

RECLAMATION

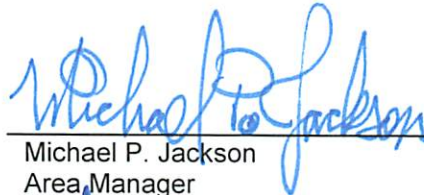
Managing Water in the West

RECORD OF DECISION

Millerton Lake Resource Management Plan/General Plan

ROD 10-113

Recommended by:



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Area Manager
South-Central California Area Office

Date:

10/31/2011

Concurred by:

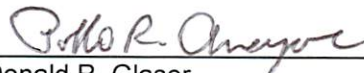


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11/3/2011

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Date:

11/4/11



Introduction

Millerton Lake was formed in 1942 on completion of the Friant Dam which is part of the Central Valley Project (CVP). Millerton Lake provides water storage for in-stream releases and the for the delivery of irrigation, municipal and industrial water. The lake also provides storage for flood control, recreation opportunities and fish and wildlife habitat.

The Millerton Lake Resource Management Plan (RMP) and General Plan (GP) (RMP/GP) addresses resource management alternatives for the Plan Area as appropriate for water quality, recreation, and natural resource and cultural resource management opportunities. The Plan Area encompasses approximately 12,500 acres, including the Millerton Lake State Recreation Area and the water surface of Millerton Lake. All recreational uses and improvements at the lake must be consistent with the original purpose of the CVP and should not interfere with providing a reliable annual yield of high-quality water. The guidance provided in the RMP/GP will help Millerton Lake managers fulfill the Bureau of Reclamation's (Reclamation's) mission, which is "to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public." The RMP/GP will also provide the framework for establishing new management agreement(s) between Reclamation and California State Parks. As such, there is no site specific analysis associated with any of the alternatives. The associated Environmental Impact Statement (EIS) completed by Reclamation and Environmental Impact Report completed by California State Parks (EIR) describes only the magnitude and direction of impacts associated with the alternatives addressed in the EIS/EIR. Further site specific analysis will be completed for specific projects and will tier from the EIS/EIR.

This Record of Decision (ROD) documents Reclamation's decision to follow a specific direction for resource management provided in the alternative selected for the Millerton Lake State Recreation Area and Millerton Lake. This ROD has been prepared in accordance with the National Environmental Policy Act [NEPA] (42 USC 4321 et seq.) and the Council on Environmental Quality's NEPA implementing regulations (40 CFR 1500-1508). The decision made herein is based on the information and analysis contained within the Final EIS/EIR (FEIS/R) for the *Millerton Lake Resource Management Plan/General Plan*, which is incorporated by reference and was published on April 30, 2010. Reclamation has considered all comments received on the Proposed Action in developing this ROD.

Decision

Reclamation's decision is to implement Alternative 2 (Preferred Alternative) as described in the FEIS/R. This Alternative was found to meet Reclamation's statutory mission and responsibilities, giving consideration to economic, environmental, technical and other factors. Implementing this alternative would allow some enhancement of current recreational uses and public access while protecting water quality, natural resources and cultural resources.

Alternatives Considered in the Final EIS/EIR

Four management alternatives were developed to address the major planning objectives. Each alternative provided direction for resource programs based on the development of specific goals and management actions. Each alternative described specific concerns influencing land management and each emphasized a different combination of resource uses, allocations, and restoration measures to address concerns and resolve conflicts among users. None of the alternatives includes site specific actions, and the analysis is representative of the kinds of impacts expected to occur.

No Action Alternative

For the No Action Alternative, the current resource and recreation management direction and practices at Millerton Lake would continue unchanged. The description of the No Action Alternative on FEIS/R pages 2-16 through 2-18 reflects the current management direction and level of management intensity for the Plan Area. The activities described are existing and ongoing, and represent the expected future condition if the RMP were not implemented. The No Action Alternative provides the benchmark for making comparisons in the EIS among possible future changes under Alternatives 1, 2, and 3.

Alternative 1 (Recreation Expansion)

This alternative would expand recreational uses and public access by implementing new or modified land and recreation management practices. This alternative is included to demonstrate a scenario in which recreational uses are substantially expanded while meeting the RMP/GP goals for protection of water quality, natural resources and cultural resources to the extent feasible.

