



Categorical Exclusion Review

Project Information

Project Name: McKinney Rubicon Trail Reroute and Restoration Project

Proposal Date: 9/29/2022

Proponent Name: Tahoe National Forest

Responsible Official: Jonathan Cook-Fisher, District Ranger

Unit: Truckee Ranger District, Tahoe National Forest

County(ies): Placer Counties

Anticipated Implementation: FY2025

Signing Authority: District Ranger

PALS Tracking #: 61553

Project File: <https://usfs.box.com/s/8xdoh2nn4zmtb2sfa0e8xc6g7tj468ih>

GIS Info: T:\FS\NFS\Tahoe\Project\Truckee\RubiconTrailReroutes2021\GIS\Planning

Project Webpage: N/A

General Location: El Dorado and Placer County, California, between Loon Lake and Tahoma, on the Eldorado and Tahoe National Forests, and the Lake Tahoe Basin Management Unit.

Applicable Management Areas: Barker Management Area

Watersheds: Miller Creek Watershed

Is cost recovery anticipated? No

Applicable Categories

This project is categorically excluded from documentation in an environmental assessment or environmental impact statement because it fits the following categories, pending extraordinary circumstance determinations:

Applicable Category or Categories:

36 CFR 220.6(e)(1) (DM Required)

36 CFR 220.6(e)(20) (DM Required)

These categories are applicable for this project because they provide for the construction and reconstruction of trails (36 CFR 220.6(e)(1)) and for activities that restore, rehabilitate, or stabilize lands occupied by roads or trails (36 CFR 220.6(e)(20)). The project actions are fully described by these categories, and there are no extraordinary circumstances related to any proposed action which warrants further analysis or documentation in an EA or EIS.



Purpose and Need: Why do we need to act?

The McKinney Rubicon Trail is an internationally preeminent four-wheel driving trail characterized by challenging and technical driving conditions and the rugged, remote location. The trail follows an original indigenous trail which connected Sacramento Valley to Lake Tahoe. In the 1840s, Euro-American settlers appropriated the route, ultimately developing it into a rugged, backcountry road by the 1890s. After falling into disrepair in the 1920s, four-wheel drive enthusiasts rediscovered it in the 1950s, eventually propelling the route to international popularity.

Because the McKinney Rubicon Trail evolved through historical use, the route was never designed or engineered to accommodate the hundreds of modern off-highway and four-wheel drive vehicles that traverse the trail annually. As a result of the route's popularity, trail conditions in have deteriorated in some locations; in other locations, increased usage and associated erosion and sedimentation threatens sensitive ecological resources.

The purpose of the project is to:

1. Ensure the long-term viability and accessibility of the McKinney Rubicon Trail for current and future four-wheel drive recreational users by rerouting the trail to avoid a failing, unstable section across a steep slope to a location with long-term durability.
2. Mitigate current impacts to sensitive ecological resources in the trail area and restore those areas to a healthier state by routing the trail to avoid these locations. Resources currently being affected include Miller Meadows, where trail use is degrading hydrological function and impairing riparian habitat; Miller Creek, where a continually flooded segment of trail is impairing water quality; and Cadillac Hill, where multiple user-created routes and bypasses are degrading soil stability and resulting in increased erosion and sedimentation.

Proposed Action: What are we proposing to do?

Tahoe National Forest is proposing to construct two alignment reroutes on the McKinney Rubicon Trail, to complete natural restoration of a heavily impacted ecological area near Miller Meadows, and to decommission three short, user-created bypass trail segments on Cadillac hill.

Implementation of the proposal would require removal of trees; placement of new wayfinding signage; construction of new barriers; and movement of native materials including boulders, smaller rocks, downed woody debris, and some soils. Implementation would strictly adhere to all Resource Protection Measures identified by the Truckee Ranger District resource specialists.

