



DECISION MEMO

Hawken Fire Personal Use Fuelwood and Reforestation Project

**USDA Forest Service
Humboldt-Toiyabe National Forest, Carson Ranger District
Washoe County, Nevada**

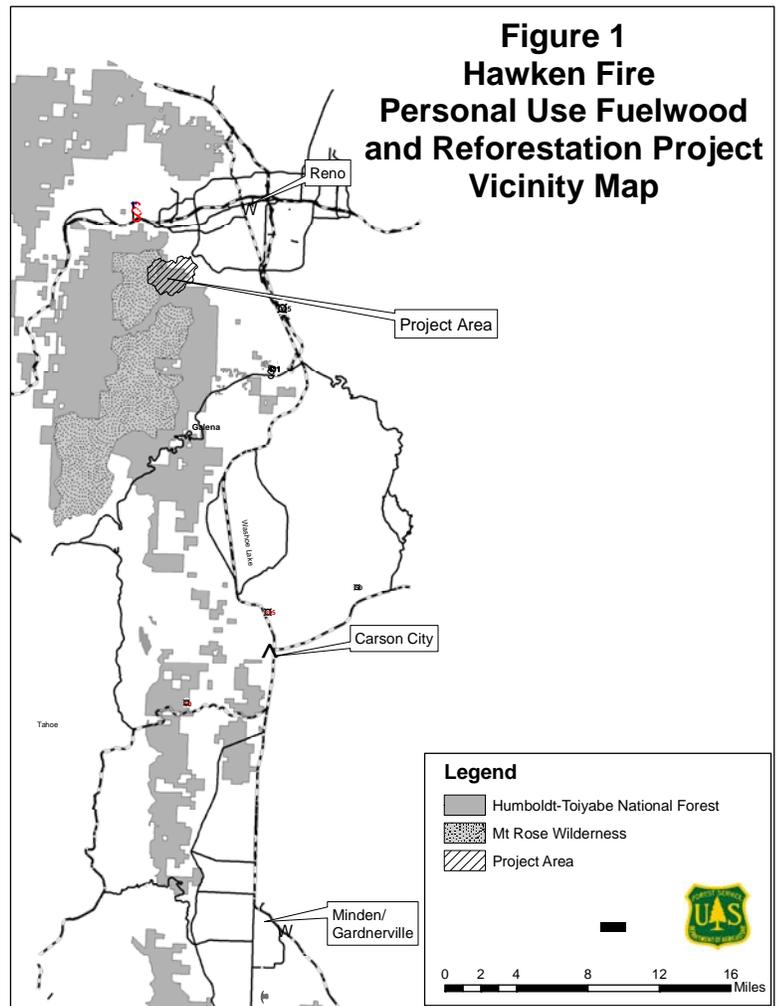
I. PROJECT BACKGROUND AND DECISION TO BE IMPLEMENTED

A. PROJECT LOCATION

The project is located within Washoe County, Nevada, immediately West of Reno, Nevada near the Caughlin Ranch subdivision. Access to the project area is via the Hunter Lake and Alum Creek roads. The legal description is T.19N., R.19E., sections 30, 31 and 32; T.18N., R.19E., sections 5 and 6; T.18N., R.18E., section 1 and T.19N., R.18E., section 25 and 36, Mount Diablo Meridian. Figure 1 is a vicinity map of the project area.

B. BACKGROUND/PURPOSE AND NEED FOR ACTION

The Hawken Fire of July 2007 burned a total of 2,709 acres; 1,949 acres burned on National Forest System lands and 469 acres burned within the Mt. Rose Wilderness area. Of the 1,480 acres of National Forest System lands outside the wilderness area, 946 acres were covered with shrub and 534 acres were covered with conifer prior to the fire. The Hawken Fire generally burned at moderate to high intensities, though some areas burned at lower intensities, creating an underburn with minor tree mortality. This project is located within the wildland urban interface (WUI).



