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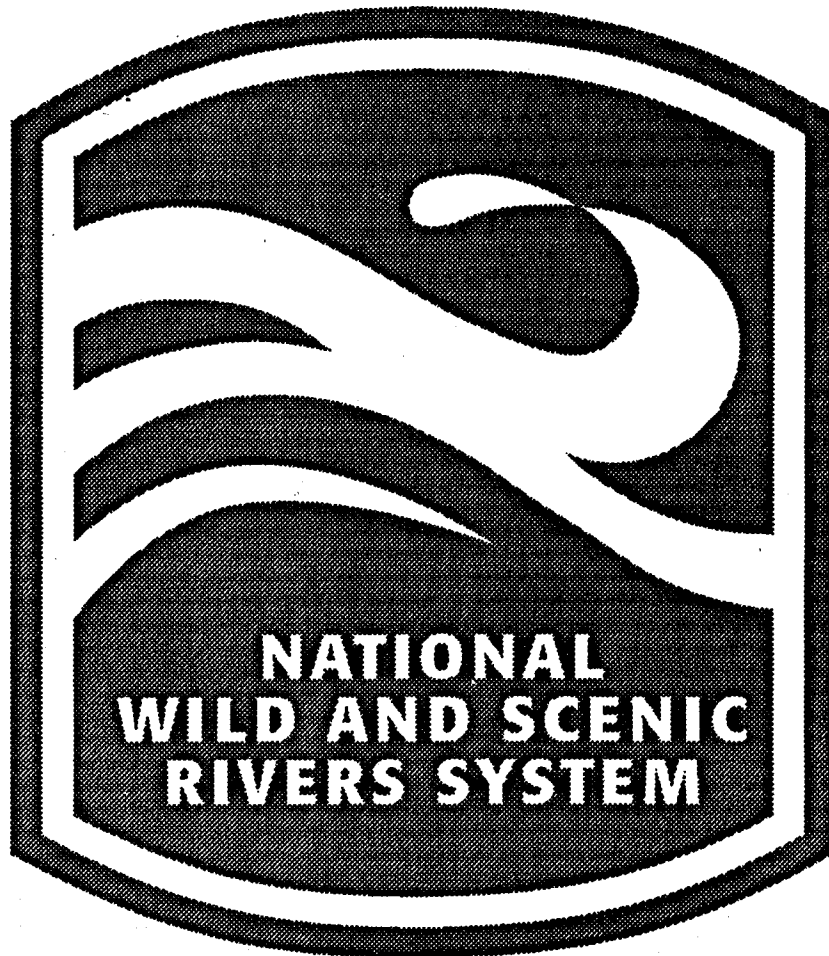
Pacific Southwest  
Region

Tahoe  
National Forest and  
Lake Tahoe Basin  
Management Unit



**Record of Decision**  
**Eight Eastside Rivers**  
**Wild and Scenic River Study Report**  
**And Final Environmental Impact Statement**  
**Tahoe National Forest and**  
**Lake Tahoe Basin Management Unit**

**February 1999**



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# **Record of Decision**

## **Eight Eastside Rivers Wild and Scenic River Study Report *and* Final Environmental Impact Statement**

### **USDA FOREST SERVICE TAHOE NATIONAL FOREST *and* LAKE TAHOE BASIN MANAGEMENT UNIT**

**Sierra, Nevada, Placer, El Dorado, and Alpine Counties, California**

#### **I. DECISION**

It is our decision to adopt the Preferred Alternative, Alternative E, as presented in the Eight Eastside Rivers Wild and Scenic River Study Report and Final Environmental Impact Statement (FEIS). The heart of this decision is our recommendation that Sagehen Creek and the Upper Truckee River be designated Wild and Scenic Rivers pursuant to the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287, Public Law 90-542 October 2, 1968). Upon Congressional designation of Sagehen Creek and the Upper Truckee River, two rivers that are the best representatives of the eastside, northern Sierra Nevada streams, they would be added to the National Wild and Scenic River System. More specifically, we recommend that Sagehen Creek be designated a Scenic river and the Upper Truckee River be designated a Wild river. Our recommendation, a "preliminary recommendation," is to the Pacific Southwest Region's Regional Forester. If he concurs, he will forward the recommendation to the Chief of the Forest Service, who will recommend to the Secretary of Agriculture, who will ultimately make a recommendation to Congress for legislative consideration.

In adopting Alternative E, this decision provides for a non-significant amendment (amendment #7) to the Tahoe National Forest Land and Resource Management Plan (Tahoe Forest Plan) to provide interim management standards for Sagehen Creek as a Scenic river until such time as Congress takes action by passing a bill for designation or chooses not to designate the river. Amendment # 8 also establishes a Special Interest Area (SIA) for Upper Independence Creek.

The 1988 Forest Land and Resource Management Plan for the Lake Tahoe Basin Management Unit (LTBMU Forest Plan), as amended in 1990, already provides for interim protection of the suitable segment of the Upper Truckee River:

*(Practice 35) "Implement the Wild and Scenic Rivers Act by conducting an eligibility assessment for the Truckee River. If the river, or segment thereof, is eligible, schedule a suitability assessment. Until a decision is made regarding the river's status, the following interim management is in effect: 1. To the extent that the Forest Service is authorized under law to control stream impoundments and diversions, the free flowing characteristics of the Truckee River will not be modified. Outstandingly remarkable values for the Truckee River will be identified, protected, and, to the extent practicable, enhanced. 3. Management and development of the Truckee River and its corridor will not be modified to the degree that potential eligibility or classification will be affected."*

This decision closes the eligibility/suitability assessment process for the Lower Truckee River. The entire eligible segment of the Lower Truckee River is not suitable for Wild and Scenic designation as a recreation river. This decision is final regarding the Lower Truckee River's status.

Management standards to be applied to suitable segments of Sagehen Creek and the Upper Truckee River are found in the Wild and Scenic River Study Report and FEIS, Appendix A, as duplicated from Forest Service Handbook 1909.12 (Land and Resource Management Planning Handbook), Chapter 8. The suitable segment of Sagehen Creek is defined as beginning at the high water mark of Stampede Reservoir and continuing up stream approximately eight miles to the headwaters as illustrated by the map on page IV.36 of the FEIS. The suitable segment of the Upper Truckee River is defined as beginning at a point just south of the Upper Truckee Road and continues upstream approximately seven miles to its headwaters as illustrated by the map on page IV.37 of the FEIS. Classification standards apply to one-quarter mile on each side of Sagehen Creek and the Upper Truckee, to the extent of Forest Service authority. Where the FEIS describes the corridor as "one-half mile," the quarter mile on each side of the river have been combined. The exact boundaries will be determined in each rivers' Management Plan, required by the Wild and Scenic Rivers Act, to be created following Congressional designation. The interim protection language displayed on page II.7 of the Wild and Scenic River FEIS will be applied to Management Area (MA) 019 (Eighty Nine), MA 032 (Stampede Boca), MA 036 (Sagehen Basin), MA 038 (Billy), and MA 043 (Sagehen Station) for the Tahoe National Forest.

As part of this decision to recommend two rivers for designation, we are also determining that the remaining rivers are not suitable for Wild and Scenic River designation. Consequently, those streams not found suitable (Perazzo Creek, Little Truckee River, Alder Creek, Coldstream, and the main stem Truckee River) will now be guided by management directions found in the 1990 Tahoe Forest Plan and LTBMU Forest Plan, as amended, where applicable. Upper Independence Creek, likewise, was not found suitable but will be managed as a Special Interest Area (SIA) as discussed below. This decision also rescinds the Forest Supervisor's letter of March 6, 1992 that gave internal administrative interim protection for all seven rivers on the Tahoe National Forest.

River management of the Lower Truckee River will revert to the standards and prescriptions of the Lower Truckee Management Area of the Lake Tahoe Basin Management Unit Forest Plan and Management Area 069 Truckee River, of the Tahoe National Forest Land and Resource Management Plan. Discontinuation of the interim wild and scenic river direction for the Lower Truckee River is consistent with the Forest Service Handbook 1909.12, 8.12. River management of Cold Stream, Alder Creek, Little Truckee River, and Perazzo Canyon will revert to the

standards and prescriptions of the existing management areas of the Tahoe National Forest Land Management Plan.

Selection of Alternative E also establishes the Upper Independence Creek Special Interest Area to protect the upper watershed and spawning habitat for Lahontan cutthroat trout. The Special Interest Area is created by an amendment to the Tahoe Forest Plan and through the creation of a new Management Area, 035 named Independence. The specific wording for the plan amendment is found in Appendix C of the FEIS on pages C.4 thru C.6. A map of the new management area is on page C.7. Other biological/ecological and scenic values will be protected consistent with the main emphasis of protecting Lahontan cutthroat trout.

