

**Record of Decision**  
**Twenty-two Westside Rivers**  
**Wild and Scenic Study Report**  
**and Final Environmental Impact Statement**  
**USDA FOREST SERVICE**  
**TAHOE NATIONAL FOREST**  
**PLUMAS NATIONAL FOREST**  
**El Dorado, Nevada, Placer, Plumas, Sierra, and Yuba**  
**Counties California**

**I. DECISION**

It is my decision to adopt the Preferred Alternative, Alternative C, as presented in the Twenty-two Westside Rivers Wild and Scenic River Study Report and Final Environmental Impact Statement (FEIS). This decision amends the Tahoe Land and Resource Management Plan and Plumas Land and Resource Management Plan to provide interim protection language for the three recommended rivers. The heart of this decision is my recommendation that Canyon Creek, North Yuba River, and lower South Yuba River be designated *recreation* 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 Canyon Creek, North Yuba River, and the lower South Yuba River, three rivers that are the best representatives of the westside, northern Sierra Nevada streams, they would be added to the National Wild and Scenic River System. More specifically, my recommendation, a "preliminary recommendation," is to the Pacific Southwest Region's Regional Forester. If he concurs, the recommendation will be forwarded to the Chief of the Forest Service, then to the Secretary of Agriculture, who will ultimately make a recommendation to Congress for legislative consideration. At each level of review there is a possibility the recommendation could be returned to the Forest and cooperators for further evaluation and revisions.

My decision covers all affected Tahoe National Forest System lands. The Forest Supervisor of the Plumas is making a decision that covers all affected Plumas National Forest System lands. In the case of the lower South Yuba River, I am making a decision along with the Bureau of Land Management to recommend the thirty-nine miles from Langs Crossing to Kentucky Creek. This Record of Decision covers the thirty-nine miles in terms of general information and rationale for the decision on the lower South Yuba River. However, I am specifically responsible for making a decision that covers the nineteen miles of river within the Tahoe National Forest. A separate attached BLM Record of Decision covers the remaining twenty miles of river. Both Records of Decision accompany the Wild and Scenic River Study Report and FEIS. The personal pronoun I is purposely used through out this document as a convention that represents, where

appropriate, the decisions made by the Forest Supervisor of the Tahoe National Forest, the Forest Supervisor of the Plumas National Forest, and the Field Manager of the Folsom Field Office for the Bureau of Land Management.

Management standards to be applied to suitable segments of Canyon Creek, North Yuba River, and the lower South Yuba River are found in the Wild and Scenic River Study Report and FEIS, Appendix C, as duplicated from Forest Service Handbook 1909.12 (Land and Resource Management Planning Handbook), Chapter 8. Classification standards apply to one-quarter mile on either side of Canyon Creek, the North Yuba River, and the lower South Yuba River, to the extent of Forest Service and Bureau of Land Management 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 river's Management Plan, required by the Wild and Scenic Rivers Act, to be created following Congressional designation. The interim protection language displayed on page II-15 of the Wild and Scenic River FEIS will be applied to the following Management Areas (MA):

Canyon Creek - MA 004 Sunnyside and MA 006 Canyon Creek for the Tahoe National Forest, and MA 011 Challenge, MA 016 Beartrap, and MA 017 Poverty for the Plumas National Forest.

North Yuba River - MA 013 Forty Niner, MA 022 Goodyears Bar, and MA 023 Pendola for the Tahoe National Forest, and MA 011 Challenge for the Plumas National Forest.

Lower South Yuba River - MA 042 South Yuba for the Tahoe National Forest.

*The interim protection language would also apply to BLM's Nevada City Management Area, Sierra Planning Area Management Framework Plan, as per BLM's Wild and Scenic river policy and guidance.*

As part of this decision to recommend three rivers for designation, I am also concluding that the remaining 19 rivers and the upper South Yuba River are not suitable for Wild and Scenic River designation. Consequently, those streams not found suitable (North Fork Middle Fork American River, North Fork North Fork American River, Oregon Creek, Fordyce Creek, Grouse Creek, Rubicon River, New York Canyon, New York Ravine, Humbug Creek, South Yuba River (upper), Middle Yuba River, Screwauger Canyon, Downie River, Empire Creek, Lavezzola Creek, Pauley Creek, Macklin Creek, East Fork Creek, Big Granite Creek, and Little Granite Creek) will now be guided by management direction found in the 1990 Tahoe Forest Plan, as amended, where applicable.

## **II. ALTERNATIVES CONSIDERED**

Twenty-two rivers in the western portion of the Tahoe National Forest were considered for their suitability for inclusion in the national Wild and Scenic River System. Canyon Creek has shared boundaries with the Plumas and Tahoe National Forests, while the Rubicon River has shared boundaries with the Eldorado and Tahoe National Forests. Segments of the lower South Yuba River are located on Bureau of Land Management

(BLM) and State Park lands. Canyon Creek, the Rubicon River, the lower South Yuba River, and the North Yuba River are being studied in coordination with the other National Forests, the BLM, and State Parks. All eligible rivers are located in Sierra, El Dorado, Nevada, Placer, and Yuba Counties.

**Alternative A** prescribes wild and scenic river designation for all 22 eligible rivers (a total of 297 miles), with the following classifications:

<b>North Yuba River</b> - Recreation/Scenic/Wild	<b>Lower South Yuba River</b> -Recreation/Scenic/Wild*
<b>Empire Creek</b> - Scenic/Wild	<b>Upper South Yuba River</b> - Recreation/Scenic *
<b>Downie River</b> - Recreation/Wild	<b>Humbug Creek</b> - Scenic
<b>Lavezzola Creek</b> - Scenic/Wild	<b>Fordyce Creek</b> - Recreational
<b>Pauley Creek</b> - Scenic	<b>NF of NF American River</b> - Wild
<b>Canyon Creek</b> - Wild/Scenic	<b>Big Granite Creek</b> - Wild
<b>Oregon Creek</b> - Recreation/Scenic	<b>Little Granite Creek</b> - Scenic
<b>New York Ravine</b> - Recreation	<b>New York Canyon</b> - Wild
<b>Middle Yuba River</b> - Scenic/Wild	<b>NF of Middle Fork American River</b> - Wild/Scenic
<b>East Fork Creek</b> - Scenic/Wild	<b>Screwauger Canyon</b> - Scenic
<b>Macklin Creek</b> - Wild/Scenic	<b>Grouse Creek</b> - Wild
<b>Rubicon River</b> - Wild/Scenic	

\* Lower and upper South Yuba are counted as one river.

This alternative would protect all of the eligible rivers and their outstandingly remarkable values. It forecloses impoundment of these rivers for water supply or other uses. Native and sensitive aquatic species that require free-flowing water for their survival would be protected. All of the inventoried river classifications are represented under this alternative.

**Alternative B, the "no action" alternative**, proposes no wild and scenic river designations on the westside of the Tahoe NF. This alternative describes the existing situation and proposes to continue existing management practices. The outstandingly remarkable values would be protected and maintained under management requirements of the Tahoe National Forest Land and Resource Management Plan (Tahoe LRMP). On National Forest System lands, standards have been set to protect vegetation, wildlife, and visual quality, as well as to provide opportunities for recreation. Refer to Chapter V of the Tahoe LRMP for specific Standards and Guidelines (S&G) and Management Direction. Water quality and quantity are regulated according to California State Law; hydroelectric power development is allowed under federal and state procedural requirements. Resources in the study corridor on private lands are affected by a variety of county, state, and federal activities.