The purpose of this project is to re-vegetate some burned areas, restore a forested condition, improve wildlife habitat, watershed and scenery, provide for public safety, and remove some dead trees to recover their economic value.



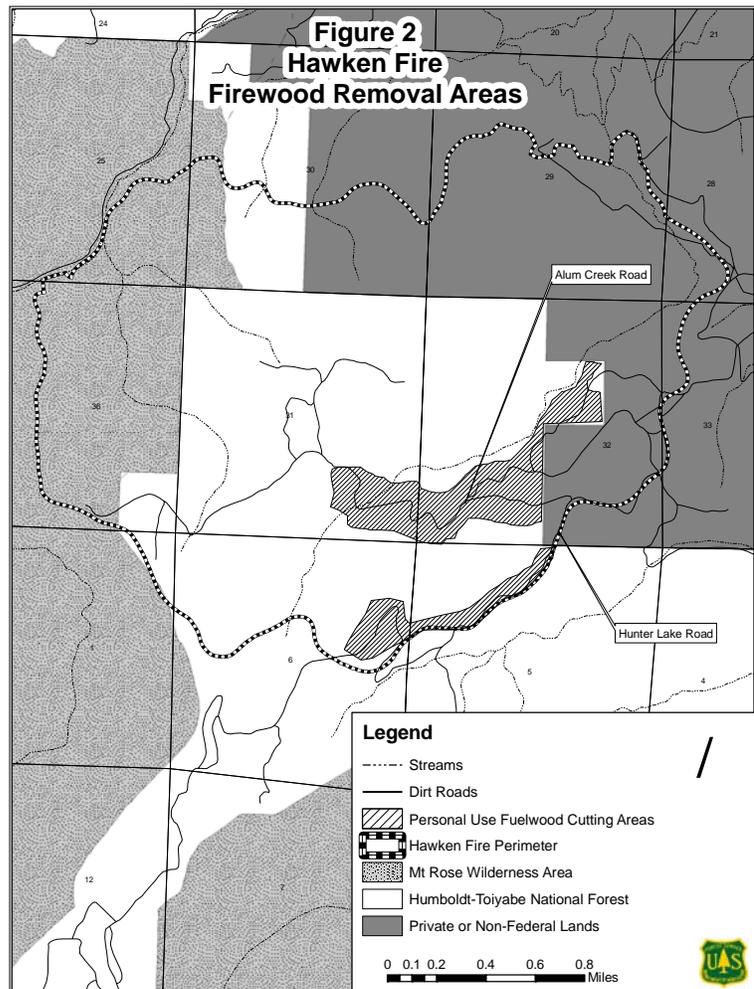
C. DECISION

I have decided to proceed with the proposed action, including the removal of dead, fire killed trees on up to 200 acres, planting of up to 120,000 tree seedlings on up to 450 acres, seeding or planting mountain mahogany on up to 50 acres and seeding or planting shrub seedlings on up to 200 acres within the Hawken Fire burned area. The existing road systems will be used to access the project area; no new permanent roads will be constructed.

Fire killed trees will be removed by the public through the sale of personal use fuelwood removal permits. Only dead trees will be removed and information will be provided to the public on the importance of burning seasoned firewood. The amount of trees removed will depend on the mortality of scorched trees. Slash will be scattered; the amount of slash will be minimal

and the material on the ground will assist with reducing soil erosion. Figure 2 depicts the areas that may have dead trees removed through personal use fuelwood removal permits.