Selection of Alternative E also commits the Tahoe National Forest, in the future, to evaluate lands beyond the half-mile wide wild and scenic river corridor of Sagehen Basin for a Special Interest Area designation. This evaluation will be part of a larger land use planning process.

## II. ALTERNATIVES CONSIDERED

Eight rivers in the eastern portion of the Tahoe National Forest and the LTBMU were considered for their suitability for inclusion in the national Wild and Scenic River System. All are within the Truckee River drainage. Seven of the eight rivers are located in the eastern portion of the Tahoe National Forest. The Upper Truckee River and a portion of the lower, or mainstem, Truckee River flow through National Forest system lands administered by the LTBMU.

*Alternative A* prescribes wild and scenic river designation for all eligible rivers as follows: Alder Creek (Recreational); Cold Stream (Recreational); Independence Creek (Wild); Little Truckee River (Recreational); Perazzo Creek (Scenic); Sagehen Creek (Scenic); Upper Truckee River (Wild); Truckee River (Recreational). In addition, Sagehen Basin, outside of the river corridor, is recommended for analysis as a Special Interest Area in a separate, site-specific study.

*Alternative B, the "no action" alternative,* proposes no wild and scenic river designations, nor is Special Interest Area designation considered in this alternative.

*Alternative C* proposed designation of rivers with the most extensive outstandingly remarkable values that are associated with the river environment. The Little Truckee River, Perazzo Creek, Sagehen Creek, the Upper Truckee River, and the mainstem Truckee River, including their river corridors, are managed as described under Alternative A. The Sagehen Basin, outside of the river corridor, is recommended for analysis as a Special Interest Area in a separate study. Upper Independence Creek is designated as a Special Interest Area.

*Alternative D* proposes wild and scenic river designation for rivers with high public recreation use. The Truckee River would be managed as shown in Alternative A. Sagehen Basin is recommended for analysis as a Special Interest Area in a separate study. Upper Independence Creek is designated as a Special Interest Area.

*Alternative E, the selected alternative,* proposes designation of rivers that make the best contributions to a national Wild and Scenic River system. Sagehen Creek and the Upper Truckee River, and their river corridors, are managed as described in Alternative A. Sagehen

Basin, outside of the river corridor, is recommended for analysis as a Special Interest Area in a separate study. Upper Independence Creek is designated as a Special Interest Area.

*Alternative F* proposes designation of those rivers that would minimally impact natural resource utilization, potential water development projects, and local and state government's ability to utilize existing utility and transportation corridors. The Upper Truckee River and adjacent area would be managed as a Scenic river. Sagehen Basin would be recommended for analysis as a Special Interest Area in a separate site-specific study. Upper Independence Creek is designated as a Special Interest Area.

*Alternative G* proposes designation of rivers identified as having the greatest botanical and ecological Outstandingly Remarkable values. Little Truckee River, Perazzo Creek, Sagehen Creek, and the Upper Truckee River and their river corridors are managed as shown under Alternative A. Sagehen Basin outside of the river corridor is recommended for analysis as a Special Interest Area in a separate site-specific study. Upper Independence Creek is designated as a Special Interest Area.

### **III. PUBLIC PARTICIPATION**

Public scoping was initiated with publication of a Notice of Intent in the Federal Register on April 28, 1993. Notices were also published in local newspapers, and three public "open houses" were held: in Truckee, CA on May 19, 1993; in Tahoe City, CA on May 20, 1993; and in South Lake Tahoe, CA on May 26, 1993.

The draft study report/EIS was released for a 75-day public comment period on August 18, 1994. Comments postmarked through November 19, 1994, were accepted as timely. The Town of Truckee conducted a public meeting on October 13, 1994, where Forest Service staff provided information about the Draft Environmental Impact Statement (DEIS) and Wild and Scenic River planning process. At the end of the comment period, the two forests received a total of 413 letters.

The 413 responses to the draft study report/EIS contained over 1,687 separate comments. Two hundred and fifty-three of the respondents utilized a pre-prepared-form response as their comment. In most cases, these letters were handwritten, but they followed the same wording as the format. Specific responses to comments are found in Appendix E of the final EIS.

The public comments included five key themes:

1. There were strong arguments for considering Wild designation, instead of Scenic, on the Upper Truckee River, and considering designation of Independence Creek as a Wild river.
2. The rationale for recommending or not recommending certain rivers needs to be more thoroughly explained. People were puzzled as to the rationale behind the Forest Service recommendations.
3. Private property, condemnation, and local vs. federal control were topics with strong opposing views from commenters.
4. Specific detailed information about the Little Truckee River and Perazzo Creek that suggested consideration of both these streams for designation under the Wild and Scenic Rivers Act, or for Special Interest Area designation.

5. People supported designation as a means to protect a wide range of resource values.

Typical comments opposing river designations included:

- Designation could cause economic problems, trash and sanitation problems, trespass, condemnation, and loss of property rights.
- Added tourists caused by designation would impact local services and increase taxes.
- People do not want additional control from the Federal Government. They want local control.
- Perceived secret meetings with environmental groups at the beginning of this process invalidate the entire study.
- Designation could lead to condemnation of private property.

Typical comments supporting river designations included:

- Designation would help in the regulation of recreation in high use areas.
- It is important to maintain the free-flowing river recreation experiences that dams destroy.
- The Upper Truckee should be considered for Wild designation, not Scenic, and the Truckee River should be designated a Scenic river.
- Designation is important to protect watersheds, threatened and endangered species, wetlands, fens, wildlife habitat, aquatic habitat, and other natural resources.
- Private land issues are not handled clearly. Need to distinguish private vs. National Forest impacts. There is no direct impact on private property.
- Children and grandchildren need to be able to enjoy free-flowing rivers.
- Important to designate rivers to protect water quality for Lake Tahoe and environs.

In response to public comment, the Forest Service reassessed the classification for the Upper Truckee River segment and found it eligible as a Wild river. In the Draft EIS, the Upper Truckee River was assigned a Scenic classification because of the Meiss complex of National Register-eligible historic buildings located immediately adjacent to the river. The conclusion following the Forest Service reevaluation was that the Meiss cabin/barn complex could be interpreted as a "few minor structures" with their impact localized to only a very small area along the river. These conditions, combined with the area's roadless character, led to the river's reassessment as a Wild classification.

Based on public comment, the Forest Service reassessed the possibility of designating Upper Independence Creek as a Wild river. In the Draft EIS, Upper Independence Creek was recommended for SIA designation without a Wild and Scenic River designation. The conclusion following the Forest Service reevaluation was that the Special Interest Area designation was the most appropriate management for the entire basin. Wild and Scenic River Outstandingly Remarkable (OR) values would be protected within and beyond the river corridor. It was recognized that dual management was possible, but the benefits of dual designation did not outweigh the added administrative inefficiencies and potential confusion.

The Board of Supervisors of Sierra County passed a resolution opposing Wild and Scenic River designation of any river within their jurisdictional boundaries. The concerns identified by the county are not impacted by the designation of this stretch of river. Approximately one-half mile

of Sagehen Creek, proposed for designation, is in Sierra County. The Board confirmed on September 1, 1998 that they were still opposed to any Wild and Scenic River designations in their County. In January, 1997, the El Dorado County Board of Supervisors approved in concept the proposed Wild designation for the Upper Truckee River. In January 1997, the Alpine County Board of Supervisors submitted comments opposing Wild river designation for the Upper Truckee River due to their concern that historic (traditional) management practices be maintained and their perception that designation would threaten those historic uses. Nevada County did not provide an official response to the DEIS or FEIS documents, but the Supervisor from District 5 representing eastern Nevada County, expressed support for the designation of Sagehen Creek. The Town of Truckee supported the designation of Sagehen Creek and the formation of a SIA for Upper Independence Creek, but did not support the designation of the Truckee River, Alder Creek, or Coldstream.

In December, 1997, a presentation on the proposed Wild designation for the Upper Truckee River was made to the Washoe Tribe of California and Nevada's Cultural Committee. The committee supported the concept of river designation.

