

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT
CALLECAT ECOLOGICAL RESTORATION PROJECT
U.S.D.A. FOREST SERVICE
AMADOR RANGER DISTRICT
ELDORADO NATIONAL FOREST
EL DORADO COUNTY, CA

DECISION

Based upon my review of the Callecatt Ecological Restoration Project Environmental Assessment (EA), the supporting documentation and a review of public comments, I have decided to implement Alternative 1, the proposed action, with a modification to exclude mechanical ground based equipment from the Riparian Conservation Areas (RCA) of the main stems of Cat Creek and the Middle Fork Cosumnes River. The implementation of this decision will lead to fuels reduction and forest health treatments being conducted on approximately 6,200 acres of National Forest System Land. Once completed, the project area will be more resistant to large scale high intensity wildfire as well as tree mortality from drought stress, insects and disease. A full description of the proposed action and three other alternatives are found in the Callecatt Ecological Restoration EA.

My selection of Alternative 1 considers the public comments received in response to the Scoping Notice and circulation of the Preliminary Environmental Assessment, public collaboration field trips, and discussions with the Interdisciplinary Team (ID Team). In making this decision, I intend to implement all resource protection design criteria identified for Alternative 1 in the EA. Previous, similar treatments on similar forest lands have received broad, local public support.

DECISION RATIONALE

Alternative 1 best meets the purpose, need and overall project objectives which are to:

1. Reduce surface fuels and alter the vegetation structure in strategically placed areas to affect a reduction in fire severity and intensity.
2. Reduce stand densities and conduct forest health treatments to increase drought tolerance and reduce the risk of mortality from insect attack or disease.
3. Maintain and accelerate the development of key habitat and old forest characteristics.
4. Conduct vegetation treatments that are economically efficient.
5. Enhance hardwood resources, and associated wildlife habitat, by reducing conifer shading and improve the growth environment for oak.
6. Control existing infestations prior to project implementation to prevent the spread of noxious weeds during project implementation.
7. Provide effective soil cover adequate to prevent excessive erosion and sedimentation.
8. Maintain and improve roads to minimize erosion and provide for safe public access

9. Provide support to the local economy including infrastructure that gives value to forest products

Alternative 1 implements the Eldorado National Forest Land and Resource Plan as amended by the 2004 Sierra Nevada Forest Plan Amendment Record of Decision by improving the fire resiliency and overall forest health within the project area on a sufficiently large area as to realistically improve the future prospects of having a sustainable forest condition. The achievement of a more sustainable forest condition better protects and maintains forest related resources, including improved watershed conditions, improved wildlife habitat and enhanced forest health.

During the public comment period for the EA numerous concerns were raised about cumulative watershed effects. After a review of comments the ID Team determined that additional design criteria were needed. The proposed action was changed to further limit the timing of the commercial thinning and tractor piling in the Cat Creek Watershed. Instead of being implemented over two years, the activities will now take place over at least four years. The new design criteria will ensure that less than 10 percent of the watershed would be subjected to ground disturbance from commercial timber harvest in any one year.

In addition I am modifying Alternative 1 to incorporate additional protection for hydrologic resources and aquatic species habitat. Limiting ground disturbing activities in the RCAs of Cat Creek and the Middle Fork Cosumnes River will reduce the risk for project related sediment reaching a perennial stream. This in turn reduces potential effects to aquatic habitat as well as the risk of cumulative watershed effects.

Public concerns were also raised about effects to aquatic species pertaining to the use nonylphenol polyethoxylate based (NPE) surfactants in herbicide applications. After consideration of these comments, I have decided to exclude the use of NPE based surfactants from the selected Alternative.

Any action, significant enough to truly make a change in the future trajectory of forest conditions and reduce the risk of large, high intensity wildfires on a landscape basis, may have short-term unwanted effects. I am sensitive to these concerns and I have considered the question of not only how much treatment is too much, but conversely at what point is a planned treatment level too little to actually change fire behavior and improve forest health on a landscape basis. I must balance predicted risks and expected benefits.

