

Mammoth Base Land Exchange

Final Environmental Impact Statement

***Draft* Record of Decision**



Photo: Taylor Lake from the proposed (non-Federal) Taylor Lake exchange parcel



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**Mammoth Base Land Exchange
Final Environmental Impact Statement
Draft Record of Decision
Inyo, Mono, Plumas, and Tuolumne Counties, California**

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Introduction

This *draft* Record of Decision (ROD) documents my decision to approve a land exchange pursuant to section 206 of Federal Land Policy and Management Act of 1976, as amended (FLPMA), 43 United States Code (U.S.C.) § 1716. The approved land exchange will result in the transfer of 35.7 acres of National Forest System (NFS) lands to private ownership. These 35.7 acres have been valued at \$11,561,000. In exchange, the NFS would acquire up to 1,213.2 acres of privately owned lands. Currently, the 1,213.2 acres of private land are valued at approximately \$7,601,000. There will be equal valuation through cash equalization payments. This cash payment will cover the difference between the values of the Federal and non-Federal parcels. At the appraised values above, the cash equalization payment will be approximately \$3,960,000. This cash equalization payment will be deposited into the account in the Treasury of the United States established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. § 484a) and will be made available for the acquisition of land for addition to the NFS (P.L. 113-291, Section 3005(b)). The land acquired with these funds must be within California and of high public benefit.

The NFS lands that will be exchanged out of United States ownership are currently managed as part of a Ski Area Term Special Use Permit (SUP) to Mammoth Main Lodge Redevelopment, LLC (MMLR). Private lands included in the approved exchange currently exist as (“inholdings”) located within the boundaries of the Inyo, Plumas, and Stanislaus National Forests. Included in the 1,213.2 acres of privately owned lands that will be conveyed to the United States is one small parcel (1.4 acres) in Inyo County, California that is outside the boundaries of the Inyo National Forest.

My decision is based on, and supported by, the *Mammoth Base Land Exchange Final Environmental Impact Statement* (Final EIS) and the project file.

Background

The Inyo National Forest first accepted the proposal for the Mammoth Base Land Exchange in 2011. However, in 2012, work on the exchange was placed on hold because existing law did not allow for a cash equalization to exceed 25 percent of the appraised value of the federal land or acquisition of parcels outside the NFS boundary. Legislation was required to allow the exchange to move forward. The “National Defense Appropriations Act for Fiscal Year 2015” (NDAA), (P.L. 113-291) was passed in December 2014, of which Section 3005 included language permitting the exchange to move forward. That legislation allows for acquisition of parcels outside the NFS boundary, located in either Inyo or Mono counties, to be used for administrative purposes, and waives the requirement that cash equalization not exceed 25 percent of the appraised value of the federal land.

Purpose and Need

The following Purpose and Need Statements are summarized from the Final EIS.

The purpose of this land exchange is twofold:

- To acquire environmentally sensitive lands and an administrative site to better meet resource and other management goals of the NFS as outlined in the respective Land and Resource Management Plans (LRMPs) of the National Forests involved in this exchange; and
- To exchange developed lands in the NFS that encumber adequate management by the Forest Service and would better serve the community and economic needs of the Town of Mammoth Lakes and Mono County in private ownership.

Need Statement 1: Improve the management of natural resources and provide opportunities for public use consistent with the 1988 Inyo National Forest LRMP, 1991 Stanislaus National Forest LRMP, and 1988 Plumas National Forest LRMP. Through this exchange, the Forest Service seeks to acquire and manage cultural, natural, and recreational resources present within the 11 non-Federal parcels.

In addition, this approved exchange meets the intent of 36 CFR § 254.3(b) through the acquisition of:

- Private parcels that would result in increased management efficiency by consolidating land ownership;
- Key private inholdings within or adjacent to important management areas;
- Known habitat for critical species; and
- Protection of aesthetic values through acquisition of lands within the Mono Basin Scenic Area.

Need Statement 2: Acquire administrative lands meeting the needs of the Inyo National Forest for storage of vehicles and materials, and that would meet the need for other support for operations of the Forest and its subordinate ranger districts. Furthermore, acquisition of the Bishop administrative site would eliminate the need for a long-term lease.

Need Statement 3: Improve visitor experiences at Mammoth Mountain Ski Area (MMSA) by transferring Federal parcels, primarily the MMSA Base Main Lodge, into private ownership in accordance with FLPMA.

Need Statement 4: Meet the economic needs and enhance future community development of the Town of Mammoth Lakes and Mono County, California.

Need Statement 5: Transfer land ownership of existing human wastewater treatment systems, which are connected to MMSA base facilities and located on the Federal parcels. Adequate management direction for a system serving a mix of private and permitted facilities is not included in the 1988 Inyo National Forest LRMP, limiting the ability of the Forest Service to maintain the sewage ponds in a way that is compatible with appropriate uses of NFS lands.

The Decision and Rationale for the Decision

After thoroughly considering the Purpose and Need, issues, Proposed Action, and extensive analyses presented in the Final EIS, as well as the public and agency comments submitted, my decision is to approve a modified version of the land exchange as described in the Alternative 2 – The Proposed Action. The Selected Alternative does not include the Dexter Canyon II parcel but is otherwise identical to the Proposed Action as described in the Final EIS. The Dexter Canyon II parcel is not suitable for acquisition at this time as an exchange agreement could not be reached with the existing landowner. As a result of this parcel not being included in the exchange, only 1,213.2 acres of privately owned lands are being transferred into Forest Service management rather than 1,297.5 acres as described under Alternative 2 – The Proposed Action in the Final EIS. With the exception of the Los Angeles Department of Water and Power (DWP)-Bishop parcel, all of the parcels to be acquired by the United States are within the NFS boundary. Legislation was needed to allow the Forest Service to acquire parcels outside of the Inyo National Forest boundary, and that legislation was passed in 2015. Consistent with the 2015 legislation previously cited (Pub.L. 105-277, Section 3005), the DWP-Bishop parcel is located in Inyo County, and is suitable for Forest Service acquisition.