**Alternative C**, the preferred alternative, prescribes three rivers for *scenic* or *recreational* designation for a total of 114 miles. These rivers are:

- **Canyon Creek** - *Scenic* (Located between the Tahoe and Plumas National Forests)
- **North Yuba River** - *Recreation/Scenic* (Located on the Tahoe and Plumas National Forests)
- **Lower South Yuba River**- *Recreation/Scenic* (Located on the Tahoe National Forest, BLM, and State Parks land)

The emphasis of this alternative is to protect and promote public appreciation of the unique ecological, recreational, scenic, fisheries, and heritage values on these three rivers. At the same time, this alternative would minimize impacts to mining, resource outputs, and private land concerns because of the reduced number of rivers recommended and because the inventoried classification of *wild* for one segment of each of the three streams was changed to *scenic*. Additionally, the segment of the lower South Yuba River upstream of Langs Crossing was deleted.

Alternative C amends the Tahoe LRMP and Plumas LRMP to provide interim protection for the recommended rivers until Congress takes legislative action on these rivers. The Bureau of Land Management amends their Sierra Planning Area Management Framework Plan (1988) as discussed in their Record of Decision for the lower South Yuba River. The State Park management practices in the South Yuba River corridor are fully consistent with Wild and Scenic River management direction. The outstandingly remarkable values identified in the eligibility determination process and documented in the FEIS will be applied to these three rivers.

**Alternative D** proposes 14 rivers eligible for wild, scenic, or recreational designation for a total of 204 miles. The rivers are as follows:

<b>Canyon Creek - Scenic</b>	<b>New York Canyon - Wild</b>
<b>NF Middle Fork American River - Scenic</b>	<b>Downie River - Recreation/Scenic</b>
<b>Grouse Creek - Wild</b>	<b>Empire Creek - Scenic</b>
<b>Screwaufer Canyon - Scenic</b>	<b>Lavezzola Creek - Scenic</b>
<b>Rubicon River - Wild</b>	<b>New York Ravine - Recreation</b>
<b>North Yuba River - Scenic</b>	<b>NF North Fork American River - Scenic</b>
<b>Middle Yuba River - Scenic</b>	<b>Pauley Creek - Scenic</b>

The emphasis of this alternative is to recommend a broad range of rivers and provide a group of rivers with strong ecological values supporting old-growth forest habitat. The rivers recommended are those rivers where a majority of public land exists within the river corridor. This alternative minimizes indirect impacts on private land owners and mining claimants who are concerned that there would be increased vandalism, littering, camping, trespassing, and condemnation for access on private land. The inventoried classification of *wild* has been lowered to *scenic* where mining concerns are high.

**Alternative E** proposes 10 rivers eligible for wild, scenic, or recreation designation for a total of 77 miles. The rivers recommended are as follows:

<b>NF North Fork American River - Wild/Scenic</b>	<b>Upper South Yuba River - Recreation/Scenic</b>
<b>Oregon Creek - Recreation/Scenic</b>	<b>New York Canyon - Wild</b>
<b>Humbug Creek - Scenic</b>	<b>NF Middle Fork American River - Scenic</b>
<b>Fordyce Creek - Recreation</b>	<b>Grouse Creek - Wild</b>
<b>Rubicon River - Wild/Scenic</b>	<b>New York Ravine - Wild</b>

The emphasis of this alternative is to recommend several rivers with a wide variety of specific outstandingly remarkable resource values. This alternative is designed to minimize impacts on the production of wood and mineral commodities by recommending only those rivers for designation that would have a negligible effect on mining or timber operations. The inventory classification was lowered for two of the rivers: from *scenic* to

*recreation* for Fordyce Creek, and from *wild* to *scenic* for North Fork Middle Fork American River.

**Alternative F** proposes 15 rivers eligible for wild, scenic, or recreation designation for a total of 98 miles. The rivers recommended are as follows:

<b>Downie River</b> - <i>Recreation/Wild</i>	<b>Little Granite Creek</b> - <i>Scenic</i>
<b>Empire Creek</b> - <i>Scenic/Wild</i>	<b>New York Canyon</b> - <i>Wild</i>
<b>New York Ravine</b> - <i>Recreation</i>	<b>NF Middle Fork American River</b> - <i>Wild/Scenic</i>
<b>Macklin Creek</b> - <i>Wild/Scenic</i>	<b>Grouse Creek</b> - <i>Wild</i>
<b>Screwauger Canyon</b> - <i>Scenic</i>	<b>Fordyce Creek (shortened segment)</b> - <i>Scenic</i>
<b>Oregon Creek</b> - <i>Recreation/Scenic</i>	<b>Rubicon River (shortened segment)</b> - <i>Wild/Scenic</i>
<b>Big Granite Creek</b> - <i>Wild</i>	<b>Pauley Creek</b> - <i>Scenic</i>
<b>NF North Fork American River</b> - <i>Wild/Scenic</i>	

The emphasis of this alternative is to recommend a broad range of rivers with minimal impacts on existing and potential future water projects. Only those rivers with no current or proposed water projects are included. The lower segments of both Fordyce Creek and the Rubicon River have been shortened to accommodate potential water-level changes in the downstream reservoirs.

### III. PUBLIC PARTICIPATION

Public scoping was initiated when the Notice of Intent was published in the Federal Register on April 27, 1993. Notices were also published in local newspapers, and five public "open houses" were held: on June 8, 1993, at the Auburn Civic Center in Auburn, CA; June 16, 1993, at the Public Library in Nevada City, CA; June 21, 1993, at the Foresthill District Office in Foresthill, CA; June 28, 1993, at the Public Library in Marysville, CA; and July 7, 1993, at the Downieville Community Center in Downieville, CA. Over 300 written letters from individuals or organizations along with two petitions totaling 1,270 signatures were received by the end of February 1994.

From these letters and petitions, comments made at the open houses, and phone calls, eight key issues were identified. These issues are addressed in the Draft Environmental Impact Statement (DEIS). After several delays, the 22 Westside Rivers Wild and Scenic River Study Report DEIS was released on May 8, 1996. A 90-day review and comment period was provided. Based on public requests an additional 30 day comment period was added.

At the close of public comment on September 9, 1996, the Forest had received 1,823 letters from a wide range of people and organizations. Of these letters, over two-thirds were form letters, and the remaining responses were in individual letter form. More than half the responses came from the Grass Valley-Nevada City and surrounding areas; about one-third came mostly from San Francisco Bay Area, with a lesser amount from Sacramento and Reno; the rest came from other parts of California. The majority of responses indicated support for the preferred alternative, Alternative C, while requesting that the Forest consider recommending additional rivers. Approximately one-fourth of the individual letters supported no wild and scenic designation for any river, and one-fourth

supported other alternatives or did not comment on alternatives but supported individual rivers for various reasons. Response to these comments are found in Appendix E of the FEIS.

### ***Six Key Themes From Public Comments.***

1. Water, including flood control, water storage, local use, and compensation, was the most complex issue reflected in the comments. Opinions were widely divergent on the proper balance between recommending designation for certain rivers, which precludes future dams, and the opportunities to maintain and develop further water resources for storage, hydroelectric generation, and flood control.
2. Private property, condemnation, and local vs. federal control were topics with strong opposing views.
3. A change from wild to scenic status elicited strong arguments for not changing the original river classification as inventoried.
4. Confusion was expressed as to why a river was recommended or not recommended.
5. Miners expressed concern over the effects on their mining activity if a segment was added to the Wild and Scenic River System.
6. River values and river protection surfaced as an issue to those who supported the preferred alternative but wanted to see many other rivers designated.

All six themes have been addressed in the FEIS.

In addition to these themes the Forest identified more specific concerns based on public comment and their support or opposition to Wild and Scenic River designation.

