

United States Department of Agriculture
Forest Service
Pacific Southwest Region

**Decision Notice
And
Finding of No Significant Impact**

*Authorizing Helicopter Landings
By the
California Department of Fish and Game
For Capturing
Sierra Nevada Bighorn Sheep
Within Portions of the
Ansel Adams, Hoover, John Muir, Golden Trout, and South Sierra
Wilderness Areas*

Inyo National Forest
Mono Lake, Mammoth, White Mountain, and Mt. Whitney Ranger Districts
Inyo and Mono Counties, California

Decision and Rationale

I have reviewed the 2012 Environmental Assessment (EA) for the Authorizing Helicopter Landings by the California Department of Fish and Game for Capturing Sierra Nevada Bighorn Sheep within portions of the Ansel Adams, Hoover, John Muir, Golden Trout, and South Sierra Wilderness Areas prepared by the Inyo National Forest (henceforth the Helicopter Landings in Wilderness EA). The EA discloses and discusses the environmental effects of two alternatives for capturing Sierra Nevada bighorn sheep (SNBS) within the project area. The project area includes those portions of SNBS recovery herd units, as identified within the 2007 Recovery Plan for Sierra Nevada Bighorn Sheep (USFWS 2007), which occur in wilderness areas. The herd units include, from north to south: Mt. Warren, Mt. Gibbs, Convict Creek, Wheeler Ridge, Coyote Ridge, Taboose Creek, Sawmill Creek, Mt. Baxter, Mt. Williamson, Mt. Langley, and Olancho Peak. A map of the project area can be found in the EA.

The 2012 Helicopter Landings in Wilderness EA is available for public review at the Inyo National Forest Supervisor's Office located at 351 Pacu Lane, Suite 200, Bishop, California 93514. The EA is also available online at: <http://www.fs.fed.us/nepa/fs-usda-pop.php/?project=35211>.

Based on the analysis presented in the EA, I have decided to adopt Alternative 2, the Proposed Action. This decision includes the actions described under Alternative 2 in the EA (Section 2.2.2). Implementation of this decision would begin during the fall (October) of 2012. I find that Alternative 2 best meets the purpose and need to capture SNBS in a safe and timely manner that allows for meeting recovery objectives, while simultaneously preserving wilderness character. I made my decision after fully considering the physical, biological, economic, and social effects of the alternatives analyzed in detail in the EA and the site-specific specialist reports. These include the archaeology report (4/20/2012), Biological Assessment (BA) (4/19/2012) and Biological Evaluations (BE) for aquatic and terrestrial wildlife (4/18/2012) and sensitive plants (04/20/2012), hydrology report (4/18/2012), management indicator species (MIS) report (4/18/2012), Minimum Requirements Decision Guide (MRDG) (5/17/2012), noxious weed risk assessment (4/21/2011), range report (4/16/2012), and other documentation found in the project file.

The following are my reasons for selecting Alternative 2 (Proposed Action):

- Alternative 2 implements the Recovery Plan for Sierra Nevada Bighorn Sheep (USFWS 2007) by authorizing activities which meet downlisting and delisting criteria.

- Alternative 2 best meets Forest Service policy to manage National Forest System habitats and activities for threatened and endangered species to achieve recovery objectives so that special protection measures provided under the Endangered Species Act are no longer necessary (FSM 2670.21).
- Alternative 2 best meets recovery objectives that lead toward the downlisting and delisting of Sierra Nevada bighorn sheep by: 1) increasing the distribution of SNBS throughout the recovery area, 2) increasing the number of SNBS ewes within essential herd units, and 3) continuing monitoring of disease risk and habitat use and population distribution and numbers.
- Alternative 2 leads to long-term beneficial effects to the natural quality of wilderness character because SNBS would be returned to portions of their historic range within the John Muir, South Sierra, and Golden Trout Wildernesses.

Alternatives Considered

Alternative 1 (No Action) was considered but not selected because it does not meet the purpose and need and would not lead toward the recovery of Sierra Nevada bighorn sheep in accordance with the Recovery Plan and management direction in the Inyo National Forest Land and Resource Management Plan (LRMP) and is not in compliance with applicable laws, regulations, and policies. Alternative 1 does not meet Forest Service policy to manage National Forest System habitats and activities for threatened and endangered species to achieve recovery objectives so that special protection measures provided under the Endangered Species Act are no longer necessary (FSM 2670.21).

Public Involvement

A Proposed Action (April, 2011) was mailed during the scoping period, in which 27 interested parties were contacted. The Environmental Assessment was released for a 30-day comment period in October, 2011 to all interested parties and a legal notice requesting comments on the EA was published in the Inyo Register October 11, 2011. Comments were received from six organizations, including: Wilderness Watch of the Eastern Sierra and High Sierra Hikers Association, Backcountry Horsemen of California, California Wild Sheep Foundation, Sierra Nevada Bighorn Sheep Foundation, and the Wild Sheep Foundation; one local Tribe, Lone Pine Paiute-Shoshone Reservation; and one State agency, including the Native American Heritage Commission of the State of California; and nine individuals. Each of these comments was received prior to the end

of the 30-day comment period. Only the comments from the Wilderness Watch of the Eastern Sierra and High Sierra Hikers Association, Jan Clover, and Native American Heritage Commission of the State of California required a response, but all letters were responded to and the responses can be found in Appendix A in the EA and project file.