Because of the length of time from Draft to Final EIS and the proposed change in classification of the Upper Truckee River, the Final Environmental Impact Statement was released to the public for additional comment on August 5, 1998. An 86-page Appendix E was included in this FEIS that contained the Forest Service's response to the public comments on the DEIS. The FEIS was open for a thirty-day review period, which closed on September 8, 1998. People were urged to comment only if they had new information or ideas to consider. Five letters were received that commented on the FEIS. The comments and responses to the FEIS are attached to this Record Of Decision as Exhibit A.

#### **IV. RATIONALE FOR THE DECISION**

This section describes the basis for our selection of Alternative E as the alternative to be implemented. We considered the Forest Service Handbook guidance for Wild and Scenic River suitability, issues and concerns identified through the scoping and planning process, as well as public comments on the draft and final documents. The final EIS explored a range of reasonable alternatives and disclosed the direct, indirect, and cumulative environmental effects of each alternative.

No single factor determined our decision. Factors we considered included:

- Characteristics that would make the river a worthy addition to the national Wild and Scenic River System;
- Reasonably foreseeable potential uses of resources that can be enhanced, and resource uses that are foreclosed or curtailed if designated ;
- Current status of land ownership and use in the area;
- Public, State, and local government interest in designation of a river, and any other concerns raised during the study, as well as the Truckee River Operating Agreement;
- The level of interest by the State or its political subdivisions in participating in the preservation and administration of the river should it be proposed for inclusion in the national Wild and Scenic River System;
- The potential for future water resource projects; and



- Estimated cost to the United States of administration of the area should it be added to the system;
- Other management options, besides national designation, to protect the outstandingly remarkable characteristics.

### **Rationale for Selecting Two Rivers**

Alternative E responds to these factors first in terms of each river selected and then in terms of each river not selected suitable as follows:

**Sagehen Creek.** We consider Sagehen Creek a worthy addition to the national Wild and Scenic River System. As identified under the eligibility report in Chapter III and Appendix B of the FEIS, Sagehen Creek has Outstandingly Remarkable, or "OR," ecosystem values in the form of fens, unique plants, special geologic formations that support the fens, unique water chemistry that support two class I (threatened and endangered) species, an excellent natural assemblage of native fisheries, unique wildlife values, and historical logging values eligible to the National Register of Historic Places. The eligibility report concludes that this stream possesses the best ecological/botanical value of the eastside rivers considered in this analysis. These values are further enhanced by a University of California research station that has provided extensive documentation of the natural values existing in and along this stream. This stream clearly is the best candidate as a representative stream for the eastside Sierra Nevada.

In the case of Sagehen Creek, timber harvesting and research are the two main uses, with some additional developed and dispersed recreation. Wild and Scenic designation does not curtail research activities; in fact, research is considered a complimentary value to the OR values identified for Sagehen Creek and as such will be encouraged. Opportunities for educational activities focusing on the natural values and research knowledge will be promoted. The logging output reductions documented in the FEIS represent the 1990 Tahoe Forest Plan assumptions, which included even-aged management with clear cutting as the main timber harvest system. Present logging methods based on the California Spotted Owl: a Technical Assessment of its Current Status (known as the CASPO report), an amendment to the 1990 Forest Plan, would result in outputs similar to requirements for a Scenic river classification. Consequently, Wild and Scenic River designation is consistent with present day timber management practices and would not result in additional reductions in timber outputs on Sagehen Creek.

The **Upper Truckee River** has a special mix of recreation, scenic, and historic values that are all considered Outstandingly Remarkable. The largest watershed feeding Lake Tahoe, it has scenic landforms, attractive meadows, and easy access, attracting various backcountry users. In addition, the historic cabin provides a scenic accent to the high-country meadows. The cabin is unique in that it has been maintained over the years so one can see an intact working-ranch cabin instead of the remnants of an old historic cabin. In addition to these values, self-sustaining populations of Lahontan cutthroat trout and highly valued early summer deer fawning habitat provide for special natural values which are also identified as OR values. The combination of these values indicates that this stream can clearly be considered an excellent candidate representing eastside Sierran streams and a worthy addition to the National System of Wild and Scenic Rivers.

The identified OR values will be enhanced by Wild and Scenic River designation. Designation places additional emphasis on protecting or enhancing the OR values. The resource uses that would be enhanced include wildlife viewing, ecosystem study and enjoyment, fishery habitat improvement and fishing, dispersed recreation in the form of day use and overnight camping, viewing scenery, birdwatching, and general nature appreciation.

The Upper Truckee River meets water quality standards when tested at the United States Geological Service station, located at the river's junction with South Upper Truckee Road. That station will continue to be used at the point from which water quality standards will be measured for the Wild river.

In summary, the Outstandingly Remarkable values identified in this study represent important natural and recreation values that will make a significant contribution to the National System of Wild and Scenic Rivers. Both streams are excellent representatives of the eastside of the Sierra Nevada, with unique values that deserve national recognition and a commitment to maintain the free-flowing character. The identified values that lead to a recommendation for suitability outweigh the limited opportunities for water development, will not in itself create undue burdens for grazing, or significantly reduce timber outputs.

#### **Existing Uses and Management Considerations:**

The existing uses in the Upper Truckee corridor are compatible with Wild and Scenic River management. In the Upper Truckee River, existing traditional grazing use in the Meiss Meadow area may continue, not exceeding present levels of utilization, following designation. The Forest Service is currently assessing grazing practices for the allotment that includes the Upper Truckee River, separate from the wild and scenic analysis. Wild and Scenic implementing regulations do not prevent grazing from continuing, following Wild designation by Congress, up to the level practiced at the time of designation. Note that the Forest Service considers the use level to be the amount of forage consumed and riparian condition, not necessarily cattle numbers. For example, a grazing system with increased cattle numbers over a shorter season would be "grazing to existing levels" if allowable forage consumption was not increased and riparian condition standards were achieved. In addition, the creation of water developments for cattle, using water from the river, is not precluded by the proposed designation if the case is made that to do so benefits the river, such as by reducing the effects of cattle trampling of the riverbanks. The recently passed Tahoe Regional Planning Agency grazing ordinance, or good stewardship to protect streambanks, may someday call for fencing segments of the river corridor to exclude cattle. Again, such an action is not inconsistent with Wild river management; however, a finding must be made that it is in the best interest for the Upper Truckee River.

Continuing to manage streams in the Meiss Meadow area for the conservation of Lahontan cutthroat trout, an Outstandingly Remarkable value, is consistent with Wild and Scenic designation. Additional management actions to enhance the fishery may be proposed.

All Bridge Tract summer homes lie outside the boundary of the river management corridor. The downstream end of the river segment recommended for designation is upstream from the tract, and there is no "buffer" that includes the summer homes.

There are no existing mineral rights along the proposed Wild segment. Following designation, the river corridor will be withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws.

The cabin on the bank of the Upper Truckee River used by the grazing permittees (summer) and the cross-country skiing permittee (winter) for their operations is a positive historic element -- an Outstandingly Remarkable value -- of the proposed Wild river. As such, actions to protect the cabin are consistent with this decision. Such actions include stabilization activities required to protect the cabin's supports, including bank stabilization under the cabin that may be needed as the result of recent flooding. The Forest Service recognizes that improvements to the current sanitation system are needed at the "Meiss Cabin" and this decision is made with the understanding that an improved toilet system benefits the Upper Truckee River, directly through water quality considerations and through continued permittee use that provides for upkeep, and is consistent with the proposed designation.

The other main use of the Upper Truckee River corridor is dispersed non-motorized recreation activities, which are also compatible with a Wild designation. Maintenance of the Pacific Crest Trail, where it lies within the river corridor, will continue. For example, in 1998, the Upper Truckee River crossing was improved and segments of the trail were "turnpiked" to prevent trampling outside of the trail width. Additional maintenance activities are ongoing and benefit the river resource by keeping users to a well-maintained and established trail. The Upper Truckee River area is not managed for timber outputs, and no utility corridors traverse through the area.

Other considerations for both the Upper Truckee River and Sagehen Creek are as follows: Water development projects would be prohibited on both streams. No water development projects have been proposed, and the potential for water storage or hydroelectric development is limited on both of these streams.

The current status of land ownership and use in each area is conducive to recommending designation of these rivers. No conflict exists with private land rights because both streams are 100 percent National Forest System lands.