### ***Concerns Opposed to River Designations***

- Designation could cause economic problems, trash and sanitation problems, trespass, condemnation, and loss of property rights.
- We need future options for flood control, hydroelectric development, and residential/community use.
- Designation would restrict grazing, mining, & timber and hurt the local economy.
- Alternative C would have significant negative effects on mining.
- There's no threat of a dam being built. We do not need designation.
- Please reconsider eligibility of South Yuba and Middle Yuba Rivers because existing dams and diverted flows preclude their free-flowing status.
- There are concerns that designation would impact present operations of existing reservoirs and their water management systems.
- There are concerns that the perceived secret meetings at the beginning of this process invalidate the entire study.

### ***Concerns In Support of River Designation***

- Selection criteria for forming alternatives are vague and confusing while criteria for selecting rivers for designation are inadequate.

- Designation is important to protect watersheds, Threatened & Endangered species, aquatic habitat, old growth stands, and river systems.
- Sierra Nevada Ecosystem Project information regarding the importance of natural free-flowing rivers needs to be included in the EIS.
- The Downie River, Empire Creek, Pauley Creek, and Lavezzola Creek should be designated because of the high ecological values identified.
- There are too many dams. We need protection for rivers and river systems.
- Designation is important for local economies. Free-flowing rivers bring in lots of tourists and recreationists.
- Rivers are important for quality and spiritual health.
- Designation has no direct impact on private property.
- Because 50 percent of land is in public ownership, condemnation according to the Wild and Scenic River Act is prohibited

## **IV. MANAGEMENT INTENT**

Public responses to the DEIS indicate some people remain confused and apprehensive about the consequences of Wild and Scenic River designation. The primary concerns involve private property rights, the use of condemnation, possible disruption to mining operations, and impacts to existing water projects. With these concerns in mind the purpose here is to provide some guiding principles for management of recommended rivers that will:

- A. Increase public understanding or expectation of how a future Wild and Scenic River would be managed by federal and state agencies.
- B. Communicate to Congress the expectations and assumptions of management and encourage that these guiding principles be embodied in future legislation.
- C. Set the framework for future management plans required after legislation is passed.

To foster a full understanding of these issues, they are addressed in two separate steps. Step one is a review of authorities provided federal agencies under the Wild and Scenic Rivers Act. The second step is to provide an overview of future Wild and Scenic River management. In other words, how the agencies intend to manage a river when it is designated and a management plan developed.

### **1. Review of Authorities Provided Federal Agencies under the Wild and Scenic River Act.**

#### **Private Property:**

The Wild and Scenic Rivers Act does not grant federal agencies any authority or control over the use of private property.

## **Condemnation:**

Section 6 of the Wild and Scenic Rivers Act precludes fee title condemnation if more than 50 percent of the land is in public ownership. No fee title condemnation could occur on Canyon Creek, North Yuba River, or lower South Yuba River because of this statutory limitation in Sec. 6 (b).

## **Mining:**

Section 9. (a) provides that "Nothing in this Act shall affect the applicability of the United States mining and leasing laws within components of the national wild and scenic rivers system except that --." Item (i) provides that all mining activities on claims will be subject to regulations the Secretary of Interior and Agriculture may prescribe. Item (ii) states that the issuance of a patent on claims within a Wild and Scenic River corridor shall convey a right only to the mineral deposits and use of the surface, and surface resources.

## **Water Projects:**

Section 7. (a) of the Act precludes federal agencies in licensing or assisting in the development of any water projects that would have a direct and adverse effect on the values for which a Wild and Scenic river was established. On the other hand, the Act goes on to say none of these provisions shall preclude licensing of, or assistance to developments below or above a *wild, scenic, or recreation* river area which will not invade the area or unreasonably diminish the scenic, recreational, fish, and wildlife values present in the area when the river is designated.

## **2. Overview of Future Wild and Scenic River Management**

### **River Management Plan:**

The Wild and Scenic River Management Plan provisions will apply only to public land, not to private land.

### **Privately owned Property:**

#### **a. Property Rights**

Private property will continue to be regulated by existing State and County zoning, ordinances, and regulations. Based on a review of Nevada, Sierra, and Yuba County zoning maps, it has been determined that present County zoning is consistent and compatible with Wild and Scenic River objectives.

#### **b. Land Acquisition**

Any land acquisition will be based on a willing-seller willing-buyer basis. Due to existing reasonable public access to the rivers recommended, the USFS (and BLM) will not actively pursue private property acquisition. Therefore, an acquisition plan is not needed by either federal agency.

At this time, there is no demonstrated need to purchase Scenic easements. Therefore, acquisition of Scenic easements will not be used as a major tool for management purposes within the Wild and Scenic River corridors. Where done, it will be on a willing-seller willing-buyer basis.

**c. Condemnation**

Fee-title condemnation of private land is precluded based on the W&S River Act (Section 6b).

Condemnation for easements or clearing title are allowed by the Act (Section 6b), but these tools will not be used as a normal practice. Only in an exceptionally rare situation, with full local support, would this approach ever be used.

**d. Public Impacts on Private Property**

Where unwanted public use takes place on private property, the USFS, (and BLM and State Parks) will cooperate with private property owners and County officials to resolve or minimize impacts on private land wherever possible.

While there is a strong interest in cooperative solutions to public use problems on private land, the final authority for use on private land still rests with the individual land owner.

Nearby and adjacent private land owners will be consulted and involved in the planning and design of any proposed recreation facilities.

**Mining:**

**a.** Mining claims may continue to be filed and mined after designation.

**b.** Mining will be administered under the mining law and agency regulations.

Plans of Operation and bonds will be required for mining claim operations.

**c.** The ability to file, sell, or exchange claims remains unaffected.

**d.** The use of motorized operations remain unchanged and will be regulated based on Department of Fish and Game requirements and Plans of Operation.

**e.** Plans of Operation must address Outstandingly Remarkable values.

**Corridor Width:**

The designated Wild and Scenic River corridor will average one-quarter mile on each side of the river. It is not the viewshed. On Forest Service lands, the management of visual resources will often extend beyond the quarter-mile corridor based on actual seen area and distance zones. Visual Quality Objectives will be applied only to Forest Service lands.

**Commercial River Uses:**

Do not issue any new commercial permits for recreation activities that will increase or change recreational uses until a comprehensive river recreation analysis and plan is completed.

## **Water storage, flood control, water conveyance, and hydroelectric facilities:**

Based on Section 7a of the W&S River Act, there is no intent to impact or preclude operations of existing and future water facilities upstream or downstream of designated segments. Specific to the South Yuba River, the following wording has been developed with assistance from the Nevada Irrigation District and the South Yuba River Citizens League to ensure future operation of facilities upstream from the South Yuba River:

*While the South Yuba River has been determined to be "free-flowing" under the terms and definitions of the Wild and Scenic Rivers Act, actual water flows have been heavily regulated since the late 1800's with the construction of dams, reservoirs, diversions, and power plants in the upper drainage. Flows will continue to be regulated into the future.*

*These hydroelectric and water storage developments in the South Yuba River system contribute significantly to the economic and social wealth of the region. Therefore, it needs to be made clear that it is not the intent of the recommendations in the FEIS and decisions in this document to disrupt the current operation, repair, maintenance, reconstruction, or eventual replacement of NID's Yuba-Bear Project #2266 or PG&E's Drum-Spaulding Project #2310. In addition, it is also not the intent to preclude future expansion of existing dams, reservoirs, powerhouses, or the construction of additional works that would be operated under existing or future licenses, located upstream and outside of any designated W&S River segment, consistent with Section 7.(a) of the Wild and Scenic River Act.*

## **V. RATIONALE FOR THE DECISION**

This section describes the basis for my selection of Alternative C as the alternative to be implemented. I 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 Notice of Intent and DEIS. The final EIS explored a reasonable range of alternatives and disclosed the direct, indirect, and cumulative environmental effects of each alternative. In addition to looking at the alternative analysis, I also evaluated each river individually before making a final decision. I could have added or deleted streams from the preferred alternative to reach my final decision.