Alternative 1 would emphasize visitor experience and provide for additional individual and group camping sites, upgrades to existing individual and group camping sites, trails expansion, and an expanded marina. This Alternative would also provide interpretation, orientation, and visitor facilities throughout the Plan Area to facilitate hands-on experiences. Under Alternative 1, focused management plans would be developed and implemented for boating, vegetation (including grazing and invasive species), trails, fisheries, and visitor interpretation.

The main body of the lake would support boats at a maximum density of 5.5 acres/boat. From Fine Gold Creek to Smith Basin, the lake would support boats at a density of 20 acres/boat. From Smith Basin upstream, the lake would support boats at a density of 80 acres/boat.

In 1998 the California Air Resources Board (CARB) adopted a three stage plan for improving emissions from marine two-stroke outboard and personal watercraft engines. The plan called for engines produced between 2001-2003 to reduce hydrocarbon and NO_x emissions, followed by a further reduction in emissions for engines produced between 2004-2007 and a final reduction in emissions for engines produced after 2008. Operation of non-conformant two-stroke engines would be phased out within 3-years of finalizing the RMP/GP. Two-stroke engines produced prior to 2001 would be exempt from meeting the reduced emission standards.

Alternative 2 (Enhancement)

Alternative 2 emphasizes enhancement of current recreational uses and public access at Millerton Lake to accommodate visitors and increase recreational opportunities, while protecting water quality, natural resources and cultural resources with new or modified land and recreation management practices. These activities propose upgrades and improvements for many of the Plan Area's existing facilities and utilities. The number of added individual and group campsites would be less than with Alternative 1.

Development would include new recreation opportunities and facilities such as trails, marina expansion, individual and group campsites, in a manner that is balanced with resource protection. Under Alternative 2, focused management plans would be developed and implemented for boating, vegetation (including grazing and invasive species), trails, fisheries, and visitor interpretation.

The main body of the lake would support boats at a maximum density of 10 acres/boat. From Fine Gold Creek to Smith Basin, the lake would support 80 acres/boat, and, from Smith Basin upstream, 295 acres/boat. Operation of non-conformant two-stroke engines would be phased out within 3-years of finalizing the RMP/GP.

Alternative 3 (Resource Protection/Limited Enhancement)

Alternative 3 would expand conservation and protection of water quality, natural resources and cultural resources while providing visitor experiences with a high degree of emphasis on resource stewardship. The Resource Protection/Limited Enhancement Alternative would emphasize relocation of facilities away from sensitive resource areas, and upgrade recreation facilities consistent with resource protection. Alternative 3 would manage areas upstream of the main lake body as semi-primitive, with the lowest boat densities and most restrictions on boat speed and type on the main lake body.

The main body of the lake would support boats at a maximum density of 15 acres/boat. From Fine Gold Creek to Smith Basin, the lake would support 80 acres/boat, and, from Smith Basin upstream, 295 acres/boat. Operation of non-conformant two-stroke engines would be phased out within 1-year of finalizing the RMP/GP.

Boat speeds would be reduced from Fine Gold to Big Bend and further reduced from Big Bend upstream. Only electric motors or non-motorized craft would be allowed above Big Bend. No personal watercraft or waterskiing would be allowed above the confluence with Fine Gold Creek. Non-motorized craft such as kayaks and canoes would be permitted to float from Temperance Flat to South Fine Gold picnic area.

The existing marina would not be expanded, and no appreciable increase in individual or group campsites would occur. Under Alternative 3, focused management plans would be developed and implemented for boating, vegetation (including grazing and invasive species), trails, fisheries, and visitor interpretation.

Basis of Decision, Issues Evaluated, and Factors Considered

Reclamation evaluated the effects of the proposed alternatives on aesthetics/visual resources, agricultural resources, air quality/global climate change, biological resources, cultural resources, environmental justice, geology, soils, hazards and hazardous materials, hydrology and water quality, Indian Trust Assets, Indian Sacred Sites, land use, mineral resources, noise, public services, recreation, socioeconomics, transportation/circulation, utilities/service systems and cumulative impacts. This analysis was programmatic in nature as no site specific analysis was conducted. Further site specific analysis will be required to implement specific aspects of the preferred alternative.

