plan Environmental Assessment* was revised based on comments received during all of the comment periods. The 36 CFR Part 218 regulations instruct the agency to provide a 45-day objection period before the decision is finalized. The legal notice to begin the objection period was mailed to the individuals who had previously provided comments. As a part of the pre-decisional public involvement process, those individuals were given an opportunity to object beginning October 20, 2022, for 45 calendar days. Substantive objections were received from one commenter.

Finding of No Significant Impact

As the responsible official, I am responsible for evaluating the effects of the project relative to the definition of significance established by the Council on Environmental Quality (CEQ) Regulations (40 CFR 1508.13). I have reviewed and considered the EA and documentation included in the project record, and I have determined that the proposed action will not have a significant effect on the quality of the human environment. As a result, no environmental impact statement will be prepared. My rationale for this finding is as follows, organized by sub-section of the CEQ definition of significance cited above.

Context

For the proposed action, the context of the environmental effects is based on the environmental analysis in this EA.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of the EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits.

My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b), as described below:

1. ***Impacts that 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.***

The standards and guidelines proposed will protect and enhance outstandingly remarkable values (ORVs) for the designated river. Existing guidelines and policy were generally adequate. Analysis has shown that there will not be a significant adverse effect from the Proposed Action (See analyses under chapter 3 of the EA).

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

The Proposed Action does not have a disproportionately high and adverse human health effects, high or adverse environmental effects, substantial environmental hazards, or effects to differential patterns of consumption of natural resources.

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

There will be no significant effects on the unique characteristics of an area as a consequence of implementation of the Proposed Action. Standards and guidelines proposed would be in compliance with policy and direction, in addition to enhancing and protecting the ORVs of the Wild and Scenic River. There are no parklands or prime farmlands in or immediately within close proximity to the project area. The White Mountains Wilderness covers part of the project area.

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

Substantial scientific dispute does not exist as to the size, nature, or effects of this selected Federal action on human environmental factors.

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

The effects analysis in the EA shows that predicted effects to the human environment are not highly uncertain and do not involve unique or unknown risks.

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

This action is not likely to establish precedent for future actions with significant effects or a decision in principle about a future consideration. The action is consistent with the Inyo National Forest Land Management Plan. Management direction for Wild and Scenic Rivers is found within the Land Management Plan and in Forest Service Manual 2354, beginning with section 2354.32.

7. ***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.***

Cumulative impacts, as analyzed in the EA, are not significant. See the environmental consequences section (chapter 3) of EA.

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.***

No effects on historic or cultural resources will occur as a result of this project. A project review for heritage resources under the terms of the 2013 Programmatic Agreement between Forest Service Region 5 and the State Historic Preservation Officer was completed. With a determination that the Proposed Action would have no effect on historic properties, the project is in compliance with Section 106 of the Historic Preservation Act.

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.***

The analyses in the EA for resource topics of Wildlife and Botany conclude that no adverse effects on endangered or threatened species or their habitat would occur from the Proposed Action.

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

No laws or requirements will be violated by the Proposed Action.

Expected Implementation Process

The comprehensive river management plan will go into effect upon signature of the Decision Notice. The Decision Notice can be signed once the reviewing officer has responded in writing to all objections, and all concerns and instructions identified by the reviewing officer in the objection response have been addressed. If no objections are received, the Decision Notice may be signed on, but not before, the fifth business day following the end of the objection filing period.

Administrative Review or Objections

This project is subject to the objection process pursuant to 36 CFR 218. The 45-day objection period began October 20, 2022, and concluded December 3, 2022. The Forest Service received one substantive objection and added language to the CRMP to resolve the identified issues. The objection resolution process concluded on March 8, 2023.

April 2023
Decision Notice and FONSI

Contact Information

For additional information, contact Adam Barnett, Public Services Staff Officer at Inyo National Forest, Supervisors Office, 351 Pacu Lane, Suite 200, Bishop, California, or at adam.barnett@usda.gov.

X

Responsible Official	Date
LESLEY YEN, Forest Supervisor Inyo National Forest	

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720- 2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

El USDA es un proveedor, empleador y prestamista que ofrece igualdad de oportunidad.