Implementation, operation, and maintenance costs for both rivers are acceptable. Development of management plans, in coordination with state and local agencies and private interests, would be the most substantial cost (anticipated for Sagehen Creek to be \$75,000 and for Upper Truckee River \$42,000). Sagehen Creek is the second highest cost of all rivers considered. The high costs for this river is because additional work is needed to coordinate with the research community and ensure that research activities and opportunities are properly integrated into the management plan. We consider this a good investment that will help promote research and provide opportunities for educational activities not presently available to the public. The management plan for the Upper Truckee River will maintain water quality over time and will ensure that all discretionary federal land management actions will protect or enhance Outstandingly Remarkable values for the enjoyment of the public today and in the future. Existing conditions will be maintained, including the natural resource values, the scenery, the recreational uses, the historical values, and the existing land uses in the corridor. People have a very important role as part of the river corridor environment that will be recognized in the management plan.

## **Other Management Options Considered:**

Other management options were considered for these two rivers areas but were not evaluated in the formal alternatives formulated in the FEIS. Many people have long-championed Wilderness status for the Upper Truckee River area. Wilderness designation was evaluated and considered in the process leading up to the 1984 California Wilderness Act, but the area was not recommended. Wilderness designation will not be considered again until the next round of Forest planning. Sagehen Creek could be managed as an SIA; this option is being recommended for further study. At this time a decision on an SIA designation is premature, as the research community must be more involved in this consideration.

## **Rationale for Not Selecting Rivers**

In addition to considering each alternative, we considered each river individually in light of associated public comments in making our decision. The alternatives document possible cumulative effects but did not constrain us from evaluating the merits of each river individually. If an additional river merited recommendation, we could have added it to the preferred alternative. With this perspective in mind, a discussion of the other rivers considered follows:

**Alder Creek** was identified as an eligible stream solely due to the significant historic values associated with the Donner camp site, a nationally significant historic site. However, the historic site has no relationship to Alder Creek other than being within the half-mile corridor. The camp was located near Alder Creek only by chance; timing was such that the Donner family was unable to move on and meet up with the rest of the party. Alder Creek is not directly visible from the Donner site even though the surrounding meadow is. Management and protection of the Donner site is accomplished independent from management of the rest of the Alder Creek corridor. Designation of Alder Creek would not provide any new protection to this historic site, which is already protected by the Antiquities Act and through listing on the National Register of Historic Places. Almost half of Alder Creek flows through private land. There was no local advocate group supporting designation; general public response from residents of the adjacent housing subdivision was mostly indifference. The Town of Truckee indicated by letter that they did not support designation for Alder Creek. Based on these considerations we decided that Alder Creek was not suitable for recommendation as a Wild and Scenic River.

**Cold Stream** was identified as an eligible stream because of the nationally significant values associated with the California Overland Emigrant Trail that parallels the stream for close to five miles. The Emigrant Trail values are of national significance and are protected through the Antiquities Act, as well as by Forest standards and guidelines. However, the location and use of the trail seems to be mostly related to geographic location and ease of travel rather than any intrinsic value of the stream itself. The potential for any water development on this stretch of stream is virtually nonexistent. Only 153 acres of National Forest System lands are located within this 5.2-mile river corridor. The small National Forest System land base limits the potential protection afforded a Wild and Scenic River designation. The National Historic Trail designation protects this OR value. Presently, a Draft Comprehensive Management and Use Plan/Environmental Impact Statement prepared by the National Park Service is out for review. Based on these considerations we do not consider Cold Stream a worthy addition to the National System of Wild and Scenic Rivers and, therefore, is not suitable.

**Upper Independence Creek** was identified as outstandingly remarkable for its fishery, botanical, and scenic values. The Lahontan cutthroat trout fishery values are important because of its threatened status and because it is the only stream where it has been continuously present over time. This upper watershed is not threatened by proposed water developments. There is a high level of concern to maintain this upper watershed in a pristine condition to ensure protection and enhancement of the Lahontan cutthroat trout fishery. It is our determination that a Special Interest Area (SIA) designation is the best approach to ensure the protection of the entire upper watershed. Wild and Scenic designation would protect a half-mile wide corridor, but it would not protect the entire watershed. Because the fishery is the pre-eminent value to protect, we have decided that it is more efficient to manage the entire watershed as a SIA rather than having a dual designation. While a dual designation of SIA and Wild River is possible, we have concluded that the river designation would not provide any additional protection than would be provided by a SIA designation and existing federal requirements to protect threatened and endangered species. The scenic and botanical OR values will also be well protected by the SIA designation. Scenic values are already well represented in the Wild and Scenic River system, and Sagehen Creek provides a more extensive and larger system of fens for the national system of rivers. Therefore, we have concluded that Upper Independence Creek is not suitable.

**Perazzo Creek/Little Truckee:** The Outstandingly Remarkable values identified for the Little Truckee River were botanical, wildlife, and historic values. Perazzo Creek was identified for similar botanical and wildlife values and, therefore, were included together for this discussion. While recognizing these values, we did not consider the Little Truckee a worthy addition to the national system of rivers for the following reasons: The Little Truckee River has an irrigation diversion about midway down its length. This diversion redirects over 90 percent of the flow during the summer season. This stream was considered free-flowing by the Interdisciplinary Team identifying eligible rivers because additional tributaries supplement this flow to an acceptable level below the diversion. However, I am concerned about recommending this high mountain stream where so much of the flow is diverted. For several months the stream does not appear natural due to the low flows below the diversion point. It is our conclusion that this diversion reduces the value of this stream as a good representative of eastside streams.

The OR values identified for these two streams are protected under existing management direction. In the case of fens and their associated rare plants, existing Forest Plan standards and guidelines require protective buffers. In addition, Sagehen Creek, which is recommended for designation, is the best example of fens on the Forest. The historic values of the Henness Pass Road are also protected by Forest Plan standards and guidelines. Wildlife values are protected by Forest Plan standards and guidelines, and in the case of bald eagles, Endangered Species Act requirements. The willow flycatcher is protected by Forest standards and guidelines with additional consideration in a separate Forest Plan amendment analysis now underway to update grazing standards. See Exhibit A, response to comment 3 on page A-4 for more detail. We also considered recommending Perazzo Creek, separately from the Little Truckee River, or including Perazzo Creek along with the stretch of the Little Truckee River above the stream diversion. We concluded that both of these options did not provide for worthy additions to the Wild and Scenic River system. Heavy past logging on private lands in the headwaters of Perazzo Creek was one of the factors that detracted from recommending Perazzo Creek. Because the Little Truckee River terminated at a small reservoir (Webber Lake) rather than a natural headwaters was another factor. The Little Truckee River does have a potential water project identified just downstream from State Highway 89. Information gathered from the Truckee River Operating

Agreement Study and Sierra Pacific Power indicate that this water project is not on their list of priorities and is not likely to be proposed in the next 30 years. Even with this information, we recognize that there is a potential for this project to be developed in the future. In weighing the OR values against the potential water project, we have concluded that Wild and Scenic River designation is not needed. This is because the location of the water project would not inundate areas where the OR values are located. The small reservoir would eliminate a stretch of free-flowing river, but it would not destroy or inundate the OR values identified for this stream. Sierra County is opposed to Wild and Scenic River designation for any stream in Sierra County. These two streams are located entirely in Sierra County. Based on all of the considerations above we concluded that the Little Truckee River and Perazzo Creek were not suitable.

***Truckee River*** : The lower, or mainstem, Truckee River has Outstandingly Remarkable recreation and prehistoric values. The recreation values were considered significant due to the high levels of general recreation use, the orientation of most of this use towards the river, and the opportunity for the public to raft without guides in a high-mountain environment. The prehistoric values relate to several recorded village sites of the Native American Washoe who used the Truckee River as a transportation corridor and as a source of fish, a critical food supply for the Washoe.

While recognizing the Outstandingly Remarkable values for the Truckee River, we do not consider the river suitable for the following reasons. The Forest Service's ability to manage the Truckee River is limited. This river is one of the most adjudicated in America over water rights. These cases have been complicated, controversial, and lengthy in resolution. In addition, National Forest System lands along the Truckee River, commonly referred to as "Landfar Lands," have reserved rights retained by Sierra Pacific Power that allow power development and power lines along the bed and banks for 100 feet adjoining the river. These rights are claimed beyond 100 feet of the river but have not been contested to date. The Truckee River is also a corridor for powerlines, sewage lines, water lines, and a bicycle trail, as well as paralleling Highway 89. The utility lines have no alternative locations in this area. Designation could create difficult or costly requirements for future infrastructure modifications or improvements. For this strategic corridor we do not believe it would be appropriate to create additional administrative requirements or limitations that would occur with designation.