There will be no impacts to Indian Trust Assets as there are none in the Proposed Action area. The nearest Indian Trust Asset is the Table Mountain Reservation approximately 2 miles southeast of the Plan Area.

The No Action Alternative would continue the management actions identified in FEIS/R Sections 2.4.2 and 2.4.3.1 on a project by project basis with no overall coordinated direction, and no recreation facility enhancements would take place. The No Action Alternative does not increase recreational opportunities that many user groups would like to have, as voiced at public meetings and in written comments on the RMP/GP (see FEIS/R Appendices A and B). The No Action Alternative would not provide additional measures for future protection of water, biological, cultural and recreational resources because of the lack of management plans for boating, vegetation/fire management, and trails.

Alternative 1 would provide more infrastructure and service support to accommodate recreation demand than with Alternative 2, but the density of boat usage and other activities allowed in natural areas could compromise the quality of experience for some recreationists. Recreationists seeking a tranquil and serene setting would have limited opportunities under this alternative. The increased boat density and level of activity would affect natural resources and water quality more than with Alternative 2.

Alternative 3 would emphasize conservation and protection of natural and cultural resources while providing visitor experiences consistent with a high degree of emphasis on resource stewardship. While this management approach would relocate and upgrade facilities consistent with resource protection and educate the public regarding sensitive resources, Alternative 3 would also limit new visitor services and facilities. Like the No Action Alternative, this management alternative does not make full use of available recreation opportunities for Plan Area visitors.

Reclamation has selected Alternative 2, based on interdisciplinary team recommendations, environmental analysis of the alternatives, and public input. Alternative 2 provides the most reasonable and practical approach to managing the Plan Area, while addressing the relevant issues and the purpose and need. Alternative 2 would implement focused management plans not realized in the No Action Alternative. Alternative 2 places more emphasis on resource protection

and limits some recreation opportunities compared to Alternative 1 and would minimize potential effects to water quality, vegetation, special-status species, visual resources, cultural resources and land use. Alternative 2 would allow for a greater variety of opportunities for visitors to experience Plan Area resources compared to Alternative 3. Alternative 2 balances project lands management and emphasizes a level of protection, enhancement, and use of Plan Area resources into the future.

The elements of the Millerton Lake RMP/GP Preferred Alternative (Alternative 2) are detailed below.

Physical Resources

- Protect water quality by scheduling construction when possible during the dry season and during periods of low water;
- Prevent erosion through use of silt fencing, water bars or straw bales;
- Upgrade sanitary waste management facilities; and
- Manage recreation facilities to protect visual and aesthetic resources.

Natural Resources

- Protect native and unique plant communities and fish and wildlife habitat and eradicate/control invasive species for long-term sustainability and viability;
- Avoid sensitive habitat and balance facilities expansion with natural resource protection;
- Develop and implement focused management plans for boating, vegetation (including grazing and invasive species), trails, fisheries, and visitor interpretation; and
- Set up educational displays, interpretive signs and programs to emphasize water quality and the natural resource environment.

Lands, Transportation, and Access

- Work with appropriate agencies to analyze growth-related transportation issues;
- Improve roads;
- Extend left-turn lane on Millerton Road; and
- Update campgrounds and associated facilities to comply with ADA.

Cultural and Social Resources

- Continue and improve public education concerning sensitive cultural resources;
- Balance facilities expansion with cultural resource protection; and
- Continue to restrict or limit access to the Kechaye Cultural Preserve.

Recreation

- Continue to operate, manage, update, and modernize campgrounds and day-use facilities;
- Phase out non-conformant two-stroke engines;

- Upgrade security and law enforcement;
- Upgrade restroom and shower facilities;
- Explore and support, where appropriate, concessionaire agreements with private enterprises and managing partner agreements with public agencies;
- Add hook-ups and utilities at North Shore Group Camp sites and build multipurpose facility;
- Expand the amphitheater and parking areas at the North Shore;
- Upgrade Winchell Cove marina facilities, including area gates, security, and additional boat slips;
- Consider a mobile food service facility for the South Shore beach and picnic areas;
- Provide a group camping area at Temperance Flat on the south side of the river and maintain the semi-primitive feeling upstream;
- Discourage boat flotillas in the Temperance Flat area;
- Develop and implement a boating management plan to control boat densities and speeds;
- Designate allowable boat densities to encourage environmental protection and facilitate use of the lake;
- Develop a trail system management plan to monitor usage;
- Consider new trails that are accessible to the disabled; and
- Maintain existing trails, assess the feasibility of linking trail systems, and consider development of a lake perimeter trail.