No single factor determined my decision. Evaluation factors I considered included:

- Characteristics that would make a 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 the river;
- 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 the long-term protection of existing water development facilities;
- Estimated cost to the United States of administration of the area should it be added to the system; and
- Other management options, besides national designation, to protect the outstandingly remarkable characteristics.

### **Rationale for Selecting the Three Rivers to Recommend to Congress**

All three rivers being recommended have outstandingly remarkable values and river characteristics that make these three rivers good candidates for the national system of Wild and Scenic Rivers. They compare favorably with other rivers found suitable for designation. Each river stands on its own merits and will make a valuable contribution to the national system of rivers.

**North Yuba River:** I consider the North Yuba River a worthy addition to the national Wild and Scenic River System. As identified under the eligibility report in Chapter III and Appendix D of the FEIS, the North Yuba River has Outstandingly Remarkable (OR) cultural values in the form of extensive gold mining sites, historic gold mining communities, and existing and potential high-quality interpretive opportunities. These historic values are considered to be of high regional significance with probable national significance. The fishery values are considered of Statewide significance due to the fish diversity, quality of habitat, and trophy fishery. The recreation values are considered to be regionally significant due to the diversity of river-associated recreation activities. These activities range from whitewater rafting, kayaking, hiking and other day use activities to overnight camping opportunities, all associated with the river. In addition, the local river communities provide important opportunities as living history examples of small gold mining communities as well as overnight accommodations and restaurants.

The scenic values are considered regionally significant due to the dramatic spatial definition of the river canyon, lush quality of the vegetation, and the diversity of scenic opportunities from the landmark Sierra Buttes, to the waterfalls, rapids, and cultural landscapes of the local historic towns. The botanical values are considered of regional significance due to the rare nature of *Lewisia* and the likelihood that it is genetically different than other *Lewisia* populations because of geographic isolation. Each of the values were determined to be outstandingly remarkable and in combination clearly make this river an excellent candidate for the national system.

In considering the other factors listed on the previous page, I did not see any issues that would dissuade me from recommending the North Yuba River. I did consider the existing resource uses within the river canyon. In terms of timber management, the FEIS consequences indicate that there will be no significant change in outputs because the river corridor is already managed for low levels of timber harvest due to the retention and partial retention Visual Quality Objectives as a scenic highway corridor. Mining activities continue as is and are not curtailed.

Land ownership is 79 percent public. Private land ownership is primarily concentrated in several small communities. This pattern of private landownership is conducive to Wild and Scenic River management because most of the private land is clearly understood by the recreation public as private and does not invite public use.

I am concerned that the Sierra County Board of Supervisors has indicated they do not support a recommendation for designation. However, my recommendation is for the management of National Forest System land and does not require the County to take any action. The concerns expressed by the County are addressed because the Forest Service will not shut down mining, will not use condemnation to purchase property, and will work with private landowners and County residents in evaluating future recreation opportunities such as trails and day use facilities through a Wild and Scenic River Management Plan.

I am aware that Wambo Bar is a potential site for a water project which would be precluded with designation of this river. However, Yuba County Water Agency studies indicated that this project was not economically viable for hydroelectric generation nor did the project provide significant improvement in water storage or flood control capability. I do not consider the preclusion of the Wambo Bar opportunity a significant impediment to recommending the North Yuba River. Designation of the North Yuba River will not interfere with operation of Bullard's Bar Reservoir.

Currently, the Tahoe National Forest has a significant investment in recreation facilities and yearly management costs on the North Yuba River. Designation of the river would not cause substantial new management costs for the Forest. The main cost will be developing a management plan within three years if Congress designates the river.

While other management options are available to protect the outstandingly remarkable values identified for this river, it is my conclusion that Wild and Scenic River designation will be the best management approach to protecting this 45-mile-long free-flowing river.

**Canyon Creek:** I consider Canyon Creek a worthy addition to the national Wild and Scenic River System. Based on the information in Chapter III and Appendix D of the FEIS, Canyon Creek has outstandingly remarkable cultural resources. These values include intact mining equipment, town sites and their associated structures, and historic transportation routes. The scenic values include steep, rocky cliffs, dramatic waterfalls, deep plunge pools, rugged bed-rock chutes, and large sculptured boulders. The canyon supports very remote primitive and semi-primitive recreation opportunities. These

primitive recreation opportunities are considered outstandingly remarkable due to the very remote access and the high scenic and rugged character of the canyon.

In considering the other evaluation factors listed on page 11 of this Record of Decision, I did not find any issues that would preclude me from recommending Canyon Creek for designation. I understand that Canyon Creek had the most lands available for intensive timber management of any river under consideration. However, I do not consider designation of Canyon Creek corridor a significant constraint to timber outputs. The canyon is so steep that full recovery of timber values is not likely due to constraints on long-line cable logging and helicopter logging. Timber harvest outputs are expected to be constrained by resource concerns, such as old forest and aquatic resource management, for many years.

Miners are concerned that designation of Canyon Creek will curtail their activities in some way. I am purposely recommending a *scenic* classification for Canyon Creek because I expect mining to continue along Canyon Creek into the future. I do not expect Wild and Scenic River designation to curtail mining activities on Canyon Creek. Also, the river corridor is over 99 percent in public land so there will be few complications between federal management and coordination with private land owners.

Sierra County does not support the designation of Canyon Creek as a Wild and Scenic River. However, Sierra County would not have to take any actions due to my recommendation. The main concern raised for this river by the County is the potential impact on mining activity. Mining activity will continue to be managed under federal laws as in the past, with or without river designation.

Designation of this river would preclude options for development of a water storage dam proposed by the Yuba County Water District that would provide gravity-feed water to the northern part of Yuba County. While this project is identified as an opportunity for water storage, none of the water supply studies show a need for this facility in the future. The water supplies for this water district are provided by the Yuba County Water Agency.

Management costs are expected to be low for this river because the river is very remote and not likely to receive high use. To save money the management plan for Canyon Creek may be included with one for the North Yuba River if they are both designated by Congress at the same time.

I consider Wild and Scenic River designation the best management option for protecting the outstandingly remarkable values of this 30-mile-long free-flowing river.

**Lower South Yuba River:** I consider the lower South Yuba River a worthy addition to the national Wild and Scenic River System. As identified under the eligibility report in Chapter III and Appendix D of the FEIS, the lower South Yuba River has Outstandingly Remarkable scenic, historic, and recreational values. The scenic values contain a wide variety of high quality features throughout this 39-mile segment. The river is characterized by moderate to steep canyon walls, cascades, waterfalls, large smooth sculpted granite boulders, with deep pools.

The river, historically, has been used for a wide range of mining activities and as a transportation corridor to other historic mining areas during the gold-rush era. The wood-covered Bridgeport Bridge (constructed in 1862 and recognized as the longest single span wood-covered bridge in the west) is on the National Register of Historic Places. It is designated as a California State Historic Landmark (#390) as well as being listed as a Registered Civil Engineering Landmark. Other resources eligible for addition to the National Register of Historic Places are: Virginia Turnpike (1853-1901), Bridgeport Townsite (1849-1940's), Excelsior Mining Ditch (1855-1961), Miner's tunnel (circa 1872), Purdon Crossing Bridge (1895), Edwards Crossing Bridge (1904), and Highway 49 Bridge (1921).

A wide range of water- and land-based recreational activities attract thousands of people to the river each year. Recreation has become the primary use within the river corridor. Recreational activities include swimming, water play, sunbathing, gold panning, suction dredging, fishing, picnicking, hiking, mountain biking, and nature appreciation.