The Selected Alternative

My decision to approve the Selected Alternative provides the Inyo National Forest with the authorization to exchange two parcels of NFS lands, for the acquisition of private lands on the Inyo, Stanislaus, and Plumas National Forests as analyzed in detail in the Final EIS. Under the Selected Alternative, the United States will convey 35.7 acres of NFS lands within the boundaries of the Inyo National Forest, and currently managed as part of a Ski Area Term Special Use Permit (SUP) to MMLR. In exchange, MMLR will convey to the United States up to 1,213.2 acres of privately owned lands (“inholdings”) within the boundaries of the Inyo, Plumas and Stanislaus National Forests. Included in the 1,213.2 acres of privately owned lands that will be conveyed to the United States is one small parcel (1.4 acres) in Inyo County, California that is outside the boundaries of the Inyo National Forest. As appraised in June of 2018, the NFS land is valued at approximately \$11,561,000 and the non-Federal land is valued at approximately \$7,601,000. To equalize the values, MMLR will make a cash payment for the difference between values of the Federal and non-Federal land. At the current appraised values, the cash equalization amount will be approximately \$3,960,000. The Selected Alternative matches the land exchange as described in Alternative 2 – The Proposed Action, except that the Dexter Canyon II parcels will not be included in the exchange. The Selected Alternative is depicted in the **Selected Alternative Figure**.

Through the acquisition of privately owned lands (“inholdings”) located within the NFS boundary, the approved land exchange will allow the Forest Service to acquire environmentally sensitive lands and an administrative site to better meet resource and other management goals of the Forest Service as outlined in the respective LRMPs of the National Forests involved in this exchange. The Selected Alternative will also allow the Forest Service to exchange developed lands in the NFS that encumber adequate management and will better serve the community and economic needs of the Town of Mammoth Lakes and Mono County in private ownership.

Decision Rationale

The entire Mammoth Base Land Exchange analysis and public involvement processes were both thorough and helpful in making my decision, providing the foundation for my rationale.

I have reviewed the Final EIS and the environmental impacts of the land exchange. The Final EIS discloses, using the best available science and information, the qualitative and quantitative effects on the human and biological environment that are anticipated to result with the completion of the approved land exchange.

My rationale for choosing the Selected Alternative is based on careful consideration of several key elements addressed during the public involvement and analysis process, including consistency with: the FLPMA, the Purpose and Need for the land exchange, the LRMPs for the three National Forests involved in the exchange, and county plans for the four counties involved in the exchange.

Consistency with Federal Land Policy and Management Act

The Selected Alternative is compliant with FLPMA, and the land exchange is in the *Public Interest for Landownership Adjustments*. In accordance with 36 CFR § 254.3(b), the Forest Service guidance for determination of *Public Interest for Landownership Adjustments*, the Selected Alternative will meet the intent of 36 CFR § 254.3(b) through the acquisition of:

- Private parcels that will result in increased management efficiency by consolidating land ownership;
- Key private inholdings within or adjacent to important management areas;
- Known habitat for critical species; and
- Protection of aesthetic values through acquisition of lands within the Mono Basin Scenic Area.

Further, as stated in 43 U.S.C. § 1716(a), “When considering public interest the Secretary concerned shall give full consideration to better federal land management and the needs of State and local people, including needs for lands for the economy, community expansion, recreation areas, food, fiber, minerals, and fish and wildlife and the Secretary concerned finds that the values and the objectives which Federal lands or interests to be conveyed may serve if retained in federal ownership are not more than the values of the non-Federal lands or interests and the public objectives they could serve if acquired.” Due to the highly developed nature of the Federal parcels in their existing state, I believe that potential impacts associated with the approved land exchange, as disclosed in the Final EIS, are not capable of outweighing the values of the non-Federal lands or interests and the public objectives they could serve if acquired.

The non-Federal lands that would be added to the NFS in California is over 1,200 acres, much of which contains environmentally sensitive lands such as lakes, rivers, creeks and springs and their associated riparian areas. After the exchange, these sensitive lands will be managed according to Forest Service standards and guidelines, which protect these resources to a greater extent than under private ownership. Further, the Inyo National Forest will be gaining over 100 acres of inholdings

within the Mono Basin Scenic Area, helping to preserve the integrity of the Scenic Area landscape for which the area was designated. Reducing private inholdings within this scenic area is a high priority, and will greatly increase protection of important cultural, environmental, and scenic resources of the area. The 35.7 acres that will be transferred into private ownership are already highly developed with ski area base facilities and sewage ponds. The Final EIS shows that there will be relatively minor environmental impacts with the expected future redevelopment of these already highly developed parcels, and there will be a major benefit to the NFS, natural and cultural resources, and the American people from acquisition of the private lands.

Consistency with the Purpose and Need for the Land Exchange and the Land and Resource Management Plans

I am approving the Selected Alternative because it best meets the Purpose and Need for the land exchange in a way that is consistent the LMRPs of the National Forests involved in this transfer of lands. The acquisition of private lands within the NFS boundary will improve the management of natural resources and provide opportunities for public use consistent with the 1988 Inyo National Forest LRMP, 1991 Stanislaus National Forest LRMP, and 1988 Plumas National Forest LRMP.

Inyo National Forest Land Exchange and the Land and Resource Management Plan

Forest-wide standards and guidelines for *Lands* as stated on pages 80–81 of the 1988 Inyo National Forest LRMP identify desirable conditions of parcels to be involved in an exchange.

“Land Ownership Adjustments – Acquire lands by exchange, purchase, or donation in the following priority:

- 1. Highest priority: a. lands with water frontage such as lakes, streams, floodplains, wetlands, and riparian zones; b. key game management areas and lands having endangered or threatened fish, wildlife, or plant habitat; c. lands needed to reduce fire risks; d. lands needed to prevent soil erosion; e. lands and easements that ensure access to public lands and resources; f. lands having unique historical or cultural resources; g. wilderness inholdings.*
- 2. Moderate priority: a. lands primarily of value for outdoor recreation purposes and lands needed for aesthetic purposes; b. lands needed for administrative purposes.*
- 3. Lowest priority: b. lands needed to consolidate existing blocks of National Forest lands to improve administration of the area.”*

The non-Federal parcels that will be acquired in the approved exchange fit into areas that the 1988 Inyo National Forest LRMP standards and guidelines identify as high to moderate priority for acquisition, as explained in the Final EIS, purpose and need, and summarized here:

- The West Mono Lake, Pine Creek and Moran Springs parcels fit into the highest priority category because they all have water frontage. The West Mono Lake parcel is also within the Mono Basin Scenic Area, and acquisition of this property will help preserve the integrity of the landscape for which the scenic area was designated. The Pine Creek parcel is also important to preserve and enhance recreational access at the Pine Creek trailhead.