The EA was then revised to address comments received during the 30-day comment period and was re-released for a 15-day comment period in May, 2012. Those parties which requested more information on the project or who had submitted comments during the 30-day comment period received transmittal letters. One letter of support was received from the Wild Sheep Foundation.

Finding of No Significant Impact

1. Beneficial and adverse impacts.

Mitigations and management requirements designed to reduce the potential for adverse impacts were incorporated into the Proposed Action (*i.e.* U.S. Fish and Wildlife Service Federal Wildlife Permit requirements issued to CDFG regarding the capturing of SNBS (USDI 2007). Mitigations were also designed to reduce impacts to wilderness character. These mitigations and management requirements would minimize or eliminate the potential for adverse impacts caused by helicopter net-gun captures to SNBS and wilderness character.

A discussion of potential effects was summarized in the EA (Section 3.2.1, 3.2.2, and 3.4) from supporting analysis (Barron 2012, Johnston 2012, Lutrick 2012, Murphy 2012, Murphy and Sims 2012a, Murphy and Sims b, Weis 2011, and Weis 2012). All analyses prepared in support of this document considered both beneficial and adverse effects of the proposed action; however, beneficial effects were not used to offset or compensate for adverse effects in the analysis. None of the potential effects of the Proposed Action or No Action Alternative would be significant, even when considered separately from the beneficial effects that occur in conjunction with those effects.

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

The Proposed Action would require helicopter landings and flights for capturing activities. There is inherent risk to helicopter crews and support staff when operating a helicopter; however, CDFG has safety standards which must be followed when operating a helicopter (CDFG 2010) and they hire contractors who are experienced in operating helicopters in high elevations. Visitors are not allowed to approach helicopters

while they are in operation or parked at the base stations, therefore there will be no effect upon public health and safety.

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.

There are no historic or cultural resources, parklands, prime farmlands, and wild and scenic rivers within the project area.

The project area does contain meadows, springs, and riparian features that would classify as wetlands. Based on the environmental analysis completed for hydrology, range, wildlife and botany, the Proposed Action would not have a significant adverse effect to riparian values because helicopters would not land within riparian areas or alongside streams or other bodies of water and refueling would follow Best Management Practices (EA Section 3.4).

There would be no adverse effect to cultural resources as the Proposed Action is considered a screened undertaking under the Programmatic Agreement among the USDA 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 (Johnston 2012).

The project does occur within portions of the Ansel Adams, Hoover, Golden Trout, John Muir, and South Sierra Wildernesses. The effects of the Proposed Action were fully evaluated in the EA, Section 3.2.2.2. The Proposed Action would have major, long-term beneficial effects to the natural quality of wilderness character because all 12 essential herd units would be occupied. There would be minor, temporary, and site-specific adverse effects from monitoring captures on the untrammelled quality because the capture event would average one to three days within any given herd unit over a ten year period. There would be moderate, long-term adverse effects to the untrammelled quality due to the introductions of SNBS into historical habitat in the Taboose Creek and Olancho Peak herd units because the activity would intervene in the free play of natural forces by affecting the distribution of the population. Finally, there would be moderate, temporary, and site-specific adverse effects on the outstanding opportunities for solitude or a primitive and unconfined type of recreation quality of wilderness along eight trails located near capture locations. The Proposed Action includes mitigation measures that would reduce effects from helicopter landings in wilderness. The effects to the four wilderness qualities (natural, untrammelled, undeveloped, and outstanding opportunities

for solitude or a primitive and unconfined type of recreation) would not lead toward significant effects to wilderness character.

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

The proposed project follows the management direction in the Inyo National Forest LRMP (USDA Forest Service 1988), as amended by the 2004 Sierra Nevada Forest Plan Amendment (USDA Forest Service 2004), and the 1989 Mono Basin Scenic Area Plan (USDA Forest Service, 1989). The Proposed Action was developed by comparing existing conditions with desired conditions based on the Recovery Plan for Sierra Nevada Bighorn Sheep (USFWS 2007). The effects of different capture methods on bighorn sheep have been studied and published. The analysis in the EA incorporated this information (EA Section 3.2.1). Captures using helicopter net-guns are the preferred method of capture by CDFG for SNBS (EA: Appendix B) and are necessary in meeting the purpose and need of the project (EA: Appendix C).

Based on comments from the public (EA: Appendix A) and the analysis of effects from the ID Team (EA Sections 3.2.1, 3.2.2, and 3.4), there are no significant effects expected to the quality of the human environment from implementing either of the alternatives, including the Proposed Action alternative.