The 27 percent of the river corridor that is in private ownership is concentrated on the banks of the river in small parcels. These small holdings would require high levels of administrative time if the Truckee River is designated. These private holdings also have 11 private bridges in 13 miles. While these bridges do not eliminate the river from consideration, they suggest additional administrative costs and various obstacles in the river from bridge supports. The Town of Truckee indicated by letter that it did not support designation of the Truckee River because they felt city zoning would be more effective for managing the river than national designation. The Town was also concerned about retaining future options for the utility corridor parallel to Highway 89 and the Truckee River.

## **V. ENVIRONMENTALLY PREFERABLE ALTERNATIVE**

We judge Alternative A to be the environmentally preferable alternative. Alternative A emphasizes wild and scenic river designation for all rivers, thereby elevating the status of each

river to a national level and emphasizing protection of the free-flowing condition and outstandingly remarkable value.

## **VI. COMPATIBILITY WITH GOALS AND PLANS OF OTHER AGENCIES AND ORGANIZATIONS**

Management of Sagehen Creek as a Scenic river is compatible with the University of California's current operations relating to long-term research.

The Upper Truckee River Watershed has been designated as a priority watershed by the Regional Board for the California Regional Water Quality Control Board, Lahontan Region. The Upper Truckee Focused Watershed Group, which is directed by Regional Board staff and includes Forest Service participation, is a local, public group comprised of agencies, groups, and residents that concentrates on issues affecting the Upper Truckee River. Its principal focus is on water quality improvement. Wild river designation complements the efforts of this group. In addition, Lake Tahoe's Outstanding Natural Resource Water designation already requires protection of water quality in the streams of its watersheds with a nondegradation standard.

## **VII. IMPLEMENTATION**

There are several elements involved to implement the decisions related to this Wild and Scenic River Study. The recommendation to designate the Upper Truckee River and Sagehen Creek will be forwarded to the Regional Forester of the Pacific Southwest Region, Chief of the Forest Service, Secretary of Agriculture, and on to Congress. Actual designation of a river requires passage of a bill by Congress.

Interim protection of the two rivers recommended will be implemented as soon as five to 60 days after the end of the appeal period. Interim protection will require that all projects proposed on National Forest System lands maintain the free-flowing status of the rivers recommended for designation and that the Outstandingly Remarkable values listed for these rivers be protected and or enhanced. Any projects requiring National Environmental Policy Act analysis will be required to address interim protection and demonstrate that the values will be protected or enhanced. Rivers and their associated corridors not recommended for designation will be managed according to their respective Forest Plans.

Designation of the Upper Independence Special Interest Area will be implemented as soon as five to 60 days after the appeal period. Management of the SIA will follow direction of the Forest Plan Amendment as written in the FEIS in Appendix C, pages C.4 to C.7. A key element of management protection for Lahontan cutthroat trout will be cooperation with the US Fish and Wildlife Service and the California Department of Fish and Game. If it is determined that there is a need for a more detailed management plan for Lahontan cutthroat trout, the Forest Service will cooperate with the above agencies to ensure that an appropriate plan is developed and implemented.

To ensure that Wild and Scenic River interim protection is implemented, the Forest will review all proposed projects to be sure they address Wild and Scenic requirements.

## VIII. FINDINGS REQUIRED BY OTHER LAWS

### National Forest Management Act

The following findings address just the Tahoe National Forest because an amendment to the Forest Plan is required, whereas the decisions related to the Lake Tahoe Basin Management Unit do not require an amendment. We find that the above changes to the Tahoe Forest Plan are not significant, either singularly or collectively, under the National Forest Management Act (36 CFR 219.10(f)), for the following reasons:

As per Forest Service Manual 1922.51, items 1 through 4:

- 1) The proposed action does not significantly alter the multiple use goals and objectives for long-term land and resource management.
- 2) The proposed action does not adjust management boundaries or management area boundaries or management prescription.
- 3) and 4) There are no major changes in standards and guidelines or management practices.

As per the Forest Service Land Management Planning Handbook 1909.12, Chapter 5.32, Items 3(a) through 3(d):

#### a. Timing

Implementing the changes now during the planning period would provide management direction consistent with the recommendation to designate a river into the Wild and Scenic River system. If the amendment language was delayed to the next planning period, the Forest could not ensure that the free-flowing nature of the river would be protected and the outstandingly remarkable values protected or enhanced. In addition, delaying the designation of Independence SIA does not further the desire to protect the upper watershed for Lahontan cutthroat trout.

#### b. Location and Size

The proposed amendment language covers one river which amounts to 2,451 acres for Sagehen Creek. This river acreage represents about 0.3 percent of the Tahoe National Forest land base. Sagehen Creek is situated southwest of Stampede Reservoir and continues westward to its headwaters. The amendment language also covers Independence SIA which amounts to 2,093 acres. The SIA represents about 0.2 percent of the Tahoe National Forest land base. Together these two areas do not represent a significant portion of the Forest land base.

#### c. Goals, Objectives, and Outputs

With Sagehen Creek there would be modest changes to management goals, objectives, and outputs. Designation of this river as Scenic will put additional emphasis on protecting fens, riparian values, historic values, and visual resource values within the river corridor. There will



be no changes to the research activities conducted by the research station. Timber outputs will not drop from the existing levels expected because timber management will follow CASPO direction. Wild and Scenic River designation will formalize a land allocation where timber outputs are not be emphasized.

With the Independence SIA there will also be modest changes to management goals, objectives, and outputs. The SIA designation will put additional emphasis on protecting Lahontan cutthroat trout by protecting the upper watershed from any activities that could contribute sediments to Independence Creek or affect water quality. There also will be an additional emphasis on retaining the existing visual quality through a Retention Visual Quality Objective. Timber outputs will not change because this area is part of a semi-primitive motorized area that does not have planned timber outputs. No grazing allotments are in this area, so grazing outputs would be unchanged as well.

d. Management Prescription

The change in management prescription for Sagehen Creek applies to a very small area in relation to the entire planning area. The Scenic river prescription does provide for some changes, but it does not preclude timber and grazing activities in this area. The change in management prescription for Independence SIA applies to a very small area in relation to the entire planning area. The SIA prescription will preclude some activities, but this prescription will apply only to the SIA area.

## **IX. ADMINISTRATIVE REVIEW**

Based on the analysis in the Final Environmental Impact Statement, this Record of Decision makes three kinds of decisions documented as follows: A. recommendations for designating Wild and Scenic Rivers by the Forest Supervisors of the Tahoe National Forest and Lake Tahoe Basin Management Unit, B. a decision to amend the Tahoe National Forest Land and Resource Management Plan with interim protection direction for the river recommended by the Forest Supervisor of the TNF, and C. a decision by the Pacific Southwest Regional Forester to amend the Tahoe National Forest Land and Resource Management Plan by creating a new management area for a new Special Interest Area. Details of each decision follows below.

A. The Forest Supervisor of the Lake Tahoe Basin Management Unit is recommending designation of the Upper Truckee River to the National Wild and Scenic River System as a Wild river. The Forest Supervisor of the Tahoe National Forest is recommending designation of Sagehen Creek to the National Wild and Scenic River System as a Scenic river.

Preliminary recommendations for wild and scenic river designation are subject to further review by the Pacific Southwest Regional Forester, the Chief of the Forest Service, and by the Secretary of Agriculture. Recommendations of Forest Service line officers to higher ranking Forest Service or Department officers or to other entities having final authority to implement the recommendations in question such as wilderness and wild and scenic river recommendations are not subject to appeal, [ 36 CFR 217.4 (c)]. The decision to designate the rivers as part of the National Wild and Scenic River System is reserved to the Congress of the United States.

B. The Forest Supervisor of the Tahoe National Forest is making a decision to amend the Tahoe National Forest Land and Resource Management Plan to provide interim Wild and Scenic River management direction for Sagehen Creek. The decision to amend the Land and Resource Management Plan is subject to appeal pursuant to Forest Service regulations at 36 CFR 217.

Any written appeal of this decision must be fully consistent with 36 CFR 217.9, "Content of a Notice of Appeal," and must be postmarked or received by the Appeal Reviewing Officer:

Bradley E. Powell, Acting Regional Forester  
USDA Forest Service  
Pacific Southwest Region  
1323 Club Drive  
Vallejo, CA 94111

within 45 days following the date of the published legal notice of this decision in The Union newspaper of Grass Valley - Nevada City, California.