- The DWP-Bishop parcel fits into the moderate priority category because it is needed for administrative purposes, to allow the Inyo National Forest to own land it currently leases for storage of vehicles and other equipment.
- The Madden property fits into the moderate priority category because it is primarily of value for outdoor recreation purposes. The property is located between the MMSA SUP boundary and the Lake Mary Road, within the boundary of the Town of Mammoth Lakes, which is an area of very high recreational use. The current private status of this parcel may impede access by recreating public and would allow for greater recreational value under Forest Service ownership.

Additionally, the following direction is provided for the disposal of Federal parcels.

“Dispose of lands by exchange in the following priority:

- 1. Tracts inside or adjacent to communities when such tracts would enhance community development and reduce use conflicts, provided that suitable private land is not available. Coordinate National Forest System plans for land adjustments with the Bureau of Land Management, county and community general plans.*
- 2. Lands under special use permit within or adjacent to cities that would be better suited for private ownership.*
- 3. Small Federal parcels that are intermingled with other non-Federal parcels.”*

Both the Purpose and Need and the Proposed Action as described in the Final EIS identify that the conditions and current management of the Federal parcels approved for exchange align with the standards and guidelines for disposal of lands as outlined in the 1988 Inyo National Forest LRMP.

Stanislaus National Forest Land and Resource Management Plan

Four of the non-Federal parcels (Clavey River parcels #1, #2, #3, and #4) that will be acquired in the approved exchange are located within the boundaries of the Stanislaus National Forest in the Clavey River watershed. In their current state, these four parcels create islands of non-Federal land.

Consistent with the following forest-wide direction for Lands on page 45 of the 1991 Stanislaus National Forest LRMP, as amended, the acquisition of these four parcels will eliminate islands of non-Federal land.

“Consolidate private and National Forest land ownership within Management Areas.”

The four Clavey River parcels (non-Federal parcels) will be located in the Management Area of *Wild and Scenic Rivers* and *Proposed Wild and Scenic Rivers* and contain either frontage on a perennial stream or headwaters areas for a perennial stream. Land in this area of the Stanislaus National Forest is managed to:

“Preserve the notable values or features as part of, or for eventual inclusion in, the National Wild and Scenic River System.”

Consolidating land ownership in the Management Area of *Wild and Scenic Rivers and Proposed Wild and Scenic Rivers* of the Stanislaus National Forest through the acquisition of these four parcels will improve management capabilities and ensure adherence to standards and guidelines.

Plumas National Forest Land and Resource Management Plan

According to the forest-wide standards and guidelines stated on page 4-51 of the 1988 Plumas National Forest LRMP, land ownership adjustment is to adhere to the following:

“Accomplish ownership adjustment that maintains timber productivity and that consolidates lands, or results in acquisition of Wild and Scenic River lands, Threatened or Endangered Species habitat critical deer range, critical rangeland watering sources, or areas crucial to recreation management.”

The Taylor Lake parcel, which will be acquired by the Plumas National Forest in the approved exchange, is identified in the 1988 Plumas LRMP as having outstanding recreational values as well as habitat for wetland species of plants and animals. These qualities are described under Management Area 29, which states:

“Maintain the scenic and geologic values of the Kettle Rock-Taylor Lake area. Attempt to acquire private lands.”

Consistency with County Plans

The following County General Plans encompass all parcels, Federal and non-Federal, approved for exchange. These General Plans provide comprehensive, county-wide guidance for a variety of goals and policies relating to such topics as: government, land use, economic development, housing, circulation, open space and conservation, natural resources, public safety, and more.

Inyo County

Inyo County encompasses two non-Federal parcels: the DWP-Bishop parcel and the Pine Creek parcel. These non-Federal parcels are located within Inyo County and are currently managed by guidance’s outlined within the 2013 Inyo County General Plan. As previously mentioned, this General Plan addresses a wide spectrum of county-related topics. Below are the applicable components to the approved exchange:

“Goal Gov-3: To provide opportunities for the private ownership of land by maintaining and expanding, when possible, the amount of privately owned land available in the County.”

Policy Gov-3.1: No Net Loss; The County shall work with federal and state agencies, local districts, utilities (e.g., LADWP), and Native American tribes to encourage the land exchanges have a net positive impact on the County. In its evaluation, the County may consider factors such as impacts to the County’s tax base and revenues, orderly community growth, future development, future revenues and/or other gains, and impacts on the environment, both natural and created.”

“Goal LU-5: Provide adequate public facilities and services for the existing and/or future needs of communities and their surrounding environs, and to conserve natural and managed resources.”

“Policy LU-5.6, State and Federal Lands Designations (SLF): This designation applies to those State- and Federally-owned parks, forests, recreation, and/or management areas that have adopted management plans.”

Mono County

Mono County encompasses the Mammoth Base Main Lodge and Sewage Ponds Federal parcels, and non-Federal West Mono Lake, Moran Springs, and Madden Property parcels. Currently, the Federal parcels are managed by the guidance outlined within the 2009 Mono County General Plan. This General Plan addresses a wide spectrum of county-related topics. Mono County’s General Plan acknowledges and recommends further partnership with the Inyo National Forest, although the majority of these considerations consist of recommendations of proposed developments.

In 2012 Mono County completed the Eastern Sierra Land Ownership Adjustment Project (ESLAP)—a collaborative effort between federal, state, and local agencies to develop a set of agreed-upon criteria for ownership adjustments, existing opportunities, pilot projects and implementation strategies. The purpose of the ESLAP was “to develop options for creating land ownership patterns in the Eastern Sierra that benefit both land management agencies and communities.” Along with many other government agencies, the Inyo National Forest was a contributor to ESLAP. Accordingly, Inyo National Forest Land Ownership Adjustment Strategy, and other standards and guidelines outlined in the LRMP, received thorough consideration during the ESLAP.