Up to approximately 450 acres will be planted with Jeffrey, ponderosa and sugar pine seedlings within the next three years. The sites to be planted were occupied by conifers prior to the fire; the actual acreage planted will depend on the survivability of scorched trees. Microsites will be utilized to increase tree survival. Microsites are stationary objects such as tree stumps or large branches that shade the tree during the late afternoon, two to four in the evening. If natural microsites don't exist, synthetic tree shelters may be utilized as microsites on east, west and south facing slopes. North facing slopes are natural microsites because they are shaded in the late afternoon. Where mature trees survived the fire, natural regeneration will occur; however this will be a slow process and may not occur until after the trees produce an abundant cone crop. Any natural regeneration will be favored and not be disturbed by tree planting activities. Approximately 100 to 300 seedlings per acre will be planted; this will vary depending on natural regeneration, slope and rock content. Before a seedling is planted, site preparation will be done





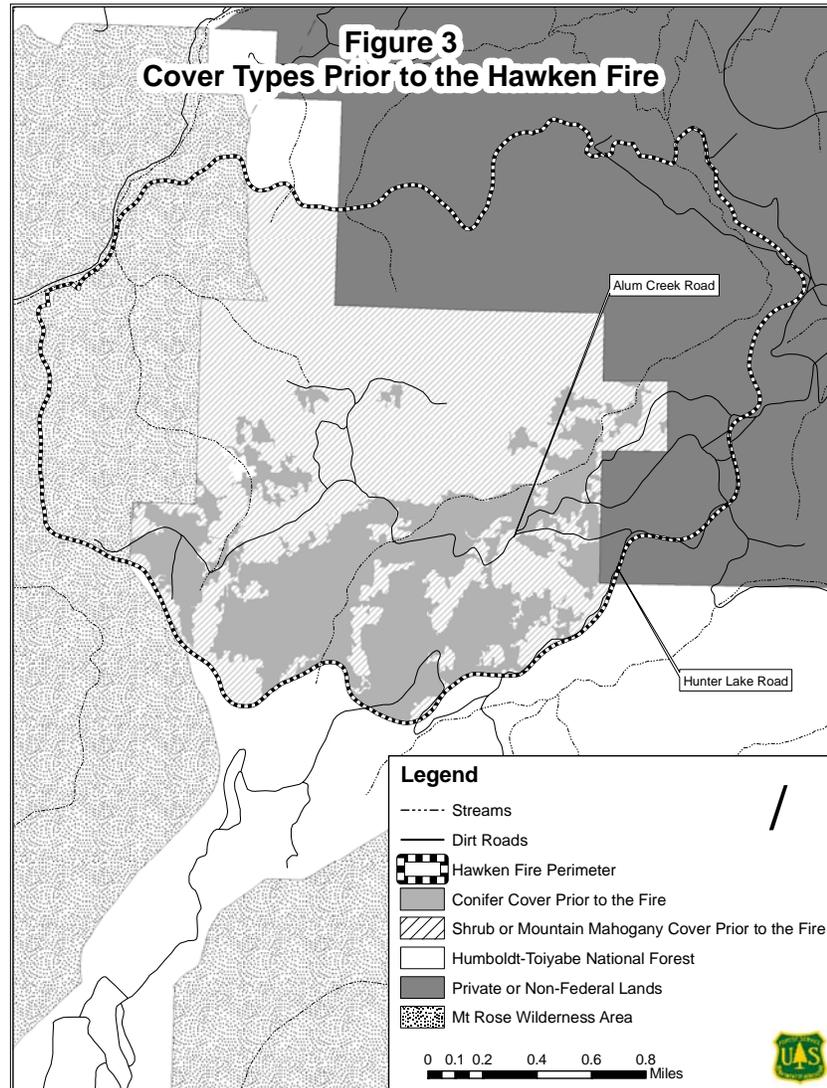
by removing any competing vegetation two feet around the planting spot, so that competition for water is not a limiting factor.

Up to 50 acres will be planted or seeded with mountain mahogany seedlings or seed. The areas to be planted or seeded were occupied by mountain mahogany prior to the fire; the actual acreage planted or seeded will depend on the sprouting ability and mortality of the surviving mountain mahogany.

Up to 200 acres will be seeded with brush species, primarily bitterbrush and sagebrush. This will depend on the sprouting ability of the surviving brush.

