

DECISION MEMO
BALD MOUNTAIN FUELS REDUCTION PROJECT

USDA, Forest Service
Humboldt-Toiyabe National Forest
Bridgeport Ranger District
Lyon County, Nevada

PURPOSE AND NEED

The purpose of the project is to maintain pinyon/juniper woodlands at the Fire Regime Condition Class 1 level. The majority of the pinyon/juniper woodlands within the Bald Mountain area have been classified as being in Fire Regime IV and within Fire Regime Condition Class II or III. This classification is based on the Interagency Fire Regime Condition Class system that describes the vegetations degree of departure of from the historical natural fire regime.

Pinyon/juniper stands within Condition Class II & III are determined to be moderately to high departure from their historical fire regime. The vegetation composition, structure and fuels have been altered from the historic regime which predisposes the system to loss of key ecosystem components. Treating pinyon/juniper in Condition Class II & III will help maintain the stands at the Condition Class I level where the vegetation composition, structure, and fuels are such that there is a reduced risk of loss of key ecosystem components. By breaking up some of these large contiguous pinyon/juniper stands they will be at less risk of having large stand replacing type fire destroying the entire vegetation system. There is a need to reduce the fuel loading, increase vegetative diversity and create a mosaic of age classes and structure within the project area. There is also a need to maintain or improve pinyon/juniper habitats for wildlife species that depend upon these habitats for all or parts of their life-cycles.

LOCATION

This project is on the southwest slope of Bald Mountain approximately 15 miles north of Bridgeport, California. The project area includes portions of Township 7N, Range 26E, Sections 5 & 6, MDM, Township 7N, Range 25E, Section 1 MDM, Township 8N, Range 24E, Sections 30 & 31, MDM, and Township 8N, Range 25E, Sections 25 & 36, MDM.

DECISION

Based upon available information, previous experience with similar actions, and an on-the-ground knowledge of the area, it is my decision to approve and proceed with the Bald Mountain Fuels Reduction Project in Unit B-1. This project will involve the use of prescribed fire to treat up to 3,200 acres of pinyon/juniper woodland habitats in a mosaic pattern. The treatments will create a diversity of age classes and structure to reduce the risk of large scale wildfires. The project will create a mosaic openings scattered across the landscape that will provide for increasing vegetative diversity. Some openings could exceed 200 acres in size; however, most will be smaller in size benefiting numerous wildlife species. The duration of implementation is expected to be less than one week.

I decided to drop Unit B-2 from the initial project proposal because of Native American concerns and potential impacts to cultural resources and pinyon nut gathering.

The specific conditions, objectives or actions, or mitigations identified within the Project Description section are incorporated into this decision.

The following project design features will be used during implementation:

Prescribed Fire

- Prescribed fire will be implemented in the spring or fall when there is adequate soil moisture to reduce impacts on soils.
- Access to the treatment areas will be on existing roads.
- Control lines will not be required. Change in fuel types, topography, aspect and time of ignition will be used to limit fire spread and size. Some interior lines could be required to protect cultural resource sites. This will be coordinated with Forest Service Archeologists to protect important archeological and heritage resources prior to burning.
- Following treatment, the area will be rested from livestock grazing for a minimum of two years or until the area has recovered sufficiently to permit livestock grazing.
- If the prescribed fire burns outside of the project boundary, the Burn Boss in coordination with the District Ranger, will take appropriate measures to address the situation. These measures may include a variety of suppression actions from monitoring to full suppression activities.

Cultural Resources

- The hand removal of duff or pine litter will be coordinated by the project archaeologist on the sites identified for protection.
- Marking tape will be placed at sites identified to be protected and not burned to alert the helicopter pilot not to ignite vegetation within that area.
- Post fire monitoring will be conducted by the project archaeologist in the project area.
- Pre and post burn photo points will be established and photos taken during the mitigation procedures.

Sensitive Wildlife

- Do not actively ignite fuels in the higher elevation rock outcrops. These habitats support potential daytime roosts within rock crevices. Additionally, old pinyon stands are located in these habitats and may also provide for daytime roosts.
- Do not actively ignite big or low sagebrush habitats unless needed to carry the fire into adjacent pinyon pine. A desired outcome of the proposed project is to re-establish a sagebrush and associated understory community throughout the project area.