Tuolumne County

The Clavey River parcels #1, #2, #3, and #4 are located within Tuolumne County and currently managed by the 1996 Tuolumne County General Plan. As identified in their respective General Plan, Tuolumne County recognizes lands owned by public agencies, consisting of approximately 77 percent of Tuolumne County land. These public lands are managed by a variety of federal and state agencies including the Stanislaus National Forest. Land Use designations classifies these lands as “Public” and establishes the uses of public lands with the following guidance:

“Purpose – The P designation identifies lands that are owned by public agencies and recognizes that these lands are exempt from County lands use regulations.”

“General Uses – This designation allows all types of public uses, such as utilities, government offices, schools, airports, libraries, recreational facilities and resource management and utilization.”

Plumas County

The Taylor Lake parcel is located within Plumas County and is currently managed by the guidance’s outlined within the 1984 Plumas County General Plan. As previously mentioned, this County General Plan addresses a wide spectrum of county-related topics. Plumas County’s General Plan supports the standards and guidelines addressed in the Plumas National Forest’s LRMP and appropriate land

exchanges. The Plumas County General Plan emphasizes the coordination with the Forest Service and other federal and state agencies for a wide variety of mutually beneficial directives:

“The goals, policies, and implementation measures set forth in this General Plan are intended to be one resource to help the Forest Service and other federal and state agencies understand Plumas County’s policies and priorities, which will facilitate the development of consistent plans by those other agencies. For the Forest Service, in a particular, coordination with Plumas County will promote a comprehensive, ‘all lands’ approach to the management of our forests and watersheds.”

“Goal 5.1 Maintain a Diverse and Sustainable Economy: 5.1.9 Maintaining strong working relationships with United States Forest Service; The County shall establish and maintain a working relationship with the United States Forest Service within the County that fosters economic sustainability, including advocacy for plans and policies on National Forest lands that will help to create new economic activity that benefits the local economy.”

Environmental and Social Impacts

I carefully reviewed the Final EIS, weighing the environmental and social impacts associated with the Proposed Action when making my decision. There are indeed impacts, as disclosed in the Final EIS and the supporting documentation. My decision accounts for all anticipated impacts, positive and negative, that will result from the land exchange as described in the Selected Alternative. Overall, I am responsible for effects to environmental and social conditions that will be generated by the approved land exchange; I believe that the benefits of the land exchange greatly outweigh its potentially adverse impacts. The following discussions provide additional detail on my considerations.

Effects to Realty Authorizations

The Selected Alternative will transfer 35.7 acres of NFS lands for 1,213.2 acres of non-Federal land. The approved land exchange will result in a loss of private lands in each county; however, this will also result in a net gain of federal lands for each county. In Mono County 201.9 acres of private lands will be transferred into federal ownership; in Inyo County 11.4 acres of private lands will be transferred into federal ownership; in Tuolumne County 920 acres of private lands will be transferred into federal ownership; and in Plumas County 80 acres of private lands will be transferred into federal ownership.

As a result, Mono County will have a net gain of 166.2 acres of Federal lands. Inyo, Tuolumne, and Plumas counties will have a net gain of 11.4 acres, 920 acres, and 80 acres, respectively, of Federal lands. In total, there will be a net gain of 1,177.5 acres of Federal lands.

Effects to Access and Traffic

My decision to approve the Selected Alternative is not anticipated to increase traffic volumes beyond existing trends. As it relates to access, the Forest would have a net gain of 6,120 feet of inventoried road as a result of the approved land exchange. Additionally, existing easements on both the Federal

and non-Federal parcels determined to be consistent with the Forest Service standards and guidelines would be recognized and re-authorized.

Effects to Recreation

I acknowledge that my decision will result in the transfer of two intensely developed parcels into private ownership for land in Inyo, Stanislaus, and Plumas National Forests that contain natural resource-based recreation opportunities. However, the Selected Alternative will result in a net gain of 1,177.5 acres of legally accessible public lands. Despite the transfer of natural resource-based recreation opportunities into private ownership, there would be no net loss of publicly accessible recreation resources within the Federal parcels. My decision would improve Inyo National Forest visitor recreation experiences at MMSA by enhancing management capabilities of the MMSA Base Main Lodge and Sewage Ponds parcels as these management pursuits would be better executed under private ownership.

Effects to Social and Economic Factors

The Selected Alternative will affect the amount of private land and tax revenue for each the counties with parcels involved in the approved land exchange. Specifically, Mono County, Inyo County, Plumas County, and Tuolumne County will all experience a minor decrease in the amount of private lands in their counties. Inyo, Plumas and Tuolumne Counties will lose property tax revenues because parcels under their jurisdiction will be transferred to federal ownership. Mono County will experience an increase in tax revenue due to the transfer of federal lands into private ownership. Additionally, the transfer of the Federal parcels as included in the approved land exchange will result in decreased SUP fees paid to the Forest Service by MMSA.

Effects to Scenic Resources

In general, the Selected Alternative will not alter scenic resources for any of the exchange parcels; however, my decision will result in additional scenic resource protections for the non-Federal parcels brought under Forest Service management. This is particularly notable for the West Mono Lake parcel as it will be added to the West Mono Lake Scenic Area.

Effects to Cultural Resources

I acknowledge that the Selected Alternative will result in adverse effects to one historic property on the MMSA Base Main Lodge parcel. The adverse effect will be mitigated through terms identified in Memorandum of Agreement(s) negotiated between consulting and interested parties. Beyond impacts to the historic property on the MMSA Base Main Lodge parcel, the approved land exchange will result in a net increase of 1,177.5 acres of land and associated resources administered by the Forest Service. These lands will be afforded additional protections for cultural resources, including those valued by Native Americans.

Effects to Environmental Justice

The Selected Alternative is not expected to create disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

Effects to Wastes, Hazardous or Solid

Three of the non-Federal parcels require remediation prior to conveyance to the United States. Any solid or hazardous wastes found at that time will be properly processed. Additionally, the remediation of lead-based paint related contamination would occur on the West Mono Lake parcel under a Phase III Environmental Site Assessment (remediation). Removal and remediation of any hazardous or solid waste on the non-Federal will be considered a beneficial effect overall. No additional liabilities to the Forest Service from wastes are anticipated.

