

# DECISION NOTICE

and

## FINDING OF NO SIGNIFICANT IMPACT

for

### *Last Chance Integrated Vegetation Management Project*

USDA Forest Service, Tahoe National Forest  
American River Ranger District  
Placer County, California

## DECISION AND REASONS FOR THE DECISION

### Background

In 2005, the American River Ranger District identified a 40,000-acre landscape that showed signs of forest health decline (density and drought related mortality) and provided strategic potential for modifying wildfire behavior. At the same time this project proposal was beginning to take shape, the Sierra Nevada Adaptive Management Project (SNAMP) became established. The SNAMP was formed to develop, implement, and test the adaptive management strategy outlined in the *Sierra Nevada Forest Plan Amendment Record of Decision* (SNFPA ROD, 2004). The SNAMP is made up of researchers from the University of California, the University of Minnesota, the USDA Forest Service, the USDI Fish and Wildlife Service, the California Resources Agency, and the public. The SNAMP Science Team is working with the agencies to develop an adaptive management and monitoring program consistent with the Sierra Nevada Forest Plan Amendment.

The SNAMP Science Team selected the American River Ranger District's project proposal to evaluate the efficacy of fuels treatments across four response variables, including public participation, wildlife, water, and fire/forest health. The four 7<sup>th</sup>-field watersheds in the analysis area were divided as follows: two of the watersheds were designated as "controls" for the SNAMP study while the other two were designated for treatment. The American River Ranger District is responsible for planning and implementing the Last Chance Project while the SNAMP Science Team functions as an independent third party studying the response variables.

It should be noted that due to time constraints and potential funding with Western Pine Beetle Prevention Thinning funds, the 259 acres of small conifer thinning proposed in existing plantations as part of the preliminary Last Chance Project Environmental Assessment (EA), has been analyzed under a decision memo. Therefore, the plantation thinning proposal was removed from the final Last Chance EA in May, 2008.

### Decision

I have read the Last Chance Integrated Vegetation Management Project Environmental Assessment (EA), reviewed the analysis in the project file, including documents incorporated by reference (listed on page 63 of the EA), and fully understand the environmental effects disclosed

therein. After careful consideration of the analysis, applicable laws, the Forest Plan, public comments, and relative scientific information, it is my decision to select Alternative 1, which is fully described in the EA on pages 12 through 17.

In Summary, implementation of Alternative 1 would thin approximately 1,800 acres of overstocked conifer stands to promote ecosystem resiliency of the area; manage the dense areas of beargrass for traditional weavers on 78 acres; burn concentrations of activity generated fuels (slash) and natural surface and ladder fuels in cable thin Treatment Areas (242 acres); underburn natural surface and ladder fuels on 577 acres, tractor pile and burn 311 acres; and operate and maintain a road system necessary to provide sustainable access to the area. This alternative best meets the Purpose and Need for the project described in the EA on pages 6 through 12. Management requirements are incorporated into the design of Alternative 1 to reduce and avoid adverse environmental effects. These requirements are described in the EA on pages 23 through 31.

The reasons for my decision are based on addressing the Purpose and Need for the Last Chance Project which will reduce the adverse effects of a potential wildfire in the American River drainage; develop forest stands that are more resilient to ecosystem disturbances, including wildfire and drought as well as insects and diseases; promote shade-intolerant conifer species and oaks; create conditions that would allow reintroduction of low intensity fire to the ecosystem; manage beargrass for traditional weavers; operate and maintain a road system that provides sustainable access to National Forest lands for the administering, protecting, and utilizing the Tahoe National Forest's lands and resources.

I believe that meeting the objectives in the Purpose and Need for fuels management, forest health, and wildlife habitat diversity, while protecting the environment, are important and necessary endeavors. I acknowledge that reductions in the forest canopy are expected; however, thinning and fuel reduction treatments will reduce the potential for a high-intensity, stand-replacing fire and return conifer stands to a healthier, more historic condition of large, widely spaced, fire resilient trees.