C. The Regional Forester of the Pacific Southwest Region is making the decision to amend the Tahoe National Forest Land and Resource Management Plan by designating a Special Interest Area (SIA) for Upper Independence Creek and creating a new Management Area, 035 Independence, for this SIA. This decision to designate a SIA and create a new Management Area is appealable. Any written appeal of this decision must be fully consistent with 36 CFR 217.9 "Content of a Notice of Appeal," and must be postmarked or received by the Appeal Reviewing Officer:

USDA Forest Service  
Attn: Appeals Office, 3NW, NFS  
PO Box 96090  
Washington, DC 20090-6090

Within 45 days following the date of the published legal notice of this decision in the Sacramento Bee newspaper of Sacramento, California.

The appellant's responsibility is the same as those listed above in category B.

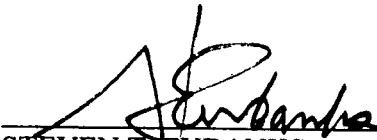
## **X. CONTACT PERSONS**

For further information concerning this project, please contact:

Lisa O'Daly  
Lake Tahoe Basin Management Unit  
870 Emerald Bay Road  
South Lake Tahoe, CA 96150  
Telephone: (530) 573 2669

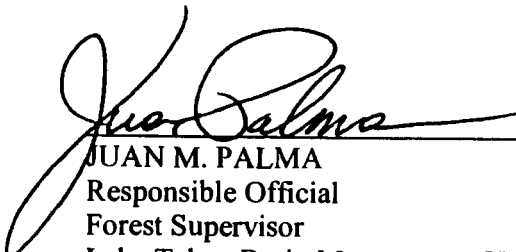
Phil Horning  
Tahoe National Forest  
631 Coyote Street  
Nevada City, CA 95959  
(530) 478 6210

**XI. SIGNATURE AND DATE**

  
\_\_\_\_\_  
STEVEN T. EUBANKS  
Responsible Official  
Forest Supervisor  
Tahoe National Forest


2/9/99  
Date

The Forest Supervisor of the Tahoe National Forest is recommending designation of Sagehen Creek to the National Wild and Scenic River System as a Scenic River and making a decision to amend the Tahoe National Forest Land and Resource Management Plan to provide interim Wild and Scenic River management direction for Sagehen Creek.

  
\_\_\_\_\_  
JUAN M. PALMA  
Responsible Official  
Forest Supervisor  
Lake Tahoe Basin Management Unit

2-2-99  
Date

The Forest Supervisor of the Lake Tahoe Basin Management Unit is recommending designation of the Upper Truckee River to the National Wild and Scenic River System as a Wild River.

  
\_\_\_\_\_  
BRADLEY E. POWELL  
Responsible Official  
Acting Regional Forester  
Pacific Southwest Region

2-10-99  
Date

The Acting Regional Forester is making the decision to amend the Tahoe National Forest Land and Resource Management Plan by designating a Special Interest Area (SIA) for Upper Independence Creek and creating a new Management Area, 035 Independence, for this SIA. He is also concurring with the recommendations of the two Forest Supervisors and forwarding these recommendations to the Chief of the Forest Service.

# **EXHIBIT A**

## **EIGHT EASTSIDE RIVERS, WILD AND SCENIC RIVER STUDY REPORT *and* FINAL ENVIRONMENTAL IMPACT STATEMENT RESPONSE TO COMMENTS ON THE FINAL EIS**

Exhibit A displays the public comments received on the Eight Eastside Rivers, Wild and Scenic River Study Report, and Final Environmental Impact Statement, with Forest Service responses. Six respondents are listed either through direct quotation or through paraphrasing.

### **List of Respondents**

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**Steven L. Evans, Conservation Director, Friends of the River**  
**Brad Bristow, Conservation Chair, Sierra Club Mother Lode Chapter**  
**Craig Thomas, Conservation Director, Center for Sierra Nevada Conservation**  
**Don Jacobson, Coordinator, Forest Issues Group**  
**Scott Hoffman, Campaign Director, Sierra Nevada Forest Protection Campaign**  
**(One letter from these five organizations.)**

**Comment 1.** The findings of the Sierra Nevada Ecosystem Project (SNEP) report in regard to unique old-growth forest, aquatic, ecological, geological, and cultural values of the Little Truckee River, Perazzo Canyon, Independence Creek, and Sagehen Creek more than underscores the eligibility findings of the Eight Eastside Rivers report. As emphasized by the diversity of conservation strategies presented in the SNEP report, a recommendation for Wild & Scenic River designation is just one strategy among others, including management as Areas of Late Successional Emphasis (ALSEs), Aquatic Diversity Management Areas (ADMAs), or Significant Natural Areas (SNAs). But it is important to recognize that a Wild and Scenic River recommendation may ultimately lead to permanent legislative protection, while administrative strategies implemented by the agency may change over time (perhaps to the detriment of the resource).

The Report /FEIS acknowledges alternative management strategies by proposing Special Interest Area (SIA) management for Independence Creek in lieu of a Wild & Scenic River recommendation and expanded SIA protection for Sagehen Creek to cover watershed values beyond the river corridor. However, the Report/FEIS fails to consider the long-term foreseeable impacts of the proposed SIA management as an alternative to Wild River designation on the outstanding values of Independence Creek, nor does it consider alternative management for the Little Truckee River and Perazzo Canyon.

**Response:** We agree that the SNEP report supports the eligibility findings for the Little Truckee River, Perazzo Creek, Independence Creek, and Sagehen Creek. We also agree that Wild and Scenic designation is just one strategy among others including management as ALSEs, ADMAs, or SNAs. However, the proposal to manage areas as ALSE's, ADMAs, or SNAs is not an

appropriate decision to make for this Wild and Scenic River FEIS. These management strategies are appropriately addressed in the revision to the Forest Plan.

We agree that Wild and Scenic River designation ultimately leads to legislative action that provides a long-term land use allocation for an area and generally provides protection for a stream in various ways. On the other hand, Wild and Scenic River designation is not the only approach to protect resource and river values. We believe that the existing Forest Plan standards and guidelines provide a substantial foundation for resource protection.

The Report/FEIS does not fail to consider long-term foreseeable impacts with a proposed SIA for upper Independence Creek. If you look at Appendix C pages C.4 to C.7, the proposed amendment to the Forest Plan, you will see that the management emphasis is directed toward protection of the entire watershed for the benefit of Lahontan cutthroat trout. This is reinforced by management area standards and guidelines that provide for semi-primitive non-motorized recreation, a Recreation Opportunity Spectrum (ROS) allocation, a Visual Quality Objective of Retention, a Transportation Management Policy of no roads permitted, a Closure to Off-highway Vehicles, and direction to coordinate and cooperate with the US Fish and Wildlife Service and the California Department of Fish and Game in terms of managing fish and wildlife within this SIA. Available management practices listed in section V reinforce the same kind of protective management. Management activities within this SIA would be designed to benefit Lahontan cutthroat trout.

For the Little Truckee River and Perazzo Creek, we did not identify a potential SIA in this study or in the Tahoe National Forest planning process completed in 1990. This Wild and Scenic River Study is focused on making recommendations for Wild and Scenic Rivers. The SIA alternative was considered for Independence Creek because the Forest planning process had previously considered a SIA for a smaller area at the upper end of Independence Lake. One of the main concerns precluding SIA designation in 1990 was that most of the area under consideration was on private land. Following completion of the Forest Plan in 1990, subsequent available Land and Water Conservation Funds provided means to acquire several sections of land, including section 13, which is the heart of the headwaters for Independence Creek. With this change in landownership it was proposed to reconsider the SIA and change the boundary to include the entire upper watershed. This proposal was developed prior to the beginning of the Wild and Scenic River Study and was adopted as an alternative management strategy because it focused on managing Lahontan cutthroat trout, which by then had been identified as an outstandingly remarkable value. While the Forest could consider SIA management for other areas, it would not be accurate to state that it is a requirement of Wild and Scenic River studies.

**Comment 2.** We question whether a SIA actually protects or will protect the outstanding aquatic values of either Sagehen Creek or Independence Creek considering your previous project decision to go ahead with a shaded fuelbreak along and through the Sagehen stream corridor, including an existing SIA at Mason Fen. We also question whether the subjective value of an experimental fuelbreak system that has not been proven to prevent, reduce, or even control wildfire outweighs the adverse impact on the outstanding aquatic and ecological values of Sagehen Creek.

If this kind of SIA management will be acceptable for Independence Creek, we must unequivocally express our doubt that the outstanding values of Independence Creek --critical

habitat of Lahontan cutthroat trout, diverse and pristine botanical communities, and regionally significant scenery-- will truly be protected. SIA management should be specifically drafted to fully protect all outstanding values of Independence Creek with no management loopholes. The Forest Service should also retain the option of revisiting the Wild & Scenic status of the creek if the Truckee River Operating Agreement can not guarantee an adequate level to facilitate trout spawning.