Effects to Noise

While the Selected Alternative will not result in permanent changes to the soundscape of the Federal and non-Federal parcels, I acknowledge that remediation, which is anticipated to require heavy machinery, construction crews, and other practices on the West Mono Lake, Taylor Lake, and Pine Creek parcels may contribute noise to the surrounding areas for a temporary period of time. Beyond these indirect, temporary alterations to the soundscape during remediation and prior to conveyance, the non-Federal parcels will return to and stabilize at the existing natural soundscape levels in compliance with the noise standards defined in the associated LRMPs.

It is reasonably foreseeable that future redevelopment of the MMSA Base Main Lodge would occur subsequent to the completion of the proposed land exchange, which could result in additional noise in the area. Assumptions related to construction impacts associated with reasonably foreseeable future redevelopment are further described in **Section 3.1.3.1** of the Final EIS.

Effects to Climate Change

The Selected Alternative will not affect climate change.

Effects to Wildlife

The effects to fish and wildlife (including threatened, endangered, and proposed species; Forest Service Region 5 sensitive species; migratory birds; and Management Indicator Species (MIS) are disclosed in **Section 3.12** of the Final EIS. The Selected Alternative will result in no direct effects on Sierra Nevada bighorn sheep, other than Forest Service acquiring a portion of U.S. Fish and Wildlife Service-designated critical habitat within the Pine Creek parcel. As a result, the approved land exchange will provide beneficial oversight of the property by the Forest Service and will have an overall beneficial effect on the species. No suitable Sierra Nevada bighorn sheep habitat will be removed from federal ownership.

Additionally, I acknowledge that a determination of “*may affect individuals but is not likely to result in a trend toward federal listing or loss of viability*” was reached for the Forest Service Sensitive Species with potential to occupy the Federal parcels whose habitat will be transferred into private ownership under the Selected Alternative.

Due to the fact that the wildlife habitat types that would be affected are abundant and widely distributed locally and regionally, and the project is not expected to cause substantial changes to habitat structure or composition, implementing the Selected Alternative would not threaten, regionally eliminate, or contribute to a substantial reduction in the distribution or abundance of habitat for

common or sensitive migratory bird species. The same is true for MIS within the approved land exchange area.

Effects to Vegetation

My decision to approve the Selected Alternative will result in a gain of potential habitat for federally listed or candidate species, as well as numerous Forest Service sensitive species. There would be no adverse effects to vegetation resources, and the approved may indirectly benefit certain plant species.

Effects to Geology and Minerals

Under the Selected Alternative, the Forest Service will reserve the rights to subsurface geothermal resources on the Federal parcels; therefore, my decision will not result in the loss of any mineral resources to the Forest Service. With the exception of geothermal resources, the Federal parcels are not prospective for locatable minerals or leasable mineral resources. Additionally, the Forest Service will gain ownership of three non-Federal parcels with prospective mineral resources. The remainder of the non-Federal parcels have an otherwise low potential for hosting locatable, leasable or salable mineral resources.

Effects to Water Rights

There are no water rights associated with the Federal parcels. The Selected Alternative will result in water rights on the Taylor Lake parcel being conveyed to the United States.

Effects to Water Quality, Wetlands, and Floodplains

The Selected Alternative will result in a net gain of wetlands, floodplains, and stream length. Specifically, the Selected Alternative will result in a net gain of 22.6 acres of wetlands, 10.9 acres of floodplains, and 10,666 feet of perennial stream length. Only 0.05 acre of wetlands will be transferred out of federal ownership (accounted for in the acreage reported in the previous sentence). Based on the net gain of water resources I am confident that the Selected Alternative will result in beneficial impacts for these resources.

Conclusion

My decision is a culmination of a detailed planning, analysis, and public engagement process; many factors have been evaluated since the start of the land exchange process in 2011. I am thankful for the partnership the Inyo National Forest maintains with MMLR, and the collaboration that the Plumas National Forest, the Stanislaus National Forest, MMSA, and the community have all demonstrated through this process and unique opportunity for resource management that has resulted. The Selected Alternative best meets the Purpose and Need and is most capable of serving the public interest.

Description of the Selected Alternative

The Selected Alternative is depicted in the **Selected Alternative Figure** and reflects a modified version of the proposal included in the August 2016 scoping process and the Proposed Action included in the Draft EIS. The difference between the Proposed Action as described in the Draft EIS and the Selected Alternative is due to the Dexter Canyon II parcel not being suitable for acquisition at this time.

The Selected Alternative will convey 35.7 acres of NFS lands within the boundaries of the Inyo National Forest, and currently managed as part of a Ski Area Term SUP to MMLR. In exchange, MMLR will convey to the United States up to 1,213.2 acres of privately owned lands (“inholdings”) located within the boundaries of the Inyo, Plumas and Stanislaus National Forests. Included in the privately-owned lands that will be conveyed to the United States is one small parcel (1.4 acres) in Inyo County, California that is outside the boundaries of the Inyo National Forest. As appraised in June of 2018, the NFS land is valued at \$11,561,000 and the non-Federal land is valued at \$7,601,000. To equalize the values, MMLR will make a cash payment for the difference between values of the Federal and non-Federal land. At the current appraised values, the cash equalization amount will be approximately \$3,960,000.

Federal Lands

Two Federal parcels located within the municipal boundary limits of the Town of Mammoth Lakes (totaling 35.7 acres) will be transferred to MMLR (see the **Selected Alternative Figure** for a depiction of the land exchange parcels). The transferred land will be an island of non-Federal land surrounded by NFS lands. Currently, the Federal parcels are Reserved Public Domain that has never left federal ownership. The Federal parcels include an intensely developed area of NFS lands (MMSA Base Main Lodge, refer to **Table 1**) containing structures that provide lodging and visitor services facilities at the main base area for MMSA, and an adjacent area of NFS lands (Sewage Ponds, refer to **Table 1**) containing sewage ponds that receive and treat sewage from various MMSA facilities, as well as the Mammoth Mountain Chalets, which are not owned or operated by MMSA or MMLR. The facilities on and served by these parcels include the Mammoth Mountain Inn, the Yodler restaurant, two ski lift bases, a snowmobile and snow cat rental and tour service, wastewater treatment ponds and several parking areas. The Federal parcel containing the sewage ponds will include a minimum buffer of 50 feet outside of the apparent high-water mark of the ponds. Redevelopment of the base area currently on Federal lands will be a Reasonably Foreseeable Future Action. Should MMLR pursue redevelopment, this action will require future environmental analysis and disclosure of impacts under the California Environmental Quality Act and will be subject to permitting from the Town of Mammoth Lakes. The Federal parcels are located adjacent to SR-203, approximately 4 miles west of the town center of Mammoth Lakes. The MMSA Base Main Lodge Federal parcel will be conveyed to the north boundary of the Federal Highway Easement, leaving SR-203 completely on NFS lands.