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

The Proposed Action follows the management direction in the Inyo National Forest LRMP (USDA Forest Service 1988), as amended by the 2004 Sierra Nevada Forest Plan Amendment (USDA Forest Service 2004), and the Mono Basin Scenic Area Plan (USDA Forest Service, 1989). It implements mitigation measures designed to reduce potential for adverse effects on wilderness character.

Effects are well understood due to local expertise in implementation of helicopter net-gun captures (supporting documentation found in the project record). SNBS have been captured exclusively with helicopter net-guns over the last ten years and effects to SNBS have been analyzed by the U.S. Fish and Wildlife Service and determined that captures of SNBS would not likely jeopardize the continued existence of SNBS (USDI 2012).

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 Helicopter Landings in Wilderness EA represents a site-specific project that does not set precedence for future decisions with significant effects or present a decision in principle about future considerations. Any future decisions would require a site-specific analysis to consider all relevant scientific and site-specific information available at that time. These activities are in accordance with the best available science to manage grazing activities at this time.

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 actions occur. A cumulative effects analysis was completed for each resource area (EA Sections 3.2.1.1, 3.2.1.2, 3.2.2.1, and 3.2.2.2). None of the resource specialists found the potential for significant adverse cumulative effects (Barron 2012, Johnston 2012, Lutrick 2012, Murphy 2012, Murphy and Sims 2012a, Murphy and Sims b, Weis 2011, and Weis 2012).

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 Alternative 2 would not have any significant effect on any historical properties in the project area and is considered a screened undertaking as defined by the Programmatic Agreement among the USDA Forest Service, Pacific Southwest Region, California State Historic Preservation Officer, and Advisory Council on Historic Preservation Regarding the Identification, Evaluations and Treatment of Historic Properties managed by the National Forests of the Sierra Nevada, California (2002 as amended) and no further review or consultation is needed (Johnston 2012).

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 is one federally listed threatened or endangered wildlife species known to occur in the project area. This species is the Sierra Nevada bighorn sheep (endangered). The

project area also included designated critical habitat. Based on analysis documented in the Biological Assessment, it was determined that this project may affect, but not adversely affect or adversely modify designated critical habitat for this species (Murphy 2012) (EA Section 3.2.1.2). The U.S. Fish and Wildlife Service found that no further consultation was necessary for the purposes of this project because consultation was completed following section 7(a)(2) during the process of issuing CDFG a Federal Fish and Wildlife Permit (USDI 2011b). The U.S. Fish and Wildlife Service found that capturing activities would not jeopardize the existence of SNBS (USDI 2012).

No federally listed threatened or endangered plant species have potential habitat (including critical habitat) or occur within or adjacent to the project area (Weis 2012).

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 would not threaten a violation of Federal, State, or local law, or requirements imposed for the protection of the environment. The proposed action is consistent with the National Environmental Policy Act (NEPA), National Forest Management Act (NFMA), Endangered Species Act (ESA), Clean Water Act, Wilderness Act, and National Historic Preservation Act (NHPA). The proposed action is fully consistent with the Inyo National Forest Land and Resource Management Plan (USDA Forest Service 1988), the Sierra Nevada Forest Plan Amendment (USDA Forest Service, 2004), and the Mono Basin Scenic Area Plan (USDA Forest Service, 1989).

Administrative Review or Appeal Opportunities

This decision is subject to appeal under 36 CFR 215 by those individuals or organizations that submitted comments during the 30-day comment period provided pursuant to 36 CFR 215.6. The appeal must be filed (regular mail, fax, email, hand-deliver, or express delivery) with the Appeal Deciding Officer: Randy Moore, Regional Forester, 1323 Club Drive, Vallejo, CA 94592; fax 707-562-9130. For hand-delivered appeals, office hours are 8:00 AM to 4:30 PM. Monday through Friday, excluding holidays. Emailed appeals must be submitted in plain text (.txt), rich text (.rtf), or word (.doc or .docx) formats to fs-appeals-pacificsouthwest-inyo@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 of decision in the *Inyo Register*, the newspaper of record. The publication

date in the newspaper of record is the exclusive means for calculating the appeal period for this decision. Those wishing to appeal should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the length of the appeal period. Appeals received after the 45-day appeal period will not be considered. Only individuals or organizations who submitted comments or otherwise expressed interest during the comment period specified under 36 CFR 215.6 may appeal this decision (36 CFR 215.13). 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 begin on, but not before, the 5th business day following 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 (36 CFR 215.9).

Contact Information

For further information, contact Leeann Murphy, Wildlife Biologist, Inyo National Forest Supervisor's Office, 351 Pacu Lane, Suite 200, Bishop, CA 93514; (760)-873-2450.



EDWARD E. ARMENTA
Forest Supervisor
Responsible Official

Date 6/11/12