**Response:** The Mason Fen SIA was established to protect the botanical values of Mason Fen and promote public understanding and appreciation of these plant associations. Mason Fen is a 30-acre SIA. The proposed shaded fuelbreak does not come within a half mile of Mason Fen SIA. The analysis did not identify any environmental impacts to Mason Fen. In addition, the analysis recognized that Sagehen Creek was an eligible Scenic River and that the outstandingly remarkable values identified for Sagehen Creek must be protected or enhanced through mitigation measures designed into that project. Specific actions were identified to protect geology, hydrology, fishery, wildlife, vegetation/ecological values, heritage resources, research activities, and scenic values. The project analysis concluded that the proposed activity with adopted mitigation measures would in fact protect these values.

Shaded fuelbreaks are not experimental and have been a part of fuels management on the Tahoe National Forest for over two decades. Shaded fuelbreaks have in fact prevented, reduced, and controlled wildfires. They are an important tool in wildland fire fighting and for prescribed burning situations. We do recognize that shaded fuelbreaks will not stop all fires, but they are an important part of fuels management strategies.

The assumption that if a shaded fuelbreak can go in the Sagehen stream corridor, then a SIA designation can not protect Independence Creek, is not correct. First, as discussed above, projects can be designed that protect resource values on general forest lands or SIAs. Second, each SIA has a separate set of management requirements and unique geographic locations. In the case of Independence Creek, as noted in the first response, the Independence SIA was set up as a separate Management Area and the Plan Amendment language in Appendix C provides clear direction to protect watershed values and the OR values identified for that area. For example, roads are excluded from this area so shaded fuelbreaks would not be constructed here. The area is allocated to the semi-primitive non-motorized ROS allocation, so there would be no regulated timber management within this watershed. There is very specific language provided in this Plan Amendment for a new SIA and Management Area to fully protect all three OR values. In regards to the control of water levels under the TROA document, we are confident that we can use the endangered species act as a tool to ensure that water levels are managed properly for Lahontan cutthroat trout spawning if needed. A Wild and Scenic River designation would not have any more clout than the endangered species act in this situation.

**Comment 3.** The Report/FEIS documents the outstanding values of these streams using such descriptive terms as "extremely diverse" and "very unique" and "extensive population." And yet, these streams (referring to the Little Truckee and Perazzo Canyon) are left to the management of an eight-year-old Forest Plan that permits logging intensive enough to "modify" the visual aspect of most of Perazzo Canyon and only partially "retain" visual quality along the Little Truckee River. The private lands along the streams have already been roaded and logged. Will the public lands be subjected to the same level of "management" and how long will the largest remaining

population of willow flycatcher (state-listed Endangered) in the central Sierra remain viable under this management?

If these streams are truly as unique as the Report/FEIS and the SNEP report indicate, then they should be recommended for federal designation to assure protection of their outstanding values. At the very least, alternative management should be proposed. Regardless of whether the Little Truckee and Perazzo Canyon are proposed for special management as an ALSE, ADMA, SNA, or SIA, the Forest Service should take proactive steps to modify existing management of the area and ensure the permanent protection of outstanding values.

**Response:** Yes, the Report/FEIS documents the outstandingly remarkable values for the Little Truckee River and Perazzo Creek. The management direction in the 1990 Tahoe Forest Plan is "regulated intensive even-aged timber management." However, there is also direction under the same section to "Emphasize wildlife and watershed values when managing streamside management zones, spotted owl habitat areas, areas with a high risk of cumulative watershed effects, and where threatened and endangered species' habitats occur. Unscheduled timber harvest may be practiced on lands unsuited for timber production, such as existing recreation development sites, special use permit areas, etc." This direction as well as other emphasis statements are for a management area of 61,800 acres. In other words, not every acre of land within this Management Area would be managed for intensive even-aged timber outputs, especially where watershed and wildlife values indicate a need for less intensive management. Since the 1990 Forest Plan was approved, interim CASPO direction has superseded intensive even-aged management with tree-thinning prescriptions that also restrict the removal of trees over 30" in diameter. CASPO (1992) amended the Forest Plan and is now part of current direction. When new management direction is developed through the Sierra Nevada Framework for Conservation and Collaboration, this new direction will amend our Forest Plan and be adopted directly to address old-growth timber management and management for spotted owls.

Our experience with thinning shows that in most areas the activity will partially "retain" visual quality and, in many cases, fully retain visual quality. The Visual Quality Objectives set for this area is a minimum standard and, as a Forest goal, we try to retain higher visual quality standards where ever possible. With this information it is clear that National Forest System lands will not be managed to the same logging intensity as on private land.

We expect to manage for willow flycatcher and will adjust management activities consistent with the biological needs of this species. Our present information indicates that the main requirement of willow flycatchers is a healthy riparian habitat that provides for both food and nesting. Managing our grazing activities is the key to protecting willow flycatchers. Both the Forest and Region are developing new grazing standards and guidelines that will address protection needs for willow flycatcher.

While we agree that both the Report/FEIS and SNEP indicate that there are unique values for these two streams, we do not agree that Wild and Scenic River designation is the only way to protect these values. Present land management direction, as amended, not only directs what approaches are allowed for timber management, but it also requires the Tahoe to manage for old growth and old-growth-dependent species, threatened and endangered species, habitat diversity, to consider cumulative impacts for watersheds, manage to benefit riparian-dependent species, and establish streamside management zones for all streams. Any project proposed near these

streams, as well as beyond the quarter-mile Wild and Scenic corridor, will have to successfully address these concerns in project-specific NEPA documents before they can be implemented. The strategies listed, ALSE, ADMA, SNA or SIA, are all potential management strategies for part or all of the Little Truckee River and Perazzo Creek and they are not precluded by the decision in this Record of Decision and Report/FEIS. The strategies in SNEP will be evaluated in a broader land use context such as the Sierra Nevada Framework for Conservation and Collaboration or subsequent planning efforts that follow. The Forest is consciously deciding to defer decisions on these strategies until they can be evaluated in a more comprehensive way.

**Comment 4.** The Report/FEIS's assessment of environmental consequences associated with the decision not to recommend federal protection for the Little Truckee River and Perazzo Canyon fails to meet NEPA requirements. Under the current management plan, much of Perazzo Canyon is allocated to intensive timber management, with a visual quality objective of "modification." Eligible as a Scenic River, Perazzo Creek would be managed for "retention" of visual quality, and its ecological values would be fully protected. Failure to recommend designation of the Little Truckee River leaves open for development a possible dam site and allows continued logging and grazing.

A recommendation to add the Little Truckee and Perazzo Canyon to the Wild & Scenic River system represents a commitment by the agency to fully protect the largest remaining willow flycatcher population in the Central Sierra and the complex and diverse ecosystem that supports the population. Continuation of the current management leaves in question whether flycatcher habitat will be allowed to be degraded by intensive grazing and cumulative watershed impacts from upstream logging and road building. The Report/FEIS completely fails to make a realistic assessment of these reasonably foreseeable impacts associated with the decision not to recommend protection for these streams.

The Report/FEIS also claims that timber management under current CASPO guidelines will protect the old-growth forests that make up part of the outstanding ecosystem diversity of the Little Truckee/Perazzo Canyon area. Again, the Report/FEIS has failed to recognize the latest available data on this subject. The Federal Advisory Committee on CASPO regulations found last year that continued management under CASPO will not ensure the maintenance of old-growth ecosystems and dependent wildlife populations. In other words, CASPO simply protects large trees in the short term, but not old-growth ecosystems.

In summary, the Report/FEIS assessment of environmental consequences is legally inadequate and fails to document the reasonably foreseeable impacts on the outstanding ecosystem values of the Little Truckee River and Perazzo Canyon as a result of current management direction.

**Response:** As discussed in the previous response, the Forest is not managing for intensive even-aged timber outputs along the Little Truckee River and Perazzo Creek corridors. Amendments to the Forest Plan, along with existing management direction, requires that we manage for the outstandingly remarkable values identified in the eligibility process. The Report/FEIS does not fail to meet NEPA requirements as claimed. In fact, we would foresee the Little Truckee River and Perazzo Creek being managed with 300-foot-wide or greater streamside buffer zones, buffer zones around fens and meadows, and direction for cattle grazing adopted in the allotment management plan, term grazing permit, and annual operating instructions (AOI) that will protect the willow flycatcher. The analysis determined that these two streams would not be suitable for



designation, but did not write off the OR values identified for these streams. The analysis did identify the possibility that a dam might be built on the Little Truckee River. Even though the priority is low for this project, the Record of Decision recognized that it might be built and priorities could change. However, the location of the dam would not result in OR values being inundated and therefore destroyed. It was recognized that if this dam was built, the free-flowing characteristics would be eliminated for that stretch of the river. The decision to not designate these two streams does allow for continued logging and grazing. Wild and Scenic designation does not preclude logging and grazing. As mentioned above the logging and grazing that does continue will still have to meet management direction to protect resource values identified within these river corridors.