The risks associated with large, high intensity wildfire are apparent to me. Large wildfires regularly occur on the Eldorado National Forest and there is ample evidence of the resource impacts caused by large high-intensity fires like the Fred's, Power, Pilliken, Icehouse, Cleveland, Wrights, and others that have burned over the last half century. Of first concern, is the risk to human life and safety. Wildland fire suppression crews are experiencing more extreme fire behavior in places like the Callegat project area where forest fuels have accumulated unabated for decades. The fuel reduction activities proposed in Alternative 1 are designed to moderate fire behavior in treated stands, reduce the rate and extent of spread of high intensity fire and provide more areas where fire crews can safely fight fire.

Large wildfires affect other resources, in variable and complex ways. Though conditions following large intense fires may favor some species (e.g. those that need early seral vegetation or dead trees), many of the adverse resource impacts caused by high intensity wildfire are not easily mitigated or repaired once they have occurred. Adverse impacts to watersheds, wildlife habitat, human safety, infrastructure and the many other environmental benefits of a healthy forest can persist for decades or centuries. It is preferable to prevent large scale, high intensity fires or to moderate their intensity by reducing fuel loads in individual stands and limiting their spread across the landscape by implementing the Strategically Placed Landscape Area Treatments (SPLAT¹) concept.

I have decided the risks of this project are reasonably predictable and can be effectively mitigated as detailed in the EA. I believe the risks have been recognized, analyzed and effectively mitigated.

I believe Alternative 1, as modified, adequately addresses environmental and social concerns when considered in the context of all the multiple management goals related to managing the Eldorado National Forest. It provides the best mixture of benefits for the associated costs. It moves 6,200 acres of forest land on a trajectory toward the desired conditions for the Callegat project area. The fuel treatments and other management actions on this project, in conjunction with the fuel reduction treatments that have occurred on other projects in the vicinity will move the affected landscape towards the broad, overall objective of reducing fire risk to the forest resources and local communities. It would also reduce tree densities and promote the desired size class distribution and a mosaic of vegetative structure in an uneven-aged forest.

ALTERNATIVES CONSIDERED

Two additional action alternatives were considered and analyzed in detail in the EA. These two alternatives (Alternative 3 and 4) were developed as a result of public scoping to address specific issues. The issues, or disputes with the effects of the proposed action, were as follows. There are multiple wildlife species that need all existing and future snags for habitat and this project proposes to remove mature trees and reduce future mortality that could affect the number of snags into the future. Additionally, treatments such as herbicide application and mechanical thinning in Riparian Conservation Areas could have negative effects to aquatic habitats.

Alternative 3 proposes to remove only those trees located within the commercial thinning units proposed in Alternative 1 that are needed to meet to modify fire behavior on the landscape. In general the diameter limit for thinning would be 16 inches. However, in order to facilitate equipment access to treat the units effectively, there may be circumstances where trees larger than 16 inches are removed. This would include removal of trees for landings, skid roads and in order to access some denser areas of stands with mechanical harvest equipment. In addition this

¹ Strategically placed area fuels treatments are non-overlapping treatment areas, spatially positioned to efficiently and effectively change fire behavior at the landscape scale. Conceptually, SPLATs are intended to slow fire growth and modify behavior while minimizing the amount of treated area required. The SPLAT arrangement changes fire behavior by forcing the fire to repeatedly flank around areas of treated fuels. Thus, the rate of growth of the fire is slowed, and its intensity and severity reduced. The locations of the treatment areas emphasize actions needed to make SPLATs effective in terms of interrupting wildfire rates of spread and burn intensity.

alternative would identify trees over 16" to be girdled and left as snags that would have been removed under Alternative 1 to meet forest health and promote fire-resistant tree species. All other items would remain the same as Alternative 1.

Alternative 4 would be identical to Alternative 1 except that ground based mechanical equipment would be excluded from the Riparian Conservation Areas (RCA) of the main stem of Middle Fork Cosumnes River and Cat Creek and herbicides would be excluded from all RCA's throughout the project area. Handwork would still be permitted in these areas.