The South Yuba Trail was one of the first seven trails to be designated as a National Recreation Trail in June of 1971, and the Independence Trail is a unique universal-access trail of regional and state significance. Malakoff Diggings State Historic Park and the South Yuba River State Park, including the five major crossings (Langs, Edwards, Purdon, Highway 49, and Bridgeport), provide abundant and varied access to the river. One of the more unique aspects of recreation on the lower South Yuba River is the availability of an extremely wide range of recreational settings, from high use public swimming areas to special, remote, and secluded recreational settings.

The Outstandingly Remarkable values identified here will be enhanced by Wild and Scenic designation. Designation places additional emphasis on protecting or enhancing these values. Recreational opportunities will be enhanced, while scenic and historic values will be protected.

Each of the values are considered outstandingly remarkable and, in combination, make this 39-mile segment of river a worthy addition to the national system of Wild and Scenic Rivers.

In considering the other factors listed on page 11, I did not see any issues that would preclude me from recommending the 39-mile lower South Yuba River segment for designation. I understand that the lower South Yuba River will have little impact on the few existing mining claim operations west of Purdon Crossing. The area east of Purdon Crossing to the Tahoe NF boundary is withdrawn from mineral entry on BLM lands. BLM will continue to issue recreational dredging permits as in the past, providing these mining activities comply with water quality standards and do not degrade the identified "OR" values.

I understand that the land ownership pattern within the study boundary area is 57 percent public and 43 percent private. Because public ownership is more than 50 percent of the acreage within the river corridor, the Wild and Scenic Rivers Act prohibits the Secretaries of Interior and Agriculture from acquiring fee title to private land through

condemnation. While the Act does not preclude condemnation as a tool for acquiring easements, in practice condemnation has never been used in California. For the lower South Yuba River, the US Forest Service, Bureau of Land Management, and California Department of Parks and Recreation will continue to use their standard procedure for land purchase of **"willing-seller willing-buyer."** The US Forest Service does not expect or plan to use condemnation for easements or other purposes, but recognizes there may be some unexpected rare situation where condemnation for easements might be used. The Bureau of Land Management has a policy of no condemnation for any reason on the lower South Yuba River, and the California Department of Parks and Recreation indicate they will never use condemnation in the river corridor.

I am aware that including the lower South Yuba River segment into the National Wild and Scenic River System will foreclose options on Yuba County Water Agency's (YCWA) proposed Edwards Crossing flood control dam. The 1998 Army Corps of Engineers Feasibility Study for the Yuba River did not recommend construction of any new dam facilities for flood control purposes on any branches of the Yuba River. The study concluded that strengthening and modifying existing levees would provide 200-year flood protection in the vicinity of Linda/Olivehurst and 300-year flood protection around Marysville. The Edwards Dam alternative is only one of many flood control options available to the YCWA.

I am aware that designation of the lower South Yuba River should not impact the Nevada Irrigation District's ability to continue to deliver water, nor PG&E's ability to generate power in the Yuba/Bear or Drum/Spalding projects. Currently, no proposals for new hydroelectric generation facilities exist and, with deregulation of electric power generation in California, it is unclear whether new facilities would be proposed.

The CAL-FED Bay-Delta program began in December 1994 as a consortium of 15 federal and state agencies together with numerous urban, agricultural, and environmental interests to determine possible solutions to conflicting uses of water. Part of the CALFED solution process has focused on forecasting future water supply needs from the Sacramento/San Joaquin systems through the year 2030. CALFED has used information from various sources, including data generated by the California Department of Water Resources in Bulletin 160-98 and The California Water Plan Update, to determine potential water supply shortfalls. CALFED and Bulletin 160-98 suggested the most likely scenarios that could be used to mitigate predicted water shortfalls are a combination of increased water conservation measures in urban and agricultural areas, expansion of existing storage facilities, and the creation of additional surface and ground water storage facilities. CALFED's scenario does not include any new or expanded storage facilities within the South Yuba River watershed as being practical options.

Management intensity and cost will continue to increase along the South Yuba River watershed. Costs associated specifically to Wild and Scenic River designation will come from developing a river management plan and implementing the actions identified in the plan. Watershed restoration, fuels management, urban sprawl, and recreation demand will continue to raise the level of management on the lower South Yuba River. Bureau of

Land Management, California Department of Parks and Recreation, and the USFS have signed a Memorandum of Understanding to consolidate our management efforts within the lower South Yuba River corridor to assist in effectively managing the river.

I consider Wild and Scenic River designation the best management option for protecting the outstandingly remarkable values and free-flowing character of this 39-mile long river.

### **Rationale for Not Selecting Rivers for Designation**

In addition to considering each alternative, I considered each river individually in light of associated public comments and documented eligibility and suitability information in making my decision. The alternatives document possible cumulative effects, but did not constrain me from evaluating the merits of each river individually. If an additional river merited recommendation, I could have added it to the preferred alternative. It is my conclusion that the following rivers, while valuable, did not adequately contribute to a national system of rivers. With this perspective in mind, a discussion of the other rivers considered but not recommended follows:

**Downie River, Empire Creek, Lavezzola Creek, and Pauley Creek:** I do not recommend Downie River, Empire Creek, Lavezzola Creek, and Pauley Creek as suitable rivers because I conclude that Wild and Scenic River designation is **not** the best or proper management tool for protecting the values identified for this area. The eligibility report documents regionally significant old-growth ecosystem values. These values are further documented in SNEP volume II, chapter 21, pages 627 to 656. These old-growth values are extensive in nature and not concentrated along the river corridors. After careful consideration of these significant values, it is my conclusion that the Forest must develop a complete management strategy for the entire area.

River designation would provide protection only for the four stream corridors under consideration. Designation of these corridors could be counter productive in terms of putting planning energy into Wild and Scenic River management rather than developing an area-wide strategy for old forest management. I recognize that it is possible to designate rivers along with a plan for old forest management, and I have considered this option.

After careful deliberation, I concluded that the over-riding values are the old forest characteristics of the area. The streams, while attractive and valuable, are not significantly different than scores of other streams in the Sierra Nevada except for their surrounding old-growth and ecosystem values. With this in mind, it is my intent to use the direction being developed by the Sierra Nevada Framework Project planning process as a foundation for managing this ecologically significant area of old-growth. If the Sierra Nevada Framework Project does not provide specific management direction for large old-growth blocks, the Forest will develop additional supplementary direction for management of this area. Any supplementary direction would amend the Forest Plan and would follow NEPA planning procedures.

If development of a comprehensive strategy for old-growth management in this area takes longer than expected, the interim strategy will be to continue a policy of no significant management actions within these old forest areas. Most of the old-growth area is within the East Yuba and West Yuba inventoried roadless areas, which require detailed environmental analysis before management activities are approved. In addition, under the Chief of the Forest Service's current road policy, no roads can be built within inventoried roadless areas.

In the course of evaluating these four rivers I also considered other management options including designation as a Special Interest Area, Research Natural Area, or creating a new Forest Plan Management Area. I determined that these options are not appropriate for this area.

**New York Ravine:** I do not recommend New York Ravine as a suitable river because I conclude that the stream is not a worthy addition to the national system of Wild and Scenic Rivers. The value identified for this stream, federally listed species of concern, a caddis fly species, is currently protected with Tahoe National Forest Land and Resource Management Plan standards and guidelines, and is limited in scope in terms of values or public interest. Designation of this stream could be counterproductive to protecting the two caddis fly species if it attracted public use along the stream. This stream is two-miles long and does not provide a significant opportunity for public use or appreciation.