Table 1. Federal Parcels Involved in the Exchange

Parcel ID	Parcel Name	National Forest	County	Survey Acreage
A	MMSA Base Main Lodge	Inyo	Mono	20.5
B	Sewage Ponds	Inyo	Mono	15.3
Total Acreage of Federal Parcels A and B				35.7

Note: Survey acreages may not total due to rounding

Non-Federal Lands

Ten non-Federal parcels (totaling 1,213.2 acres) will be transferred to the United States, to be managed by the Forest Service (see the **Selected Alternative Figure** for maps of the land exchange parcels). These parcels are listed in **Table 2**. Certain parcels have been identified as needing remedial work in order to be considered acceptable for exchange and future management by the Forest Service. In their current state, the West Mono Lake, Pine Creek, and Taylor Lake parcels have been deemed unacceptable for exchange due to a variety of reasons. The California Department of Transportation (Caltrans) has determined that access to the West Mono Lake parcel via the existing driveway is dangerous and has recommended it for closure. Additionally, the Forest Service has identified various features on the parcel (including the single-story house) that will be unsuitable for Forest Service management and must be removed prior to the exchange. The historic cabin and outhouse will be retained and access for maintenance will occur via another road that enters the West Mono Lake parcel near its southeast corner. Additionally, all other remaining historic features on the parcel will be left in place and protected from disturbance during remedial activities (e.g., instream valve box and platform, tufa tower storage structure, ditches, fruit and cottonwood trees, vacant foundations/platforms). The Pine Creek parcel contains a modern-era “squatter’s” shelter along with associated debris, building materials, and “gathered machinery” that are an attractive nuisance, ultimately creating management challenges and detracting from the recreation experience. Similarly, the Taylor Lake parcel contains a garbage pile and miscellaneous wood and metal debris that are not of historic significance and pose a hazard to the public and recreationalist.

Prior to United States acquisition, the non-Federal party is responsible for completing the necessary remediation, which thus far includes the removal of infrastructure and materials that reduce the natural integrity of the identified parcels. Specifically, the Selected Alternative requires the single-story house and associated features (not including barn remnants and outhouse) on the West Mono Lake parcel be removed; the modern-era “squatter’s” shelter along with associated debris, building materials, and “gathered machinery,” on the Pine Creek parcel be removed; and a garbage pile and miscellaneous wood and metal debris on the Taylor Lake parcel be removed. Furthermore, upon removal of materials and infrastructure, which may include structural foundations, the sites will be rehabilitated, including recontouring and revegetating, as necessary.

Table 2. Non-Federal Parcels Involved in the Exchange

Parcel ID	Parcel Name	National Forest	County	Remediation Necessary (Y/N)	Survey Acreage
1	West Mono Lake	Inyo	Mono	Y	118.1
2	DWP-Bishop	Outside Inyo	Inyo	N	1.4
3	Pine Creek	Inyo	Inyo	Y	10.0
5	Moran Springs	Inyo	Mono	N	80.0
6	Madden Property	Inyo	Mono	N	3.8
7	Clavey River #1	Stanislaus	Tuolumne	N	149.3
8	Clavey River #2	Stanislaus	Tuolumne	N	120.0
9	Clavey River #3	Stanislaus	Tuolumne	N	640.0
10	Clavey River #4	Stanislaus	Tuolumne	N	10.7
11	Taylor Lake	Plumas	Plumas	Y	80.0
Total Acreage of Non-Federal Parcels 1 through 3 and 5 through 12					1,213.2

Note: Survey acreages may not total due to rounding

Four of the non-Federal parcels are located inside the boundaries of the Inyo National Forest. These parcels include the West Mono Lake parcel (non-Federal parcel, located inside the boundaries of the Congressionally designated Mono Basin National Forest Scenic Area near the west shore of Mono Lake), the Moran Springs parcel (non-Federal parcel, located in the Benton Range), Madden Property parcel (non-Federal parcel, adjacent to Lake Mary Road in the Town of Mammoth Lakes), and the Pine Creek parcel (non-Federal parcel, located at the trailhead of the Pine Creek Pass Trail).

The non-Federal parcel located outside the boundaries of the Inyo National Forest is located in Inyo County. The DWP-Bishop parcel (non-Federal parcel) is located in the City of Bishop, California, adjacent to the White Mountain Ranger District Office of the Inyo National Forest. The DWP-Bishop parcel is used to store vehicles and large service items for the management of programs of the Inyo National Forest.

One of the non-Federal parcels (Taylor Lake parcel) is located inside the boundaries of the Plumas National Forest at Taylor Lake east of Greenville, California. This parcel includes most of the shoreline of Taylor Lake and offers outstanding recreational values as well as habitat for wetland species of plants and animals.

Four of the non-Federal parcels (Clavey River parcels #1, #2, #3, and #4) are located inside the boundaries of the Stanislaus National Forest in the Clavey River watershed near Yosemite National Park. All four parcels contain either frontage on a perennial stream or headwaters areas for a perennial stream and all four eliminate islands of private lands in the Stanislaus National Forest.

Conveyance of Rights

Federal Parcels

A ground water well is located on the MMSA Base Main Lodge Federal parcel. It was presumably developed by MMSA to serve its lodging and other facilities located on the parcel. California law generally defers to the overlying surface owner as having the right to ground water, so it is anticipated that MMSA will control the use of the ground water from this well upon conveyance of the parcel out of federal ownership. Subsequent to the approved land exchange, this domestic well is anticipated to provide support for facilities on or adjacent to the MMSA Base Main Lodge Federal parcel, both those currently in existence and future facilities that may be constructed in the future. It is not anticipated that this ground water well will be used to support snowmaking operations.