Both Alternatives 3 and 4 would meet the purpose and need to varying degrees with some notable tradeoffs. Alternative 3 would meet the fuels objectives of reducing fire behavior in the short term yet the increase in snags could cause a hazard in the future. Large numbers of snags could cause problems for fire suppression crews as well as adding additional fuel loading over time. The additional snags could also cause forest health concerns by providing host sites for bark beetles.

Alternative 4 would meet the fuels objectives but would do so at a greater cost for implementation. On approximately 42 acres where thinning could not be performed using mechanical equipment, more expensive hand treatments would be used. This would be accomplished by cutting understory trees under 10" and hand piling them for burning. In pre-commercial plantations, the exclusion of herbicides in RCAs would mean more expensive and less effective manual cutting of brush would occur. Sprouting brush species would return in a much shorter time period (1-3 years) and lead to a return to undesired conditions such as competition for water and sunlight.

Alternative 4 would not meet the forest health objectives on the same amount of acres as Alternatives 1 or 3. Although hand treatments could address the fuels objectives, the effects on density reduction would be minimal. Much of the stand density, as measured by basal area, is contained in trees larger than 10" which would not be feasible to remove by hand. This would only affect approximately 17 of the 42 acres. On the remaining 25 acres, trees larger than 10" would be hand felled and removed using a skyline system.

No single factor or concern entirely prevailed in determining my choice of the selected Alternative, although I assigned greater importance to certain factors than to others. Overall, my principal concern is the clear need to protect the basic resources, primarily soil, water, wildlife and vegetation, from the potential effects of high intensity wildfire as well as from the predicted adverse effects of our proposed activities. The over-riding objective of this project is to improve forest health and reduce the risk and adverse effects of a potential high intensity wildfire. The emphasis upon management actions designed to reduce the adverse effects of wildfire in California and throughout the west is supported by both national policy and direction.

PUBLIC INVOLVEMENT

A brief description of the location and type of project was listed in the Schedule of Proposed Actions for the Eldorado National Forest starting in October 2010. Approximately 63 scoping letters were mailed out to adjacent property owners, federal, state and local agencies and interested individuals in December 2011. In addition a public meeting was held in January 2012

as well as two field trips in August and October 2012. A summary of the scoping comments received is located in the Appendix B to the EA.

A Preliminary Environmental Assessment (PEA) was mailed to the public and a legal notice published in the Mountain Democrat newspaper on January 17, 2013. Letters were mailed to 25 adjacent property owners, federal, state and local agencies and interested individuals. Nine comment letters were received during the 30-day comment period. Forest Service considerations of public comments on the Callegat Ecological Restoration EA are located in Appendix D.

FINDING OF NO SIGNIFICANT IMPACT

The justification for the Finding of No Significant Impact (FONSI) is described below. A more in depth discussion of the effects related to the FONSI can be found in the EA. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

CONTEXT

The direct effects of the proposed action are limited to impacts in the immediate project area. The Callegat Ecological Restoration project is located on the Eldorado National Forest between the areas of Big Mountain Ridge and Cat Creek Ridge, primarily in the watersheds of Cat Creek and the Middle Fork Cosumnes River, in El Dorado County, California. It is expected that the majority of project activities will be implemented and completed within 6 years. Prescribed burning activities may extend a couple years longer based on completion of commercial thinning and piling and weather conditions. Short-term adverse effects will be mitigated through implementation of Best Management Practices and Design Criteria of the project.

Mitigation measures have been incorporated into Alternative 1 as design criteria. These mitigation measures include, but are not limited to: imposing a limited operating period for ground disturbing activities from March 1 to August 15 for California spotted owl, flagging cultural resources for protection during ground disturbing activities and prescribed burning, maintaining late seral forest habitat, and spreading the implementation of ground disturbing activities over multiple years to reduce risk of cumulative watershed effects.

INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.**

Beneficial effects were not used to offset adverse effects. In the absence of beneficial effects, no adverse effects will be significant even when considered all by themselves. (EA, pages 37-38)

2. **The degree to which the proposed action affects public health or safety.**

The fuel treatments are designed to increase the efficiency of fire suppression efforts and reduce risks to firefighters, facilities and structures, water quality, and natural resources directly on 6,200 acres and indirectly through reduced rates of fire spread and intensity on the rest of the project area.

