

DECISION MEMO

Antelope Valley Fuels Reduction Project

Humboldt-Toiyabe National Forest
Bridgeport Ranger District
Mono County, CA

The Humboldt-Toiyabe National Forest, Bridgeport Ranger Station will implement a fuels management project on approximately 100 acres on National Forest lands adjacent to the Antelope Valley Indian Colony near Walker, California.

PURPOSE AND NEED

The purpose of the Proposed Action is to reduce hazardous fuels on National Forest lands in the Antelope Valley. Much of the area proposed for treatment is immediately adjacent to private property and to homes. The proposed treatments are intended to decrease the intensity of future wildland fires in the treated areas, and increase the safety of residents, private property, and firefighters working to protect the community and suppress fires.

Specifically the project will accomplish the following:

- The project will reduce the threat of wildland fire to life, private property and National Forest lands.
- The fuel treatment project will reduce fire behavior, burn severity, and provide a safer environment for fire suppression resources to suppress fires within the project area.

The project will enable the Forest to move closer to its mission of serving the public as a steward of the land and its resources, (Forest Plan pp. IV-1). The project is within the Bridgeport District urban interface Sierra Front zone and is consistent with Forest fire management goals and objectives for the management area.

This Proposed Action is needed because the defensible space between private property and the adjacent wildland is inadequate. Recent wind-driven wildland fires adjacent to Antelope Valley have produced extreme wildfire behavior putting residents, private property, and firefighters at risk. Due to the mix of land ownership, Bureau of Land Management (BLM), Owens Valley Indian Housing Authority-H.U.D., private property and Forest Service land, a cooperative partnership is required for effective protection of residences and private property. Fuel reduction projects scheduled on Bureau of Land Management lands will compliment this proposed Forest Service project.

LOCATION

The project area is one mile southeast of the community of Walker, California. Project location includes portions of Sections 22 and 27 in Township 8N, Range 23 east in MDM.

DECISION

It is my decision to implement the Proposed Action as described on approximately 100 acres in Antelope Valley.

Mow and mulch-use a Bobcat-sized mowing machine to mow and mulch shrubs and small pinyon pine. This treatment type is best used on gently sloping, non-rocky units needing treatment of shrubs and smaller-sized pinyon pine.

Hand-cut, pile and burn or hand-cut and chip- use chainsaws to hand-cut shrubs and pinyon pine. Limbs and stems would be hand-piled and the piles burned when safe conditions permit, i.e. when there is snow in the area. In most circumstances, however, limbs and stems would be mechanically chipped, with the chips scattered on-site as mulch. Larger pinyon pine stems would be made available for personnel use firewood. This treatment type is appropriate where steep slopes, rocky terrain, or other issues preclude the use of treatment options.

It is anticipated that the project area would require maintenance treatments every 3-5 years as the vegetation gets reestablished and becomes a fire threat.

The following project design features will be followed:

- Clean and inspect all equipment to ensure it is weed-free prior to entering National Forest Service land.
- There is potential habitat within four acres of the project area for Masonic Mountain jewel flower. This area will be flagged and avoided while fuel reduction treatments are being implemented in order to reduce the impacts to this species. Based on the avoidance of the Masonic Mountain jewel flower habitat during treatment activities, it is the Wildlife biologist's determination that under the proposed action there will be no impact to the Masonic Mountain jewel flower.
- Where conditions allow, retain clumps (4-6 trees) of trees, 1 clump per acre. Retain both larger and medium sized trees.
- To the extent possible, and without reducing the Proposed Action's ability to achieve the Purpose and Need for Action, as described above, retain pinyon pine trees exhibiting large cone crops for their importance and value as a traditional food source for local Native Americans.
- If pile burning of slash is required, the bare ground will be seeded. Seed mix and understory species: Great Basin wildrye, Indian ricegrass, Squirreltail, Needle-and-thread grass. Seeding shall take place in the fall of the year.
- The one archeological site within the Area of Potential Effects (APE) will be avoided.
- If any cultural sites not previously recorded are found during project implementation stop all work in the immediate area and contact the District Archeologist.

PUBLIC INVOLVEMENT

On November 23, 2004 letters were sent to all mailboxes in the Antelope Valley, informing them of the proposed fuels reduction work. Also on November 23, 2004 a BLM/Forest Service news release was issued to the local newspaper and radio and television station. Three Antelope Valley residents responded, and all three were supportive of the proposed project. One resident expressed some concern for the intensity of the proposed treatments, but this concern was alleviated after the resident viewed pictures of other fuel reduction projects in the Eastern Sierra.