There are no appropriative water rights attached to the Federal parcels.

Non-Federal Parcels

The United States will acquire any riparian water rights associated with the non-Federal parcels as permitted by California law. As the Dexter Canyon II parcel is not included in the Selected Alternative there are no riparian water rights associated with the non-Federal parcels.

The United States will also acquire any appropriative water rights associated with non-Federal parcels. Appropriative water rights associated with the non-Federal parcels include:

- Taylor Lake parcel: Feather River Land Trust, a California nonprofit public benefit corporation owns the water rights Licenses 2223 and 9165 (A008460 and A012844) for the water within Taylor Lake. License 2223 provides for annual storage of 200 acre-feet for the purposes of irrigation, domestic and stock watering on certain lands along Indian Creek approximately 13 miles downstream. It also provides for a point of re-diversion from Indian Creek about 12 miles downstream. License 9165 provides for annual storage of 100 acre-feet for the purpose of irrigation at the same downstream locations along Indian Creek, and also for the same re-diversion point. These Licenses are to be conveyed to the United States together with the Taylor Lake parcel.

There are no appropriative water rights on the remaining non-Federal parcels: DWP-Bishop, Moran Springs, Madden Property, Pine Creek, Dexter Canyon II, West Mono Lake, and Clavey River parcels.

Public Involvement

The Notice of Intent (NOI) was published in the Federal Register on August 26, 2016. The NOI asked for public comment on the proposal from August 26, 2016 to October 14, 2016. In addition, as part of the public involvement process, the Forest Service mailed a scoping notice, dated August 23, 2016, to 125 residents of various communities in proximity to exchange parcels, interested individuals, government officials, public agencies, and other organizations. The scoping notice provided a brief description of the proposal, the purpose of and need for action, information regarding public

participation and an illustrative map. This notice was specifically designed to elicit comments, concerns, and issues pertaining to the proposal.

Paralleling the scoping period, a Notice of Exchange Proposal was published once a week for four weeks (August 31, 2016–September 21, 2016) in newspapers of general circulation in the counties in which the Federal and non-Federal lands are located. During the scoping period, a public open house was held by the Inyo National Forest on September 8, 2016 in the Town of Mammoth Lakes at the Council Chambers. Approximately 20 members of the public attended the open house. Attendees of the open house were provided with a brief project overview and information regarding the NEPA process. Additional information was available on the Inyo National Forest website and comment submissions were accepted via this website. Written comments were accepted from the following sources: email, web submission, letter, public meetings, and fax. During the scoping period, the Inyo National Forest received 15 comment submittals.

Using the comments from the public and other agencies, the interdisciplinary team developed a list of issues to address.

A Notice of Availability (NOA) for the Draft EIS was published in the Federal Register on July 7, 2017, initiating the Draft EIS comment period that remained open until August 21, 2017. Notification of the Draft EIS's availability was mailed to 163 residents of various communities in proximity to exchange parcels, interested individuals, government officials, public agencies, and other organizations, in addition to 13 federal agencies as specifically directed under NEPA. This letter was specifically designed to summarize the contents of the Draft EIS and elicit public comments during the 45-day comment period, providing instructions for public involvement and resources for additional information. Continued tribal consultation and notification of the Draft EIS's availability occurred separately and 77 members with known cultural ties to the project area were contacted in a letter dated June 19, 2017.

During the Draft EIS comment period, a public open house was held by the Inyo National Forest on July 31, 2017 in the Town of Mammoth Lakes at the Council Chambers. Attendees of the open house (approximately 14) were provided with a brief overview of the land exchange and information regarding the NEPA process before breaking into an open house format that allowed visitors to review figures and maps detailing the different federal and non-federal parcels proposed in the exchange. No formal comments were submitted at this open house.

Additional information was available on the Inyo National Forest website (http://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=30428) and comment submissions were accepted via this website. Comments were accepted from the following sources: email, web submission, letter, public meetings, fax, and phone. During the Draft EIS comment period, the Inyo National Forest received 22 comment submittals. Two additional comments were received from the Town of Mammoth Lakes and the Mono Basin Historical Society on August 22, 2017 and August 31, 2017, respectively. These comments were reviewed and processed; however, these commenters will not have standing to object as their comments were received outside of the 45-day comment period as

initiated by publication of the NOA in the Federal Register on July 7, 2017. **Appendix B** of the Final EIS includes responses to comments received on the Draft EIS.

Consideration of Other Alternatives

NEPA requires that a range of reasonable alternatives to the Proposed Action be developed and analyzed. By definition, alternatives must meet the Purpose and Need while responding to issues identified during scoping.¹ Therefore, in response to internal and external scoping, the Forest Service Interdisciplinary (ID) Team considered issues that generated alternatives to the Proposed Action. Both Council on Environmental Quality (CEQ) Regulations and Forest Service Handbook (FSH) direction emphasize that alternatives must meet the “reasonableness” criteria in order to warrant detailed analysis.

I am confident that the ID Team considered a reasonable range of alternatives early in the NEPA process, and that the two alternatives, including the required No Action Alternative, analyzed in the Final EIS are adequate for the scope and scale of the land exchange. Consideration of the full range of alternatives considered, including those dismissed, with rationale, is included in the Final EIS.

Alternative 1 – No Action

A No Action Alternative is analyzed alongside the Proposed Action (40 CFR § 1502.14(d)). By definition, the No Action Alternative represents a continuation of existing management practices without changes, additions, or upgrades to existing conditions. As a result, the No Action Alternative provides a baseline for comparing the effects of the Proposed Action.

Under this alternative, the land exchange would not occur and ownership and management of the Federal parcels would not change. The non-Federal parcels will remain in private ownership and could potentially be sold and/or developed consistent with relevant county zoning regulations.