Further reasons for selecting Alternative 1 include:

- Thinning will reduce the stand density to a range where trees grow well, risks of mortality from insects and disease are reduced, and a greater likelihood exists that a stand will survive and grow into a larger size class.
- Fuels treatment will reduce existing and project-generated fuels. Once areas have been thinned and the ground fuels reduced, the introduction of low intensity prescribed fire into the ecosystem will be much easier and safer.
- Project design features will maintain large trees, snags, and large woody debris; protect riparian and other unique habitats; protect soils and water quality; provide for the long-term development and sustainability of old forest habitat; and minimize disturbance to wildlife.
- Mechanical thinning from below to a 30-inch diameter at breast height (dbh) limit will improve the cost efficiency of the project. Cost efficiency was an important factor in the SNFPA 2004 ROD, which on page 9 states: "Modifications to some of the diameter size limits imposed by the SNFPA 2001 ROD will improve the cost-effectiveness of projects."

- Thinning to a 30-inch diameter limit will yield additional commercial value over a 20-inch diameter limit, to help offset treatment costs and contribute to the maintenance of the local timber industry infrastructure.

I acknowledge that many people are concerned with vegetation management in Old Forest Emphasis Areas, so this decision incorporates the standards and guidelines developed in the SNFPA ROD to protect old forest dependent species while reducing the fuel loads to minimize catastrophic fires.

I also recognize that there were questions regarding the SPLAT strategy being implemented for the current project; however, the rationale has been examined and adequately explained in the EA, and in the attached Responses to Comments.

## **ALTERNATIVES CONSIDERED**

Three alternatives were considered in detail: **Alternative 1**- *the Proposed Action (as described in the Last Chance EA)*, **Alternative 2** - *No Action*, and **Alternative 3** - *20 inch Upper Diameter Limit*. Two additional alternatives were considered, but eliminated from detailed study for the reasons described in the EA on pages 22 through 23.

**Alternative 2 - No Action** will not respond to the Purpose and Need and will leave the targeted stands in their current, unhealthy, overstocked condition. It is highly likely that if no action is taken to reduce the stocking in these stands or reduce the fuel hazard, then drought-assisted insect and disease mortality will increase to epidemic levels. Furthermore, as the tree density and fuel conditions continue to increase, there is a greater potential for a high intensity destructive wildfire, perhaps of catastrophic nature.

**Alternative 3 - 20 inch Upper Diameter Limit** was developed to respond to comments received during the opportunity to comment period. This third alternative retains higher levels of basal area in the larger trees than the Proposed Action (Alternative 1). Alternative 3 would not remove trees greater than or equal to 20 inches in diameter. It is designed to respond to concerns regarding the potential impacts of removing trees up to 30 inches in diameter, and reducing canopy cover on habitat for the California spotted owl. Alternative 3 will not respond to the Purpose and Need and will leave the stands in their current overstocked condition.

Due to upper diameter limit constraints proposed in Alternative 3, the treatment acres dropped from approximately 1,800 acres of thinning considered in the Proposed Action to 846 acres for Alternative 3. Additional analysis related to timber sale economics and timber sale feasibility dropped the treatment areas to 198 acres. Conifer tree health, vigor, resistance to fire, resistance to insects, and disease as well as enhancing stand structure diversity would not be improved and a pattern of area treatments that is effective in modifying wildfire behavior would not be developed.

## **PUBLIC INVOLVEMENT**

The Last Chance Project proposal was listed in the Schedule of Proposed Actions beginning in 2007. The proposal was provided to the public and other agencies for comment during scoping in July 2007 and November 2007. Twenty four letters were sent out as part of the public involvement process and another 210 letters were sent electronically to potential interested citizens and agencies.

Two field trips were held in July and November 2007 to initiate collaboration and facilitate public understanding about the project. A third field trip was held in consultation with the local Tribes in November 2007. These comments were used to identify significant issues and develop the alternatives. In addition to the 2007 field trips, two public field trips were held in 2008. The topic of the first field trip was Forest Health, and the second field trip was held as a request of members of the public in order to review the mark of trees.

The preliminary EA was sent out and the 30-day Opportunity to Comment was published in the *Auburn Journal* in April 2008 and the *Union* in July 2008. The first comment period assumed the environmental assessment was being prepared under the guidelines of the Healthy Forest Restoration Act (HFRA), but it was subsequently changed to guidelines outlined in the SNFPA ROD, 2004. This resulted in a second 30-day comment period under 36 CFR 215 regulations. Those who commented during the April 2008 30-day Opportunity to Comment period did not need to re-submit comments for standing to appeal. I considered and responded to these comments; the responses to these comments are attached as an appendix to this decision.