A comprehensive analysis of human health risks was conducted to analyze the potential for adverse health effects to workers and members of the public from the proposed use of pesticides. (EA pages 39-42) There will be no significant impact to public health or safety from the implementation of the proposed activities.

3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

There will be no significant effects on unique characteristics of the area, because of design criteria that were developed to minimize effects to these resources. (EA, page 44)

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. (EA pages 45-46)

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The proposed project follows the management direction in the Eldorado National Forest Land and Resource Management Plan (USDA Forest Service 1989) as amended by the 2004 Sierra Nevada Forest Plan Amendment (USDA Forest Service 2004). Local expertise in implementation of these types of projects minimizes the chance of highly uncertain effects, which involve unique or unknown risks. (See EA page 46-47)

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.**

Although it is acknowledged that the project area will not remain static, and may need future maintenance in the form of prescribed burning, this decision will not set a precedent for future actions. Any future decisions will require a site-specific analysis to consider all relevant scientific and site-specific information available at that time.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

The Biological Assessments and Biological Evaluations considered potential cumulative impacts of this proposal on habitat for plants, terrestrial wildlife, and aquatic species. In addition, cumulative watershed effects analysis was completed for all watersheds within the project area, which considered past, present and reasonably foreseeable future activities. These documents and analysis disclosed in the EA support the finding that this proposal will not cause significant cumulative effects on biological or physical resources, even when considered in relation to other actions. (See EA page 47-48)

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed , or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The project area has been surveyed and a comprehensive Heritage Resource Report (#R2011050310004) was completed. Protection of heritage resources in the area was incorporated into the proposed action through such measures as flagging and avoiding sites during project implementation. Based on the analysis documented in the Heritage Resource Report, the proposed action will not cause loss or destruction of significant scientific, cultural, or historical resources. (EA, pages 48-49)

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 will not jeopardize the continued existence of any fish, wildlife, or plant species potentially affected by this project and protected under the Endangered Species Act as determined by the forest botanist, forest aquatic biologist, and district wildlife biologist in the Biological Evaluation for Plants, Biological Assessment and Evaluation for Aquatic Species, and the Terrestrial Wildlife Biological Assessment and Evaluation. (See EA page 49)

10. Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action was developed in accordance with and, therefore, does not threaten to violate any Federal, State or local laws or requirements for the protection of the environment (i.e. Endangered Species Act, National Historic Preservation Act, Clean Water Act, Clean Air Act, and the National Forest Management Act). The proposed action is also consistent with the Eldorado National Forest Land and Resources Management Plan (1989) as amended by the Sierra Nevada Forest Plan Amendment (2004). (EA page 49-50)

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Eldorado National Forest Land Management Plan(1989) as amended by the Sierra Nevada Forest Plan Amendment (2004). The project was designed in conformance with Forest-wide Standards and Guidelines for Fire and Fuels Management and Mechanical Thinning Treatments as well as those for all other resources affected by the proposed activities.

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is subject to administrative review (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 36 CFR §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 the *Mountain Democrat* newspaper. The publication date of the legal notice in the *Mountain Democrat* is the exclusive means for calculation the time to file an appeal (§215.15 (a)), and those wishing to appeal should not rely upon dates or timeframes 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, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at: Randy Moore, Regional Forester, USDA Forest Service, Regional Office R5, 1323 Club Drive, Vallejo, CA 94592, fax: (707) 562-9229. The office business hours for those submitting hand-delivered appeals are: 8:00 am to 4:00 pm Monday through Friday, excluding holidays. Electronic comments 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. 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.

IMPLEMENTATION DATE

The project is planned for initial implementation in 2013. 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 §215.15). In the event of multiple appeals, the implementation date is controlled by the date of the last appeal disposition.

CONTACT

For additional information concerning this decision, contact: Marc Young, Amador Ranger District, 26820 Silver Drive, Pioneer, CA 95666, Phone: (209) 295-5955


KATHRYN D. HARDY

Forest Supervisor

April 24, 2013
Date



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