The Forest Service will continue to manage an intensely developed area of NFS lands containing structures that provide lodging and visitor services facilities at the main base area for the MMSA, and an adjacent area containing sewage ponds that receive and treat sewage from various MMSA facilities that compose the Federal parcels. This occurrence of ski area base area facilities located on NFS lands, such as these, is fairly uncommon. The majority of ski areas that operate on NFS lands under a SUP have base area facilities located on private lands.

Under the No Action Alternative, current land uses on the Federal parcels would continue.

¹ USDA Forest Service. 2012. Forest Service Handbook 1909.15: National Environmental Policy Act Handbook, Chapter 10, Section 12.33 and 14.

Environmentally Preferable Alternative

In accordance with CEQ regulations, I am required to identify the alternative or alternatives that could be considered environmentally preferable (40 CFR § 1505.2[b]). Forest policy (FSH 1909.15, Section 05) defines “environmentally preferable” as:

“... is the alternative that will best promote the national environmental policy as expressed in NEPA’s section 101 (42 USC 4321). Ordinarily, the environmentally preferable alternative is that which causes the least harm to the biological and physical environment; it also is the alternative which best protects and preserves historic, cultural, and natural resources. In some situations, there may be more than one environmentally preferable alternative.”

Based on the review of the alternatives, Alternative 2 (the Proposed Action Alternative) is the environmentally preferable alternative. Alternative 2 is identified as the environmentally preferable alternative because, through the transfer of 1,297.5 acres of privately owned lands into Forest Service management historic, cultural, and natural resources will receive greater protections than in their existing state. Resource impacts associated with the transfer of 35.7 acres of Federal lands into private ownership will be outweighed by these benefits and current Forest Service management challenges will be alleviated.

Due to the highly disturbed and developed environments present within the Federal parcels, disposal of these lands will have minimal resource impacts while also enhancing the manageability of other NFS lands. As the natural resources on the Federal parcels are largely degraded and segmented from surrounding NFS lands the redistribution of Forest Service resources to the management of resources on the remaining public lands within the Inyo National Forest is regarded as highly beneficial. Complimentary to its benefits for Forest Service management, selection of the Proposed Action Alternative will also increase MMSA mountain operations efficiency and better serve the community and economic needs of the Town of Mammoth Lakes and Mono County in private ownership.

Findings Required by Laws, Regulations and Agency Policy

The approved land exchange will be consistent with the direction provided in each of the LRMPs for the three National Forests involved in the exchange. The land exchange is in conformance with management direction for lands and land ownership adjustments and incorporates guidance for different management areas involved in the exchange as they relate to specific resources.

As Forest Supervisor for the Inyo National Forest, I am required to manage the Forest in accordance with applicable laws and regulations. This authority, which includes approval of land ownership adjustments, is delegated to me through agency policy described in Forest Service Manual 5400. In reviewing the Final EIS, I have concluded that my decision is consistent with all relevant laws, regulations and requirements. This includes, but is not limited to:

- American Indian Religious Freedom Act of 1978

- Archaeological Resource Protection Act of 1978
- Clean Air Act of 1990, as amended
- Clean Water Act of 1977, as amended
- Endangered Species Act of 1973, as amended, including consultation resulting in a Biological Opinion signed April 27, 2012
- Fish and Wildlife Coordination Act of 1934, as amended
- Forest and Rangeland Renewable Resources Planning Act of 1974
- Multiple-Use Sustained Yield Act of 1960
- National Environmental Policy Act of 1969, as amended
- National Forest Management Planning Act of 1976
- National Forest Ski Area Permit Act of 1986, as amended
- National Historic Preservation Act of 1966, as amended
- Organic Administration Act of 1897, as amended
- Protection of Wetlands Executive Order 11990

Objection Provisions and Implementation Date

The approved land exchange is subject to the objection process pursuant to 36 CFR Part 218, subparts A and B. Objections will only be accepted from those who have previously submitted specific written comments regarding the land exchange during scoping or the Draft EIS public review and comment period, in accordance with 36 CFR § 218.5(a). Issues raised in objections must be based on previously submitted, timely and specific written comments regarding the land exchange unless based on new information arising after the designated comment opportunities.

Incorporation of documents by reference is not allowed, except for the following items that may be referenced by including date, page, and section of the cited document, along with a description of its content and applicability to the objection: 1) All or any part of a federal law or regulation; 2) Forest Service directives and land management plans; 3) Documents referenced by the Forest Service in the land exchange environmental analysis document that is subject to objection. All other documents must be included with the objection.

At a minimum, an objection must include the following: objector's name and physical mailing address; signature or other verification of authorship upon request; identification of the lead objector when multiple names are listed; name of the project; name and title of Responsible Official; and name of national forest unit(s) on which the project will be implemented (36 CFR § 218.8[d]).

Objections, including attachments, must be filed via mail, FAX (707-562-9229), or hand-delivered during business hours (Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays).

Objections must be submitted to the Reviewing Officer: Randy Moore, Regional Forester, USDA Forest Service, Attn: *Mammoth Base Exchange*; 1323 Club Drive, Vallejo, CA 94592. Electronic

objections, in common formats (.doc, .pdf, .rtf, .txt) formats, may be submitted to:
objections-pacificsouthwest-regional-office@fs.fed.us.

Objections must be submitted within 45 calendar days following the publication of a legal notice in the newspapers of record for the three National Forests involved in the exchange. The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the time to file an objection.

It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer pursuant to 36 CFR § 218.9, which includes: date of U.S. Postal Service postmark or shipping date for delivery by private carrier for an objection received before the close of the fifth business day after the objection filing period; agency's electronically generated date and time for email; or official agency date stamp showing receipt of hand delivery. All objections are available for public inspection during and after the objection process.

Contact Person

For additional information concerning this Record of Decision, the Final EIS, or the Forest Service pre-decisional objection process, contact:

Janelle Walker, Project Leader
 Inyo National Forest
 PO Box 148
 Mammoth Lakes, CA 93546
janellewalker@fs.fed.us

Responsible Officials

DRAFT – unsigned

TAMERA RANDALL-PARKER, FOREST SUPERVISOR
 Inyo National Forest

Date

DRAFT – unsigned

JASON KUIKEN, FOREST SUPERVISOR
 Stanislaus National Forest

Date

DRAFT – unsigned

DANIEL LOVATO, FOREST SUPERVISOR
 Plumas National Forest

Date