Notification of this decision will appear in Grass Valley's *The Union* and will be distributed to those who commented on the EA.

## FINDING OF NO SIGNIFICANT IMPACT

I have determined that this action will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. This determination is based on the effects analysis documented in the Last Chance Project EA, and considers the following factors listed in 40 CFR 1508.27:

(a) **Context** - This project would not pose significant effects either in a local context or in the broader context of the Tahoe National Forest (EA, pg 33).

(b) **Intensity**

1. **Beneficial and adverse impacts.** Benefits of this project were not used to offset adverse impacts, and adverse impacts of this project are not significant even when separated from the benefits. See EA pages 33 through 44.
2. **The degree to which the Proposed Action affects public health or safety.** Implementation of this project will not cause any significant effects relative to public health and/or safety. See EA pages 44 through 46.
3. **Unique characteristics of the geographic area.** This project would not have any significant effects on unique characteristics of the geographic area. See EA page 46.
4. **The degree to which the effects on the human environment are likely to be highly controversial.** Public involvement has not identified any legitimate scientific controversy regarding the effects of this project. See EA pages 46 through 47.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** Effects of implementing the selected alternative are not highly uncertain, nor do they represent unique or unknown risks. See EA page 47.
6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** This action does not establish a precedent for future actions or represent a decision about future management considerations. See EA page 47 through 48.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** This action would not cause any significant cumulative, environmental impacts. See EA pages 48 through 57.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historical resources.** This action would not pose any significant adverse effects on cultural or historical resources. See EA page 57.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** The selected alternative would not affect any federally threatened or endangered species or their designated critical habitat. The selected alternative will not cause a trend toward Federal listing or a loss of viability for any R5 Sensitive Species. See EA page 58.

**10. Whether the action threatens a violation of Federal, State, or local law or other requirements imposed for the protection of the environment.** The selected alternative conforms to all applicable Federal, State, and local laws and requirements. See EA pages 58 through 61.

### **Findings Required by Other Laws and Regulations**

I find that all actions included in Alternative 1 are consistent with direction in the *Tahoe National Forest Land and Resource Management Plan* (1990) as amended by the *Sierra Nevada Forest Plan Amendment* (2004) and the *Sierra Nevada National Forests Management Indicator Species Amendment* (2007). All actions meet *National Forest Management Act (NFMA)* requirements detailed in 36 CFR 219.27.

The project is in full compliance with the Endangered Species Act, the Clean Air Act, the Clean Water Act, and the National Historic Preservation Act.

### **Administrative Review or Appeal Opportunities**

This decision is subject to appeal pursuant to the regulations in 36 CFR §215. Individuals or organizations who submitted comments or otherwise expressed interest in the project during the comment period specified at §215.6 may appeal this decision. Appeals must be filed within 45 days following the date of the published legal notice of this decision in Grass Valley's *The Union* newspaper. The publication date of the legal notice in *The Union* is the exclusive means for calculating the time to file an appeal (§215.15 (a)), and those wishing to appeal should not rely upon dates or timeframe information provided by any other source. Notices of appeal must meet the requirements in 36 CFR §215.14. A statement of appeal, including attachments, must be filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the Appeal Deciding Officer, Randy Moore, Regional Forester, 1323 Club Drive, Vallejo, California, 94592. The office business hours for those submitting hand-delivered appeals are 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to [appeals-pacificsouthwest-regional-office@fs.fed.us](mailto:appeals-pacificsouthwest-regional-office@fs.fed.us). In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

If no appeals are filed within the 45-day time period, implementation of the decision may begin on, but not before, the 5th business day following the close of the appeal-filing period (36 CFR §215.15). When an appeal is filed, implementation may occur on, but not before, the 15th business day following the date of appeal disposition (36 CFR §215.2). In the event of multiple appeals, the implementation date is controlled by the date of the last appeal disposition.

## Contact Person

For further information concerning this decision or the Forest Service appeal process, contact: Laurie Perrot, Environmental Coordinator, Tahoe National Forest, 631 Coyote Street, Nevada City, CA, 95959. Phone: (530) 478-6244.

Tom Quinn \_\_\_\_\_  
Deciding Officer, Forest Supervisor

Date \_\_\_\_\_

## Attachment: Responses to Comments

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.*