The Tahoe National Forest is fully committed to protect the willow flycatcher through proper management and protection of the complex and diverse ecosystem habitat that supports the willow flycatcher, with or without Wild and Scenic River designation. In this regard, the Forest Service has already implemented, through permittee management, changes in how Perazzo Meadows is to be grazed to provide for the willow flycatcher. As stated earlier, the Report/FEIS has anticipated future foreseeable impacts without designation and is realistic about these impacts.

The CASPO direction was intended to provide interim direction on management of late-seral habitat for the California spotted owl. The Forest Service intends to resolve the question of old-growth forest management for spotted owls through the Sierra Nevada Framework for Conservation and Collaboration. Just because this issue is not presently resolved, it does not force us to choose Wild and Scenic River designation as a substitute for well-thought-out management for old growth. Scenic designation on Perazzo Creek and Recreation designation on the Little Truckee River would not preclude timber management activities. In either case, with or without designation, the Forest intends to manage for old-growth values, spotted owl habitat, and other old-growth-dependent species such as the furbearers. The Tahoe National Forest will manage for old-growth ecosystems with or without designation, so the real focus of the decision was whether or not these rivers were worthy additions to the system. Our determination is that they are not worthy additions as discussed in the Record of Decision and, therefore, are not suitable rivers.

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#### **Loree Joses for Joses-Cuneo Ranches**

**Comment 1.** By definition, the Upper Truckee is not free flowing. Some years it dries up totally in sections of the upper reaches, as witnessed by long-time grazing permittees. It is not a river at all and should be shown as a small stream as many of the other streams in the Basin are.

**Response:** The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287; Public Law 90-542, October 2, 1968) defines "free flowing" as: "existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence...of low dams, diversion works, or other minor structures at the time any river is proposed for inclusion in the National Wild and Scenic River System shall not automatically bar its consideration for such inclusion: provided that this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system."

Water volume is not a statutory criteria found in the Act. There are no required minimum instream flows. According to federal regulations, "Flows are considered sufficient for eligibility if they sustain or compliment the outstandingly remarkable values for which the river would be designated" (47 CFR 39457). Most of the outstandingly remarkable values of the Upper Truckee (see Appendix B) are not dependent on certain flow levels.

There is a precedent for widely varying seasonal flows in the eligible, recommended, and designated rivers. For example, two rivers on the Los Padres National Forest (Sespe Creek and Sisquoc Rivers) were designated by Congress although segments dry up during drought years. The fact that the Upper Truckee is occasionally affected by drought does not affect its eligibility or suitability.

**Comment 2.** Concerned that designation could lead to the curtailing of cattle grazing along the Upper Truckee River. Notes that in other areas, where grazing once occurred, Wild and Scenic and Wilderness designation has ultimately led to the elimination of grazing over time. Land exchanges between government agencies do change the status of use. Firmly committed to keep government regulations at a minimum in their private lives.

**Response:** Appendix A to the Report/FEIS clarifies that Wild river status allows grazing to continue to the extent currently practiced. You state that elsewhere designation has led to the elimination of grazing use over time. Sometimes the public incorrectly believes that grazing is inconsistent with Wild and Scenic or Wilderness designation. Sometimes others are confused when grazing uses are terminated on a historic allotment, assuming that designation led to the cessation of grazing. Wild and Scenic designation does not automatically lead to the elimination of grazing. Conversely, neither does designation protect grazing activities if practices are demonstrated to be adversely affecting river resources. Without specific knowledge of the instances you cite, it would be impossible to draw conclusions as to why grazing ceased.

No land exchanges are proposed along the Upper Truckee River. The entire river segment proposed for designation is federal land managed by the LTBMU.

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**Chris Gansberg, Jr., Chair, Alpine County Board of Supervisors**

**Comment 1.** Designation of the headwaters of the Upper Truckee should in no way compromise historic uses in the area, such as continued cattle grazing. It is imperative that permitting the Meiss Grazing Allotment be maintained and continued for agricultural purposes, to the benefit of Alpine County.

**Response:** Please refer to the Record of Decision. Grazing is allowed to continue, to historic levels, upon designation. There is already a nondegradation standard applied to the river, as a result of Lake Tahoe's Outstanding Natural Resource Water designation. Grazing will be managed so as not to threaten the values for which the river was designated (see page III.6 of the FEIS and Appendix B).

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**Derrick Adamache**

**Comment 1.** I oppose designation of any of the rivers in this study because placing them in the National Park Service's inventory will adversely affect the unique and remarkable features of the Truckee River Basin by increasing visitor use. The human impact and overuse often results in new restrictions brought on by overuse.

**Response:** Your concern that designation will result in an increase in visitor use, and thus lead to new restrictions and adverse affects to the unique and remarkable features, is a concern that has been expressed by others. A 1989 fact sheet prepared jointly by the Forest Service, the Bureau of Land Management, and Oregon State University ("Questions and Answers on the Oregon Omnibus Wild and Scenic Rivers Act of 1988 [Federal Act]") states: "A review of other designated rivers indicates that little or no increase in use occurs directly as a result of designation."

**Comment 2.** Money and energy spent on designation should instead be placed towards working with visitors, local lumber companies, etc., to provide a healthy river basin by keeping the trails maintained, signing routes, increasing interpretation, and improving habitat.

**Response:** We appreciate and share your desire for a healthy river basin for recreation and natural resource purposes. We do not see these goals in conflict with designation.

**Comment 3.** Restrictions resulting from designation may conflict with the multiple use policy of the Forest Service. It may also result in the loss of local control by the Tahoe National Forest and LTBMU.

**Response:** Designation under the Wild and Scenic Rivers Act limits, in perpetuity, some of the activities that the Forest Service can propose or allow within the designated river corridor. Consequently, it could be interpreted that there is a loss of local control through designation. However, that is a choice being made by the Forest Supervisor in his recommendation for designating a river for inclusion in the national system. It is a choice to champion the long-term protection of the river and to ensure that future generations can enjoy the river much as we do today; to preserve the existing quality of the river. There is no requirement that each element of multiple use be practiced on every National Forest acre; in fact, this recommendation could be construed as furthering multiple use by contributing toward the goals of an additional law. Currently, the Tahoe National Forest has one Wild river (the North Fork American River) designated, and the LTBMU does not have a designated Wild and Scenic river.

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**John R. Swanson**

**Comment 1.** I urge designation of the following streams as Wild rivers: Truckee River, Perazzo Creek, Coldstream/Emigrant Canyon, Alder Creek, Upper Truckee River, Sagehen Creek, Independence Creek, Little Truckee River.

**Response:** Not all of these rivers meet the criteria for Wild river status. Refer to Appendix B of the Final EIS/Study Report for the rationale behind each river's finding of eligibility and classification. Alternative A, analyzed in the Final EIS/Study Report, recommended designation of all eligible rivers. Please refer to the Record of Decision for the rationale for each stream's nonselection.

**Comment 2.** All streams on the forests should be included as national Wild and Scenic River areas.

**Response:** Only those rivers assessed as part of the suitability process documented in this Final EIS/Study Report may be considered for recommendation as suitable for inclusion in the national system as part of this analysis. It is outside the scope of this document to recommend additional rivers as part of this decision, as the proper analysis process was not conducted.

**Comment 3.** Martis Creek should become a national Wild and Scenic River.

**Response:** Martis Creek is not one of the rivers assessed as part of the suitability process that is documented in this Final EIS/Study Report. Consequently, it is outside the scope of this document to recommend additional rivers as suitable for inclusion in the national system as part of this analysis. Further discussion of Martis Creek is found in the FEIS Summary on page S.1, and why it is not considered for suitability in the FEIS.

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**Kenneth W. Holt, MSEH, Special Programs Group (F16)**  
**National Center for Environmental Health**

**Comment 1.** Potential concerns have been adequately addressed in the Final EIS. Please send any future EIS's which may indicate potential public health impacts.

**Response:** Any future EIS's will be sent as requested.