**Middle Yuba River and tributaries Oregon Creek, East Fork Creek, and Macklin Creek:** I do not recommend the Middle Yuba River and its tributaries Oregon Creek, East Fork Creek, and Macklin Creek as suitable rivers because I conclude that these streams are not worthy additions to the national system of Wild and Scenic Rivers. In the case of the Middle Yuba River, the outstandingly remarkable values are located in just a few locations along the 39-mile stretch of river. The historic values are located at the confluence of Oregon Creek and a short distance within the corridor along the Henness Pass Road. The scenic values of the river are concentrated on the upper stretch of the Middle Yuba River in the area described as box canyons 1, 2, and 3. Both values can be protected under the current Land and Resource Management Plan. I recognize that the Middle Yuba River has a proposed dam site at Freemans Crossing being considered in several alternatives by Yuba County Water Agency. If implemented, that dam would inundate the Oregon Creek Covered Bridge. Mitigation for this site would probably include moving the bridge to another site, which would result in a loss of historical context for the covered bridge.

An additional reason for not recommending the Middle Yuba River was the presence of two major diversions on this river. At the top of the watershed just before the first river segment, the entire river is diverted through a tunnel to Bowman Reservoir. Only 5 cubic feet per second (cfs) are released at Milton Dam during the managed season. About 29 miles downstream the Our House dam diverts the river flows to Bullards Bar Reservoir and releases 30 to 35 cfs downstream during the managed season. While this river was found eligible, I conclude that the extent of these diversions make it a less suitable candidate for designation.

Oregon Creek, East Fork Creek, and Macklin Creek are not recommended because their outstandingly remarkable values are very specific and limited in scope and, therefore, I do not consider them worthy additions to the national system of Wild and Scenic Rivers. Oregon Creek was found eligible for the historic covered bridge and Hennes Pass Road already discussed above for the Middle Yuba River. East Fork Creek has one geologically interesting waterfall at the beginning of the stream. This waterfall is protected by current guidelines in the Tahoe National Forest Land and Resource Management Plan. Macklin Creek has the threatened Lahontan cutthroat trout as the only value identified for the creek. The Forest works cooperatively with the Department and Fish and Game to protect this stream for fishery values. Designation of Macklin Creek would only increase the visibility of the fishery program and possibly make it more difficult to protect.

**Upper South Yuba River, Fordyce Creek, and Humbug Creek:** I do not recommend the upper South Yuba River, Fordyce Creek, and Humbug Creek as suitable rivers because I conclude that these rivers are not worthy additions to the national system of Wild and Scenic Rivers. The upper South Yuba River has nationally significant transportation history along the river corridor. This historic value has no association with the river environment or characteristics of the river. The river itself was not used for transportation and did not play a role in the transportation history. Designation of the river would not increase the protection of these historic values nor improve the opportunities for public interpretation. The recreation values along this corridor relate to the high use because of the Interstate 80 access. The recreation values do not have a strong correlation to the river environment and can easily be managed without designation. The immediate environment of Interstate 80 highway noise for several miles along the river also detracts from the quality of the river environment.

Fordyce Creek is considered to have a narrow recreation value, which is not a good national candidate for river designation. The OR value identified for this river is the nationally recognized four-wheel-drive route which follows and crosses the river. While a significant value, it does not need river designation to be managed successfully over time. There are concerns that river designation could modify or reduce use of the Fordyce jeep trail.

Humbug Creek is not considered a good candidate because the creek does not play a primary role in the historic values for the area. The adjacent State Historic Park has nationally significant hydraulic mining features and engineering designs that are managed, interpreted, and protected by the Malakoff Diggins Historic State Park. Designation of Humbug Creek is not needed to protect or enhance these nationally significant historic values. In addition, Humbug Creek has water quality problems associated with the runoff from the diggins that could complicate State Park management without helping to resolve the problem.

**NF of the NF American River, New York Canyon, Big Granite Creek and Little Granite Creek:** I conclude that the NF of the NF American River, New York Canyon, Big Granite Creek, and Little Granite Creek, all tributaries to the North Fork American

River, are not worthy additions to the national system of Wild and Scenic Rivers. In the case of the NF of the NF American River, I conclude that this classic type "A" hydrologic channel was too limited a value for national designation. Public comments made the argument that this river in particular provided supplementary values to the existing North Fork American Wild River designation. While this stream is the biggest tributary to the North Fork American River, I conclude that the values identified for the river have to stand on their own to merit recommendation for designation. This river does provide primitive recreation settings, but was not identified as outstandingly remarkable for this value because it was so inaccessible and thus did not receive any measurable dispersed recreation use.

New York Canyon has a very dramatic waterfall with scenic, geologic, and hydrologic outstandingly remarkable values due to the impressive height of over 600 feet. The major drawback to this feature is that the flow drops dramatically from spring runoff to the summer season. By the time people have access to this remote area, the waterfall is reduced to a very small stream, and by the end of summer, is reduced to a trickle. This dramatic waterfall value is currently protected with Standards and Guidelines in the Tahoe National Forest Land and Resource Management Plan.

Big Granite Creek was found eligible for its scenic values and remote primitive recreation values. My determination is that these values drop off rapidly as big Granite Creek leaves the influence of the North Fork American River corridor. The upper reaches of this stream are not in a deeply incised canyon. The remote primitive recreation values focus primarily on the North Fork American River and little measurable recreation use is found on this creek. Sixty-five percent private land ownership is an additional factor that make this creek a poor candidate.

Little Granite Creek was found eligible for its unique vegetation values and recreation values. The vegetation values are part of Sugar Pine Point Research Natural Area that is within the half-mile corridor of Little Granite Creek. The Research Natural Area was established to protect the mixed conifer and benchmark sugar pine resource. These values do not have a significant association with Little Granite Creek and do not need Wild and Scenic River designation for protection because the vegetation is already included in a Research Natural Area. The recreation value for Little Granite Creek is based on the use of a hiking trail that follows the creek to the North Fork American Wild River. This trail is one of several trails that provide access to primitive recreation opportunities along the North Fork American River. This recreation opportunity is valued and important for the Forest because less than 16 percent of the Forest is unroaded and available for semi-primitive and primitive recreation opportunities. However, this recreation experience is focused on the North Fork American River and not Little Granite Creek. The short distance (2 miles) and limited flows do not make this a good candidate for national designation.

**NF of the Middle Fork American River, Grouse Creek, and Screwauger Canyon:** I conclude that the NF of the Middle Fork American River, Grouse Creek, and Screwauger Canyon are not suitable rivers because these three streams are not worthy additions to the

national system of Wild and Scenic Rivers. The NF of the Middle Fork American River was found eligible for its rugged, steep, canyon scenic qualities and semi-primitive recreation opportunities. These values, while clearly existing, are fairly repetitive of many other remote canyons in the Sierra Nevada, and my final conclusion is that they are just not of high enough value to be recommended for the national system of rivers. In addition, this stream is not under threat to be dammed and the Tahoe National Forest Land and Resource Management Plan allocates this canyon to a semi-primitive Recreation Opportunity Spectrum (ROS) emphasis. This direction will continue to maintain the semi-primitive recreation opportunities for the canyon. Screwauger Canyon, the main tributary to the NFMF American River, was found eligible for the same semi-primitive recreation opportunities and is not recommended for the same reasons as listed above for the NF of the MF American River.

Grouse Creek is another tributary to the NF of the MF American River that was recognized for its scenic values associated with Grouse Falls. The falls are clearly notable and are protected as a Special Interest Area in the Tahoe National Forest Land and Resource Management Plan. This river segment is only one-mile long and the only value identified is Grouse Falls. It is my determination that this value is better managed as a Special Interest Area and does not need Wild and Scenic River designation.