Project Screening

Legal and Regulatory Considerations

Given the nature of the project, the responsible official is requesting documentation to demonstrate compliance with the following legal and regulatory considerations in addition to NEPA:

The Endangered Species Act:

The project area was surveyed for threatened, endangered, and forest sensitive (TES) species. None were located within the project area; however, if TES species are located within the project area or if nesting or roosting of such species is located within 0.25 miles of the project area prior to or during project implementation, work would cease until the District Botanist, District Wildlife Biologist, or District Aquatic Biologist are notified and make further determination. The project has been sited to avoid suitable



McKinney Rubicon Trail Reroute and Restoration



habitat for the yellow-legged frog and to avoid riparian areas except for one intermittent stream crossing. Truckee Ranger District wildlife and aquatic specialists have reviewed the project and surveyed the area; the project has a finding of no effect.

National Historic Preservation Act:

Compliance with Section 106 of the National Historic Preservation Act has been completed under the *Programmatic Agreement Regarding the Process for Compliance with Section 106 of the National Historic Preservation Act for Management of Historic Properties by the National Forests of the Pacific Southwest Region*, or Regional PA, between the USDA Forest Service, Pacific Southwest Region (Region 5); the California State Historic Preservation Officer (CA-SHPO); the Nevada State Historic Preservation Officer (NV-SHPO); and the Advisory Council for Historic Preservation (ACHP).

The project area was surveyed and analyzed for cultural resources with the results compiled into the McKinney Rubicon Trail Reroute and restoration Project, Tahoe National Forest Cultural Resource Report #R2021051700005. No sites have been identified within the Area of Potential Effect (APE) for the project. The proposed project would not impact any cultural resources eligible for the National Register of Historic Places, nor would it result in loss of integrity or destruction of any significant cultural resource. In the event previously unidentified cultural resources are encountered during implementation of the proposed project, operations would cease, and the appropriate cultural resource specialist contacted. Work would not resume until the specialist conducted analysis and implemented any necessary protective measures in accordance with the Regional PA.

Agencies, Organizations and Persons Contacted

Given the nature of the project, the responsible official contacted the following agencies, organizations and/or persons to provide input to, or to be made aware of, the project. A brief overview of feedback or comments received is included.

Tahoe National Forest worked collaboratively with El Dorado County during the development of the proposal. TNF also contacted public individuals and organizations, administrative partners, and private property owners near the project area as well as residents of Tahoma, California, a community near the Tahoma Rubicon trailhead.

Those conferred with on the proposal include the Rubicon Trail Foundation, Friends of the Rubicon, Jeepers Jamboree, the Tahoe Donner 4-Wheelers, The Other Rubicon, the Lake Tahoe Basin Management Unit of the United States Forest Service, the California State Parks Off Highway Vehicle Division, and Placer County.

The project Proposed Action and Purpose and Need are also available for public review in the Tahoe National Forest quarterly Schedule of Proposed Actions.



**Environmental Analysis Review:
How would our management actions affect the environment?**

**National Forest Management Act (NFMA) -
Land Management Plan Consistency**

The pertinent specialist has reviewed the proposed action including design features and provided supporting analysis and rationale for determinations in the project record. The following are specialist determinations regarding project consistency with applicable land management plan direction, standards, and guidelines:

| | |
|---|--------------------------------------|
| Botany: Consistent | Range: N/A |
| Cultural/Heritage: Consistent | Recreation: Consistent |
| Engineering: Consistent | Scenic Resources: N/A |
| Fisheries: Consistent | Soils: Consistent |
| Fuels: N/A | Silviculture: N/A |
| Hydrology: Consistent | Special Management Areas: N/A |
| Lands and Special Uses: Consistent | Wildlife: Consistent |
| Minerals: N/A | Other Resources: N/A |

Other Law, Regulation and Policy Consistency

Endangered Species Act

Threatened, Endangered, Proposed and Candidate Species and Critical Habitat

The pertinent specialists reviewed the proposed action and made the following determinations for threatened, endangered and/or proposed species:

The pertinent specialists reviewed the proposed action and project area. No federally listed threatened, endangered, proposed or candidate species were found in the project area. The project area includes critical habitat for the yellow legged frog; however, the project would occur fully outside the bounds of suitable habitat for the frog. Truckee Ranger District wildlife and aquatic biologists have surveyed the project area without locating any instances of yellow legged frog and determined the project would have a finding of no effect.