On March 24, 2005 the Bishop Field Office Archeologist and Fuels Planner, and the Bridgeport Ranger District Archeologist and Fuels Specialist traveled to Antelope Valley and met with representative from the Bridgeport Indian Colony and the Washoe Paiute of the Antelope Valley. Tribal representatives were provided an overview of the Proposed Action, as well as photographs of similar fuels reduction projects in the Eastern Sierra. The benefits of pinyon pine thinning were discussed, including greater resistance to drought-induced bark beetle attack and reduced loss of pinyon pine in future wildland fires. The primary concern expressed by the tribal representatives regarding the Proposed Action, was for the loss of mature, seed-producing pinyon pine trees, which are a traditional food source for local Native Americans. This concern has been mitigated.

FINDINGS REQUIRED BY OTHER LAWS

This project is tiered to the Record of Decision for the Final Environmental Impact Statement for the Toiyabe National Forest Land and Resource Management Plan. There are no known threatened, endangered, or sensitive plant or animal species in the area that would be adversely affected by this proposal (see BE's and Specialist Reports located in the project file), nor are there any wetlands or floodplains that would be negatively affected. This project is in keeping with the Healthy Forest Initiative. This project has received concurrence from SHPO and the project has completed Native American Consultation. This proposal is in compliance with the National Clean Water and Clean Air Acts. In addition, this project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001, Memorandum of Understanding between the Forest Service and Fish and Wildlife Service designed to complement Executive Order 13186 (see Migratory Bird Specialist Report in the project file).

Local level planning and collaboration involved individuals that had knowledge and interest in the resources and is consistent with the *A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment: 10-Year Comprehensive Strategy Implementation Plan*, dated May 2002.

CATEGORICAL EXCLUSION

I have determined that this project can be categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement. My decision falls within Section 31.2(10) of the Forest Service Environmental Policy and Procedures Handbook (FSH 1909.15) as amended 07/06/2004.

“Hazardous fuels reduction activities using prescribed fire, not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing, not to exceed 1,000 acres.”

The analysis in this project file and previous experience with these types of activities indicate that there would be no significant adverse effects upon extraordinary circumstances. The mere presence of one or more of these resource conditions does not preclude 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. These extraordinary circumstances include:

1. *Steep slopes or highly erosive soils.* There are no steep slopes or highly erosive soils in the project area.
2. *Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.* There are no federally listed threatened or endangered species or their critical habitat in the project area. There will be no adverse effects to any sensitive species in the area (Biological Evaluation).
3. *Floodplains, wetlands, or municipal watersheds.* The project area contains none of these lands.
4. *Congressionally designated areas such as wilderness, wilderness study areas, or National Recreation Areas.* The project area is not located in a Congressionally designated area.
5. *Inventoried Roadless Areas.* The project is located adjacent to roads and developed private lands and will not impact any Inventoried Roadless Area or unroaded areas.
6. *Research Natural Areas.* No RNA's occur within or near the project area.
7. *Native American religious or cultural sites, archeological sites, or historical properties.* The U.S. Forest Service archeologist conducted a Class III cultural resources inventory of the proposed treatment area and recorded one site within the Area of Potential Effects (APE) field designator TY-5110. The area will be afforded the same protection as sites deemed eligible or listed in the NRHP and will be avoided.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is subject to appeal in accordance with the July 2, 2005 order and subsequent clarifications (issued on July 7, September 16, and October 19, 2005) issued by the U.S. District Court for the Eastern District of California in *Earth Island Institute v. Ruthenbeck (Pengilly)*. Only individuals or organizations who submitted substantive comments during the comment period are eligible to appeal (36 CFR 215.6).

Appeals must meet the content requirements of 36 CFR 215.14. Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of this notice in the Mammoth Times¹. The Appeal Deciding Officer is Edward C. Monnig, Forest Supervisor. Appeals must be sent to: Appeal Deciding Officer, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. Emailed appeals must be submitted in rich text (rtf) or Word (doc) and must include the project name in the subject line. Appeals may also be hand delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

¹ Appeals must be postmarked by midnight, Mountain Standard Time.

IMPLEMENTATION

If not appealed, implementation of this decision may begin on, but not before, the 5th business day following the close of the appeal-filing period (36 CFR 215.9[a]). If appealed, implementation of this decision may occur on, but not before, the 15th business day following the date of appeal disposition (36 CFR 215.9[b]).

CONTACTS

The responsible official for this project is, Cheryl Probert, District Ranger, Bridgeport Ranger District, HC 62 Box 1000 Bridgeport, CA 93517. The telephone number is (760) 932-7070. For more information on this project, contact Annamaria Echeverria, Fuels Specialist, at the above address.

/s/ Cheryl F. Probert

CHERYL F. PROBERT

District Ranger

8-4-06

Date

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