The areas and acreages planted and seeded will vary depending on mortality and sprouting of surviving vegetation. Trees, mountain mahogany and brush will only be planted or seeded where they existed prior to the fire. Tree, mountain mahogany and brush planting and seeding may occur on National Forest System Lands outside of the Mt. Rose Wilderness within the Hawken Fire perimeter. Figure 3 depicts the cover types that existed prior to the Hawken Fire and indicates where trees and shrubs may be planted; mountain mahogany occurs as small islands within the conifer areas.

My decision is based on several factors including the contents of this Decision Memo, site-specific resource information, and supporting documentation. My conclusion is based on a review of the record that shows a review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk”.





II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA) when conditions of one of the categories identified by the U.S. Department of Agriculture are met. These categories can be found in 7CFR par 1b, or as identified in the Forest Service Handbook (FSH) 1909.15, section 31. To be categorically excluded there must not be extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

I have concluded that this decision is appropriately categorically excluded from documentation in an EIS or EA as it is a routine activity with a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

A. CATEGORY OF EXCLUSION

This decision qualifies for the following exclusion under FSH 1909.15, Chapter 31.2, Category 31.2(11) – *Post-fire rehabilitation activities, not to exceed 4,200 acres (such as tree planting), to repair or improve lands unlikely to recover to a management approved condition from wildland fire damage, or to repair or replace minor facilities damaged by fire* and 31.2 (13) *Salvage of dead and/or dying trees not to exceed 250 acres, requiring no more than ½ mile of temporary road construction.*

B. FINDING OF NO EXTRAORDINARY CIRCUMSTANCES

Extraordinary circumstances include, but are not limited to: Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species. Flood plains, wetlands, or municipal watersheds. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas. Inventoried roadless areas. Research natural areas. American Indians and Alaska Native religious or cultural sites. Archaeological sites, or historic properties or areas. The mere presence of one or more of these resource conditions does not preclude the use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist (FSH 1909.15 Chapter 30.3).

The categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects which may significantly affect the environment. I have determined this based on the following analysis:

A. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

The Endangered Species Act (ESA) requires that federal activities do not jeopardize the continued existence of any species federally listed and candidate, proposed, threatened, or endangered, or result in adverse modification to such species' designated critical habitat. In accordance with this Act, the district wildlife biologist analyzed and documented the potential effects of this project on species and critical habitat listed under the ESA. The information



indicated that there is no critical habitat for any federally listed species in the project area. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in a Biological Assessment/Evaluations (available in the project record). Biological Evaluations were also completed for Forest Service Sensitive Species.

B. Flood plains, wetlands, or municipal watersheds.

Floodplains: Executive Order 11988 is to avoid adverse impacts associated with occupancy and modification of floodplains. Floodplains are identified by this order as, "...the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent (100-year recurrence) or greater chance of flooding in any one year."

Not Present, No Effect – Due to the location of the project areas, there are no floodplains present or involved with the proposed treatment area. This decision will not affect floodplains.

Wetlands: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, "... areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated condition for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

Not Present, No Effect – The project area does not have wetlands and the decision will have no affect on wetlands.

Municipal Watersheds: Municipal watersheds are managed under multiple use prescription in land and resource management plans.

Not Present, No Effect – The project area is not located within a municipal watershed and the decision will have no affect on municipal watersheds.

C. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.

Wilderness:

Not Present, No Effect – Though the Hawken fire burned within the Mt. Rose Wilderness area, this project is not located within and the decision will not affect Wilderness areas, specifically, the Mt. Rose Wilderness area.

Wilderness Study Areas

Not Present, No Effect – This project is not within and the decision will not affect any wilderness study areas.

National Recreation Areas

Not Present, No Effect – There are no National Recreation Areas on the district. This decision will not affect National Recreation Areas.

D. Inventoried roadless areas.

Present, Not Significant – Some of the project area proposed for tree and shrub planting is located within an inventoried roadless area (IRA). In the 2006 Humboldt-Toiyabe Forest Plan Revision Assessment of Wilderness Potential the project was found to be non-capable as a



wilderness area. The dead tree removal activities do not occur within the inventoried roadless area.