Sensitive Species (FSM 2670)

The pertinent specialists reviewed the proposed action and made the following determinations for sensitive species:

The pertinent specialists reviewed the proposed action and project area. No forest sensitive species were found in the project area or had critical habitat within the project area.



National Historic Preservation Act – Section 106 Review

The pertinent specialist has reviewed the proposed action and made the following determination regarding Section 106 compliance:

No adverse effects to historic properties - 36 CFR 800.5(b). Section 106 Review has been completed and National Register eligible cultural sites are located within the project area. Modifications can avoid/protect cultural resources (see comment section).

Comments

The project area was surveyed and analyzed for cultural resources. The proposed project would not affect any cultural resources eligible for the National Register of Historic Places, nor would it diminish the integrity or destroy any significant cultural resources.

The cultural resource inventory has been completed in accordance with stipulations of the *Programmatic Agreement Among The USDA Forest Service Pacific Southwest Region (Region 5), The California State Historic Preservation Officer, The Nevada State Historic Preservation Officer, and The Advisory Council For Historic Preservation, regarding the process for compliance with Section 106 of the National Historic Preservation Act, for Management of Historic Properties by the National Forests Of The PacificSouthwest Region (Regional PA 2018)*. Carrie E. Smith, TNF Heritage Program Manager, has reviewed and approved the report.

Supporting Project Documentation

Table 1. Applicable project file documentation to support analysis

| Documentation Type | File Name (if applicable/needed) |
|--------------------|--|
| Report | McKinney Rubicon Trail Reroute and Restoration Project, Tahoe National Forest Cultural Resource Report #R2021051700005 |

Consultation with Federally Recognized Tribes

Consultation with federally recognized tribes was conducted as follows:

Consultation with federally recognized tribes was not required as part of this project as no Native American resources have been located within the project area.

Special Management Areas

The pertinent specialist has reviewed the proposed action and made the following determinations based on special management area presence, proximity, or lack of:

The proposed project location is not part of a special management area.

Clean Air Act

The pertinent specialist has reviewed the proposed action and made the following determinations regarding the Clean Air Act:

Implementation of this decision would generate nominal amounts of air pollutants as a result of equipment operation and does not threaten a violation of the Clean Air Act.



Clean Water Act

The pertinent specialist has reviewed the proposed action and made the following determination:
Water quality would not be adversely affected with implementation of resource protection and mitigation measures and Best Management Practices (BMPs) incorporated into the project design.

Pertinent Executive Orders

The responsible official and/or applicable specialist(s) have determined the proposed action is in compliance with the following Executive Orders (EO), which were deemed pertinent based on the nature of the proposal:

EO 11990, Protection of Wetlands – avoid actions within wetlands unless there are no practical alternatives, and the action includes all practicable means to minimize harm to wetlands.

The project would relocate activities which are negatively affecting meadows and riparian areas allowing for the natural restoration of meadow areas.

EO 13112, Invasive Species – prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.

The project includes resource protection measures which would prevent the introduction and spread of invasive species.

EO 13186, Migratory Birds – identify actions that may have a measurable negative effect on migratory bird populations.

Project complies with the Migratory Bird Treaty Act and would not negatively impact migratory birds.