Migratory Birds and their habitat

- Leave and maintain some large, cone-bearing pinyon trees (75 years or older) in patches within the treatment area.
- Ensure project implementation is brief in duration to allow for migratory birds that may lose their nest to re-nest.

Mule Deer and their Habitat

- Design burn plan to create a mosaic burn in which openings averaging 50-200 acres in size, with some areas larger than 200 acres.

TRIBAL CONSULTATION

Tribal consultation has been completed for this project. The Bald Mountain project was discussed at a meeting with Tribal members from several nearby Tribes on September 13, 2005. In addition, a field trip was conducted with members of the Tribes on October 18, 2005. This project was also discussed at another meeting with tribal members, Forest Service personnel, a sage grouse biologist and a pinyon pine ecologist on December 14, 2005. Tribal members were primarily concerned with the loss of pinyon gathering sites, effects to cultural resources from increased motorized traffic, and maintaining wildlife habitat. The first two concerns were applicable to Unit B-2 which I have dropped from the proposal. The remaining burn unit is inaccessible using motorized transportation therefore impacts to pinyon harvest will be negligible. The project design features will insure no effect to the cultural resources in Unit B-1. The latter concern with wildlife habitat will be addressed since the burn mosaic is expected to improve understory vegetation and therefore improve wildlife habitat. The project design features listed above will also insure that this burn has a long-term, positive impact on wildlife.

PUBLIC INVOLVEMENT

A Scoping Document was sent to all individuals and government agencies on the District mailing list on March 24, 2005. In addition, in accordance with *Earth Island Institute v. Ruthenbeck [Pengilly]* orders issued by the U.S. District Court for the Eastern District of California (July 2, July 7, September 16, and October 19, 2005), a Notice of the Opportunity to Comment was published on September 29, 2005 in the Mammoth Times. The Legal Notice stated that those submitting timely and substantive comments would be eligible to appeal the decision. Oral comments were received from members of the Bridgeport Indian Colony and one written comment letter from U.S. Fish and Wildlife Service was received. The project has been listed in the quarterly Humboldt-Toiyabe National Forest Schedule of Proposed Actions throughout 2005 and 2006.

The project was discussed during the annual operating instruction meeting with the affected permittee who has the term grazing permit, on the allotment where the project is located. Comments received from this proposal and from the field tour have been considered in project analysis and may be reviewed in the project file.

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 located in the project file), nor are there any wetlands or floodplains that would be negatively affected. This Project is in compliance with the Healthy Forest Initiative. 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.

REASONS FOR CATEGORICALLY EXCLUDING THIS ACTION

It is also my decision that this project is categorically excluded from documentation in an Environmental Impact Statement or an Environmental Assessment for the following reasons:

- A. **The proposed action 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.
- B. The analysis in this project file and previous experience with these types of activities indicate that there would be no 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.
These will not be significantly affected.
 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.
A Biological Evaluation was prepared. According to the BE, this project will have minimal, if any, effect on sensitive plant or animal species and will not lead to a trend towards federal listing for any sensitive species. There are no Threatened or Endangered species or their habitat in the project area.
 3. Floodplains, wetlands, or municipal watersheds.
None of these exist in the project area.
 4. Congressionally designated areas such as wilderness, wilderness study areas, or National Recreation Areas.
None of these exist in the project area.
 5. Inventoried Roadless Areas.
This area is within the Bald Mountain Inventoried Roadless Area however the proposal will not impact roadless characteristics or preclude any future wilderness recommendation. No road building or intensive mechanical activity will occur.
 6. Research Natural Areas.
None of these exist in the project area.
 7. Native American religious or cultural sites, archeological sites, or historical properties.
An Archeological Survey was conducted and is on file at the District Office. No significant impacts will occur to cultural resources as a result of the project. Tribal consultation has been conducted and Native American concerns were addressed by dropping Unit B-2.

ADMINISTRATIVE 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 Mammoth Times. The Appeal Deciding Officer is Edward C. Monnig, Acting Forest Supervisor, Humboldt-Toiyabe National Forest. 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); must include the project name in the subject line; and must be postmarked by midnight, Mountain Standard Time. 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.

IMPLEMENTATION DATE

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]).

For further information regarding this proposal please contact Bill Bryant, Fire Management Officer, at (760)-932-5802.

/s/
Cheryl F. Probert

8/7/2006

CHERYL F. PROBERT
District Ranger
Bridgeport Ranger District

DATE

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