E. Research natural areas.

Not Present, No Effect – This decision does not affect Research Natural Areas (RNA's). The project is not in or adjacent to the one designated RNA on the district. The closest RNA, the Babbitt Peak RNA is located over 10 miles northwest of the project area. This decision, with impacts limited to the immediate area of activity, will not affect RNA's.

F. American Indians and Alaska Native religious or cultural sites, archaeological sites, or historic properties or areas.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object this is included in, or eligible for inclusion in the National Register. Section 106 of the National Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered on federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited Acts. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. A “no properties affect” determination was made. Consultation on this finding occurred with the Nevada State Historic Preservation Office.

Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. Consultation with potentially affected tribes occurred prior to scoping, in addition, tribes were mailed the request for comments letter. No comments were received and no tribal concerns were identified for this project.

III. PUBLIC INVOLVEMENT

The proposal for this project was provided to the public and other agencies for comment during scoping. A request for public comments was mailed out to 34 interested persons and organizations on August 16, 2007. A legal notice was published in the *Reno Gazette Journal* on August 16, 2007 providing an opportunity to comment. The project was also included in the October 1 to December 31, 2007 and January 1 to March 31, 2008 Schedule of Proposed Actions (SOPA).

In response to public comment requests, two verbal comments were received; these comments were in support of the project.



IV. FINDINGS REQUIRED BY OTHER LAWS

This decision is consistent with management direction, including standards and guidelines, in the Amendment to the Humboldt-Toiyabe National Forest Land and Resource Management Plan (1986), as amended by the Sierra Nevada Forest Plan Amendment Record of Decision (January, 2004), which were developed in accordance with the National Forest Management Act of 1976, 16 USC 1604(i) and 36 CFR 219.10(e) and with the National Environmental Policy Act. This decision is also consistent with some of the other pertinent laws, including:

Endangered Species Act (ESA). According to Section 7 of the ESA, Federal agencies must ensure that authorized actions are not likely to jeopardize the continued existence of any threatened or endangered species. Biological assessments and biological evaluations were conducted for all Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species, animal, plant, and fish species found the Humboldt-Toiyabe National Forest. The Biological Evaluation contained in the project record reveals that the circumstances and potential effects of this proposal are not considered a threat to Threatened, Endangered, or Sensitive animals and plants, or to their habitat. Based on these findings, I conclude that my decision is consistent with the ESA. Biological evaluations for Forest Service sensitive species were also conducted. This project is not considered a threat to any designated sensitive species either.

The Clean Air Act and Executive Order 11990. Based on the analysis conducted for this proposal, I conclude that my decision meets the intent of the Clean Air Act and Executive Order 11990.

The National Historic Preservation Act; the American Indian Religious Freedom Act; and the Native American Graves Protection and Repatriation Act. According to these acts, Federal agencies are required to conduct adequate reviews to assess the possible effects of project decisions upon heritage resources. A cultural resources survey report was completed for the project area. The required legal consultation process has been completed with the Nevada State Historic Preservation Office (SHPO) with concurrence for the project. My decision incorporates measures that meet the intent of these acts.

Executive Order 12898 – Environmental Justice. I have considered the effects of my decision on low income and minority populations and concluded that this project is consistent with the intent of this order. My decision will not cause a significant change in local employment or revenue sharing with local communities. It should not disproportionately affect low income and minority populations.

V. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

The 30-day comment period for this project ended on September 8, 2007 and only supportive comments were received. Therefore, this decision is not subject to appeal pursuant to 36 CFR 215.12.



VI. IMPLEMENTATION DATE

This decision may be implemented immediately upon publication in the Reno Gazette Journal (36 CFR 215.9).

VII. CONTACT PERSON

For further information concerning this decision, please contact: Amanda Brinnand, Carson Ranger District, 1536 So. Carson Street, Carson City, NV 89701, 775-882-2766.

/s/David Loomis

February 4, 2008

DAVID LOOMIS
Acting District Ranger

Date

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