**Rubicon River:** I determined that the Rubicon River is not a suitable river because it is not a worthy addition to the national system of Wild and Scenic Rivers. The hydrologic/geologic feature, while rare, is limited in its scope and not a value that would easily be recognized or appreciated in a public context. The resource itself is already protected by Tahoe National Forest Land and Resource Management Plan guidelines for streamside management zones and a land allocation of Wilderness on the Tahoe National Forest. The river canyon itself is accessible only by foot. The trees on the hydrologic/geologic feature will continue to be managed for their old forest values.

## **VI. ENVIRONMENTALLY PREFERABLE ALTERNATIVE**

I 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 values.

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

There are no known incompatibilities with state and local plans and policies. During the public meeting phase early in the suitability process, Sierra County passed a resolution opposing designation of any rivers into the National Wild and Scenic System within the County. Designation of Canyon Creek, Pauley Creek, Lavezzola Creek, Empire Creek, Downie River, North Yuba River, Middle Yuba River, and New York Ravine would be in conflict with Sierra County's resolution. Yuba and Sutter Counties are on record as

opposed to the designation of the South Yuba River. Nevada County is on record as supporting designation of the South Yuba River. In addition, the Nevada County Board of Supervisors is a sponsor of SB 496, a bill under consideration by the State of California Legislature in 1999. As a cooperator, the South Yuba River State Park is compatible with the recommended designation of the lower South Yuba River and officially supports designation. As discussed earlier in the document, the Bureau of Land Management is also supporting designation of the lower South Yuba River and is providing an accompanying Record of Decision for their reach of the lower South Yuba River.

## **VIII. IMPLEMENTATION**

There are several elements involved to implement the decisions related to this Wild and Scenic River Study. The basic recommendation to designate Canyon Creek, the North Yuba River, and the lower South Yuba River will be implemented as soon as 15 days after the end of the appeal period when these recommendations will be forwarded to the Regional Forester, 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 three rivers recommended will be implemented as soon as 5 to 15 days after the end of the appeal period for the Land and Resource Management Plan amendment decision. 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 enhanced. Any projects requiring National Environmental Policy Act analysis will address interim protection and demonstrate that the values will be protected and enhanced. Rivers and their associated corridors not recommended for designation will be managed according to their respective requirements in the Tahoe National Forest Land and Resource Management Plan and the Plumas National Forest Land and Resource Management Plan.

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

## **IX. FINDINGS REQUIRED BY OTHER LAWS**

### ***National Forest Management Act***

I find that the above changes to the Tahoe and Plumas Forest Land and Resource Management Plans 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 three rivers in 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.

b. Location and Size

The proposed amendment language covers three rivers encompassing 17,930 acres on the Tahoe NF, which is about two percent of the Forest, and 4,901 acres on the Plumas NF, which is about 0.4 percent of the Forest. Canyon Creek is the common boundary between the Plumas NF to the north west and the Tahoe National Forest to the south east. The headwaters of Canyon Creek start on both the Plumas NF and Tahoe NF, about ten miles north of Downieville, and the creek ends at the confluence with the North Yuba River. The North Yuba River starts at the headwaters located just west of Yuba Pass and parallels State Highway 49, flowing through the communities of Sierra City, Downieville, and Goodyears Bar. The North Yuba River shares a common boundary between the Plumas NF and the Tahoe NF Forest before it ends at the high pool elevation of Bullards Bar Reservoir. The South Yuba River segment starts at Langs Crossing (Bowman Road Bridge), flows through the town of Washington, and ends at Kentucky Creek a few hundred yards downstream from Bridgeport.

c. Goals, Objectives and Outputs

For Canyon Creek there will be modest changes to management goals, objectives, and outputs. Designation of this river as *scenic* will put additional emphasis on protecting the scenic, semi-primitive to primitive recreation opportunities, and historic outstandingly remarkable resource values within the river corridor. Actual timber harvest outputs within the corridor are quite limited due to the remote and rugged conditions of the canyon and will remain quite limited. Mining activities will continue at the same level as current. For the North Yuba River there will be slight to modest changes to management goals, objectives, and outputs. Designation of this river as *recreation* and some *scenic* will put additional emphasis on historic, scenic, recreational, fisheries, and botanical outstandingly remarkable values. Timber harvest outputs within the canyon are fairly limited now and will continue to be limited. Mining activities will continue as is. For the South Yuba River there will be modest changes to management goals, objectives, and outputs. Designation of this river as *recreational* and *scenic* will put additional emphasis on protecting the scenic, recreational, and historic outstandingly remarkable resource

values. Timber harvest outputs will be reduced slightly, but there are few productive acres within the half-mile river corridor. Mining activities will continue at a similar level.

#### d. Management Prescription

The change in management prescription for Canyon Creek for interim protection will not change any existing uses on the ground, but it precludes any new roads until Congress takes action on legislation. Mining activities will be allowed to continue at existing levels. The change in management prescription for the North Yuba River for interim protection will not change any existing uses on the ground or change timber outputs along the *recreation* stretch of the river. The interim protection will preclude any road building downstream from the State Highway 49 bridge until such time as Congress takes action on legislation for this river. The change in management prescription for the lower South Yuba River would not change any existing uses for *scenic* and *recreation* segments of the river. Interim protection guidelines will preclude new road building on the one short segment inventoried as *wild*. Mining activities would continue at current levels.

## X. ADMINISTRATIVE REVIEW

Based on the analysis in the Final Environmental Impact Statement, this Record of Decision has two categories of decisions documented as follows: 1) the recommendation to designate Wild and Scenic Rivers, and 2) the decision to amend the Tahoe and Plumas Forest Land and Resource Management Plans with interim protection direction for the rivers recommended.

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 the Secretary of Agriculture. A decision on whether to recommend the rivers to Congress is beyond the scope of the Forest Service's Notice, Comment, and Appeal procedures for National Forest System Projects and activities at 36 CFR parts 215 and 217. The recommendation by the Forest Supervisor is not subject to appeal. The decision to designate the rivers as part of the National Wild and Scenic Rivers System is reserved to the Congress of the United States.

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 the South Yuba River, North Yuba River, and Canyon Creek. The Forest Supervisor of the Plumas National Forest is making a decision to amend the Plumas National Forest Land and Resource Management Plan to provide interim Wild and Scenic River management direction for Canyon Creek and the North Yuba River. The decision on interim management of these three rivers is subject to appeal pursuant to Forest Service regulations at 36 CFR 215.7(a). Any written appeal of this decision must be fully consistent with 36 CFR 215.14, "Content of an Appeal," and must be postmarked or received by the Appeal Deciding Officer:

Bradley Powell, Acting Regional Forester  
USDA Forest Service  
Pacific Southwest Region

1323 Club Dr.  
Vallejo, CA 94592

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

It is the appellant's responsibility to provide sufficient written evidence and rationale to show why the Responsible Official's decision should be remanded or reversed. An appeal must meet the following requirements: 1) That the document is an appeal filed pursuant to 36 CFR 215; 2) Have the appellant's name, address, and telephone number; 3) Identify the decision being appealed (include the title of this document, its date, and the name and title of the Responsible Official who signed it); 4) Identify the specific change(s) in the decision that the appellant seeks or the portion of the decision to which the appellant objects; 5) State how the Responsible Official's decision fails to consider comments previously provided, either before or during the 45-day comment period and, if applicable, how the appellant believes the decision violates law, regulation, or policy. Your appeal can be dismissed if it fails to meet the minimum requirements of 36 CFR 215.14 to such an extent that the Appeal Deciding Officer lacks adequate information on which to base a decision. If an appeal is not received on this project, the project can be implemented 5 days after the close of the 45-day appeal period. If an appeal is received, this project can be implemented 15 days after appeal disposition.