Environmentally Preferable Alternative

The term Environmentally Preferable Alternative is defined as the alternative that will best promote NEPA as expressed in Section 101 [42 USC § 4331]-Congressional Declaration of National Environmental Policy. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources. By definition, the Environmentally Preferable Alternative should also attain the widest range of beneficial uses while achieving a balance between population and resource use and a wide sharing of life's amenities.

Alternative 3 is identified as the environmentally preferable alternative because it places the most emphasis on resource protection and limits some recreation opportunities compared to the No Action Alternative and Alternatives 1 and 2. Alternative 3 would implement a 1-year phaseout on nonconformant two-stroke engines as well as impose a lower maximum boating density than the other alternatives, including No Action. Fewer campsites, trails, and other recreational facilities would be added with Alternative 3 than the other action alternatives. Alternative 3 would minimize potential effects to water quality, vegetation, special-status

species, visual resources, and land use compared with the other action alternatives. It would include the same focused management plans and plan policies as Alternatives 1 and 2 to protect Plan Area resources, whereas the current management practice does not.

The Code of Federal Regulations (CFR) Title 40 Part: § 6.208 states in part that a ROD must include an explanation if the environmentally preferred alternative was not selected. Alternative 3 was not selected as the Preferred Alternative because it did not meet Reclamation's responsibility to achieve a reasonable balance among competing demands for use of Central Valley Project water. Alternative 2 was chosen as the Preferred Alternative because it balances resource protection with the need to provide increased recreation opportunities.

Implementing the Decision and Environmental Commitments

Reclamation will enter into a management agreement with California State Parks, which will provide for the implementation of the RMP/GP-EIS/EIR and ROD. Reclamation will require site specific environmental analysis and appropriate mitigation for all proposed actions under Alternative 2. Reclamation will serve as project lead for implementation of laws to protect water quality, natural resources and cultural resources including but not limited to the:

- National Environmental Policy Act
- Clean Water Act
- Clean Air Act
- Endangered Species Act
- National Historic Preservation Act
- Archaeological Resources Protection Act
- Native American Graves Protection and Repatriation Act

Comments on the Final EIS/EIR

Reclamation's Notice of Availability of the FEIS/R was published on April 23, 2010, and the U.S. Environmental Protection Agency's (EPA's) Notice of Availability was published on April 30, 2010. Copies of the FEIS/R were distributed to those who requested a copy. A press release was issued on April 22, 2010, and sent to the recipients on the Millerton Lake RMP/GP-EIS/EIR mailing list. The FEIS/R was also made available on the Lake Millerton RMP/GP-EIS/EIR website at: http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=546. One comment letter on the FEIS was submitted during the 30-day waiting period after issuance of the Notice of Availability. The substantive issues raised in the comment letter and Reclamation's responses are summarized as follows.

Kathleen M. Goforth, U.S. Environmental Protection Agency, June 8, 2010

1. The comment acknowledges the reasons for imposing a 3-year phaseout period for nonconformant two-stroke engines. The EPA continues to recommend that the phaseout be accomplished in the most expeditious time frame feasible. **Response:** Although the Preferred Alternative calls for a 3-year phaseout of nonconformant two-stroke engines, Section 2.5.2 of the RMP/GP allows for amending or revising the RMP/GP to account for changes in environmental or other conditions. If water quality monitoring identifies any pollutants in excess of state limits, the RMP/GP or boating management plan could be revised to implement a phaseout of nonconformant engines in a shorter period than 3 years.
2. The EPA encourages water quality monitoring of Millerton Lake in regard to the summer water quality change and potential cyanobacteria or blue-green algae blooms. **Response:** The current program of water quality testing described in Section 3.1.2.2 will be continued, and testing for cyanobacteria and blue-green algae will be evaluated if water color or other factors indicate high levels of these components.
3. The comment recommends a firm commitment in the Record of Decision to project-specific NEPA analyses. **Response:** This ROD makes clear the intention to prepare site specific analysis for actions required to implement Alternative 2.