NEPA: Extraordinary Circumstance Determinations

Pertinent specialists have reviewed the proposed action and made the following determinations with regards to degree of potential effects for the resource conditions considered:

Table 2. Resource conditions considered for extraordinary circumstance determinations

| Resource Conditions Considered for Extraordinary Circumstances | Is there a degree of potential effect that raises uncertainty over its significance? Briefly explain. |
|--|---|
| Federally listed threatened or endangered species, designated critical habitat, and Forest Service sensitive species | Botany: NO, there is no uncertainty No federally listed, threatened, or endangered botanical species, critical habitat for such species, or Forest Service sensitive species have been identified in the project area. |
| | Fisheries: NO, there is no uncertainty No federally listed, threatened, or endangered aquatic species have been located within the project area. The project does occur within critical habitat for the yellow legged frog, but it is fully outside of sensitive habitat. The project would improve the overall quality of sensitive habitat by relocating recreational vehicular activities outside of sensitive habitat. No Forest Service sensitive aquatic species are located in the project area. |



McKinney Rubicon Trail Reroute and Restoration



| Resource Conditions Considered for Extraordinary Circumstances | Is there a degree of potential effect that raises uncertainty over its significance? Briefly explain. |
|--|---|
| | <p>Wildlife: NO, there is no uncertainty No federally listed, threatened, or endangered wildlife species, critical habitat for such species, or Forest Service sensitive species are located in the project area, aside from the yellow legged frog, discussed above.</p> |
| Floodplains, wetlands, or municipal watersheds | <p>NO, there is no uncertainty Resource protection measures which are included would mitigate any impact this project may have to the floodplains, wetlands, or municipal watersheds. This project is expected to improve conditions of these features following the completion of this project.</p> |
| Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas | N/A, not present |
| Inventoried roadless areas | N/A, not present |
| Research natural areas | N/A, not present |
| American Indians and Alaska Native religious or cultural sites | <p>N/A, not present No Native American religious or cultural sites have been identified within the project area.</p> |
| Archaeological sites, or historic properties or areas | <p>NO, there is no uncertainty Rationale for yes/no: No archaeological sites, historic properties, or historic areas have been identified within the project site.</p> |



Decision Memo

McKinney Rubicon Trail Reroute and Restoration
U.S. Forest Service
Truckee Ranger District, Tahoe National Forest
Nevada and Placer Counties, California

This decision incorporates all information in the CE Review Form and included in the project file.

Decision and Rationale

I have decided to authorize the activities described in the “[Proposed Action](#)” section (CE Review Form), including any modifications that resulted from environmental analysis and review of regulatory compliance.

Applicable Categorical Exclusion and Findings Required by Other Laws

The “[Applicable Categories](#)” section (CE Review Form) provides rationale for categorically excluding this action from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) and for using the identified category/categories. The “[Environmental Analysis Review](#)” section (CE Review Form) documents rationale to support my finding that no extraordinary circumstances exist, along with findings required by other applicable laws and regulations to demonstrate compliance with the regulatory framework for the activities authorized by this decision.

Agencies, Organizations and Persons Contacted

A list of “[Agencies, Organizations and Persons Contacted](#)” regarding this proposal is provided in the CE Review Form, along with a brief overview of comments/feedback received and how they were considered.

Implementation Date

I intend to implement the decision in 2025. The Tahoe National Forest will apply for California Department of Parks and Recreation Off Highway Vehicle Green Sticker funding in 2024 and, pending a successful application, implement the project in 2025.

Administrative Review

Decisions that are categorically excluded from documentation in an environmental assessment or environmental impact statement are not subject to an administrative review process (Agriculture Act of 2014 [Pub. L. No. 113-79], Subtitle A, Sec. 8006).



McKinney Rubicon Trail Reroute and Restoration



Contact

For additional information concerning this decision, contact:

Teeney Hood, Public Services Staff Officer
Truckee Ranger District, Tahoe National Forest
10811 Stockrest Springs Road
Truckee, CA
(530) 563-2243
christina.hood@usda.gov

Jonathan Cook-Fisher

District Ranger

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

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

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

USDA is an equal opportunity provider, employer and lender.

Map: Figure 1 McKinney Rubicon Trail Reroute and Restoration Project

Legend

- Current Rubicon Trail_TNF
- Primary Proposed Reroute
- 200_Ft_Reroute
- ★ Mudhole
- Riparian_Areas
- User_Created_Bypass

Existing Trails

- - - Motorized Trail
- - - Non-Motorized Trail

Forest Service Roads

- Paved Road
- Dirt Road
- Forest Boundary