## **XI. CONTACT PERSONS**

For further information concerning this project, please contact:

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

## **XII. SIGNATURES AND DATE**

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STEVEN T. EUBANKS  
Responsible Official  
Forest Supervisor  
Tahoe National Forest

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Date

The Forest Supervisor, Plumas National Forest, agreed that the Forest Supervisor, Tahoe National Forest would be the leading Responsible Official providing all project coordination and analysis, and determinations of suitability, significance, and worthiness for inclusion in the National Wild and Scenic River System. I concur with the findings, determinations, and recommendation of the Forest Supervisor, Tahoe National Forest as described in this Record of Decision as they relate to the Plumas National Forest and adoption of the Preferred Alternative, Alternative C. In support of the recommendation, my decision amends the Plumas National Forest Land and Resource Management Plan to include the interim protection of the river segments described on the Plumas National Forest.

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MARK J. MADRID  
Forest Supervisor  
Plumas National Forest

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Date

**DECISION RECORD**  
**South Yuba River**  
Wild & Scenic River Eligibility Study Report  
Final Environmental Impact Statement  
**Bureau of Land Management**  
**Folsom Field Office**

## **I. DECISION**

It is my decision to adopt the Preferred Alternative, Alternative C, as it relates to studies and environmental evaluations of Bureau of Land Management lands along the South Yuba River and Humbug Creek. The decision to adopt the Preferred Alternative involves the recommendation to include Bureau of Land Management (BLM) lands, along the South Yuba River, for designation as a *Scenic* component of the National Wild and Scenic River System pursuant to the **Wild and Scenic Rivers Act** (16 U.S.C. 1271-1287, Public Law 90-542 October 2, 1968). The recommendation involves only BLM administered lands 1/4 mile each side of the river, from the center line of the South Yuba River (forming a 1/2 mile wide strip) from the Tahoe National Forest boundary (Township 17 North, Range 9 East, Section 13) 20 miles, to Kentucky Creek (Township 16 North, Range 7 East, Section 33). The rationale for this decision is found on **page 11** of this document. In addition to the South Yuba River, Humbug Creek was also studied for Wild and Scenic values. Less than a 1/4 mile of this creek is located on BLM managed lands; the remainder is administered by the California Department of Parks and Recreation or is privately owned. The study report found that this creek was not worthy of wild and scenic designation. The portion of this creek located on BLM lands falls within the 1/4 mile boundary of the South Yuba River recommendation so would be included and managed as a scenic element if Congress accepts BLM's recommendation. A map of the study area can be found in the Final Environmental Statement (FEIS).

The suitability study and the development of the Environmental Impact Statement were made cooperatively with the Tahoe National Forest. The Tahoe National Forest was updating their 1990 land use plan to address needed Wild and Scenic River classification inventories. Since the South Yuba River is under multi-jurisdictional administration, a coordinated interagency suitability study was conducted by, BLM, and the US Forest Service.

The BLM's California State Director concurs with this suitability recommendation. The recommendation will be forwarded to the Bureau of Land Management's Director. Upon his concurrence, the recommendation will be sent to the Secretary of the Interior, who will ultimately make a recommendation to Congress for legislative consideration.

Until Congress acts on the recommendation or eligibility determination, the identified areas found suitable will be managed to protect and preserve suitability values. The interim protection standards and guidelines are found in Appendix "C" of the Final EIS and in BLM's Wild and Scenic Rivers - Policy and Program Manual (8351 .32c.). This decision record also amends the BLM's Sierra Planning Area Management Framework Plan (1988) to allow for interim protection of the recommended river until Congress takes legislative action. Environmental and management impacts from implementing interim protection measures were evaluated in both the Draft and Final EIS. The Summary of Environmental Consequences chart in the EIS provides a good overview of impacts of interim management. Interim protection measures are anticipated to be similar to management measures associated with the management of a designated Wild and Scenic River, and therefore provide a good evaluation of environmental, economic, and social impacts associated with interim protection. This, in turn, addresses the environmental evaluation needed to determine the effects of implementing the short term interim management of the scenic river recommendation.

Interim management and protection will go into effect 60 days after EPA publishes a Federal Register Notice of filing a final EIS.

## **II. ALTERNATIVES CONSIDERED**

One river segment and one creek segment were studied for suitability and inclusion in the National Wild and Scenic River System. The River and creek segment involved the study of the South Yuba River and Humbug Creek in conjunction with the Tahoe National Forest. The South Yuba River segment and Humbug Creek are both located in Nevada County.

The BLM river and creek components were addressed in EIS alternatives A, B, C, and E. The BLM-managed section of the South Yuba River is referred to as the "Lower South Yuba River" in the alternatives.

*Alternative A* prescribed and evaluated Wild and Scenic designations for 22 rivers. Both Humbug Creek and the Lower South Yuba River were addressed in this alternative. This alternative would protect all of the eligible rivers and their outstanding remarkable values. It forecloses impoundment of the rivers for water supply or other uses. Native sensitive aquatic species that require free-flowing water for their survival would be protected. All of the inventory's river classifications are represented under this alternative.

*Alternative B*, the "no action alternative", proposes no Wild and Scenic River designations. This alternative describes the existing situation, and proposes to continue existing management practices.

*Alternative C*, the preferred alternative, prescribes three rivers for Scenic or Recreational designation for a total of 114 miles. The three river are the Lower South Yuba River,

North Yuba River, and Canyon Creek. The emphasis of this alternative is to protect public appreciation of the unique ecological, recreational, scenic, fisheries, and heritage values of these three rivers.

This alternative would amend the BLM's Sierra Planning Area Management Framework Plan (1988) to provide interim protection for the recommended rivers until Congress takes legislative action on this river.

*Alternative E*, proposes 10 rivers eligible for *Wild*, *Scenic*, or *Recreational* designation for a total of 77 miles. The river recommendation includes Humbug Creek. The emphasis of this alternative is to recommend several rivers with a wide variety of specific outstanding remarkable resource values. This alternative is designed to minimize impacts on the production of wood and mineral commodities by recommending only those rivers for designation that would have a negligible effect on mining or timber operations.

The decision is to amend the BLM's Sierra Planning Area Management Framework Plan (1988) to allow for interim Wild and Scenic River protection on the lower South Yuba River.

*Planning Protest* -- Any party that participated in the plan amendment and is adversely affected by the amendment may protest this action only as it affects issues submitted for the record during the planning process. The protest must be in writing and filed with the Director, Bureau of Land Management, 1800 "C" Street, N.W., Washington D.C. 20240, within 30 days of the date that EPA publishes a Federal Register notice of filing of a final EIS for a resource management plan amendment.

This decision will become final after 60 days of when EPA publishes a Federal Register Notice of filing of a final EIS to allow the Governor to identify any planning inconsistencies with state and local land use plans.

## SIGNATURE AND DATE

Deane K. Swickard Field Manager Folsom Field Office	Date
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The Folsom Field Manager is recommending designation of Bureau of Land Management administered lands on the South Yuba River, located between the Tahoe National Forest Boundary and Kentucky Creek, for designation to the National Wild and Scenic River System as a Scenic River. In support of this decision it is decided to amend the Sierra Planning Area Management Framework Plan (1988) to provide interim Wild and Scenic River management direction for the South Yuba River.

Elaine F. Marquis-Brong Acting State Director California State Office	Date
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The Acting State Director concurs with the Folsom Field Manager in recommending a segment of the South Yuba River for designation to the National Wild and Scenic River System as a Scenic River. It is also decided to amend the Sierra Planning Area Management Framework Plan (1988) to provide interim Wild and Scenic River management direction for the South Yuba River in support of this recommendation.