Decision Notice
& Finding of No Significant Impact
North East Cassia Hazardous Fuels Reduction Project

USDA Forest Service
Minidoka Ranger District, Sawtooth National Forest
Cassia County - Idaho

Decision and Rationale

Background

The goals of this project are to reduce the threat of severe wildfire, to restore the natural Fire Regime and Condition Class within the Project Area, and enable the most appropriate fire management response to be utilized. This will be accomplished by reducing the number of live juniper trees that have encroached into the adjacent sagebrush-grass ecosystem. The project size is approximately 4,710 acres.

The need for this project comes as a result of the fire threat associated with increased areas of encroached juniper. Evidence shows that the natural Fire Regime Condition Class of the project area has been altered by the amount of juniper that has encroached into the adjacent sagebrush-grass ecosystem. The result of fire suppression, historical overuse of livestock grazing, and other environmental factors has created a shift in the fire regime of these areas from short interval moderate intensity fires to long interval, high intensity crown fires. This is important because high intensity crown fires result in non-historic patch sizes and fire severity (Forest Plan; Chapter III-243) and are detrimental to the sagebrush ecosystems.

The North East Cassia project design is centered on preventing any more conversion of juniper past the Phase II/Phase III (mid/late encroachment) threshold, and to bring as much of the area to a Phase I or pre-encroachment phase condition as possible. This would also correspond to a Fire Regime Condition Class I. Research has shown that in Phase III (late encroachment), junipers are the dominant driver of ecological processes and if junipers were removed from the ecosystem, the successful pathway is very difficult to predict i.e. site occupancy by invasive weeds or sage brush/grass.

Fires burning in an ecosystem dominated by sagebrush but interspersed with juniper are more easily contained and controlled than fires burning in a dense juniper dominated overstory. Sagebrush dominated fuel types are able to be controlled by direct attack with fire retardant, helicopter water drops, engine crews, and bulldozers much more easily than in dense juniper stands. Because juniper is expanding into these same areas of sagebrush, the cost and risk of fire suppression increases on the same piece of ground if allowed to be converted to a juniper overstory.

This action will result in the treated area being in conformance with the direction found in the 2003 Sawtooth National Forest Land and Resource Management Plan (Forest Plan; Chapter III; Management Prescription Category (MPC) 3.2, number 1202, MPC 6.1, numbers 1205, 1215, 1221, and 1225). This proposed project would move the project area to a less departed Fire Regime Condition Class than it is currently. Forest Plan direction is for restoration and maintenance emphasis of shrubland and grassland landscapes, which is one of the goals of this project. Objectives from the Forest Plan include restoring shrub composition in Low Sage, Basin Big Sage, and Mountain Big Sagebrush cover types; with emphasis on improving wildlife winter ranges in areas degraded by increasing juniper cover.

Area Analyzed

The project is located approximately 6 miles west of Oakley, Idaho on the Cassia Division of the Minidoka District of the Sawtooth National Forest. The area can be accessed by Forest Road 500 (Bostetter Road) to the south and Forest Road 676 (Old North Road) to the north, off of Highway 27.

The project generally runs from east of Big Cottonwood Canyon at the north end of Cottonwood Ridge, around the upper elevations of the Big Hollow rim, dropping below in elevation and east of Cottonwood Ridge at Pickett Hollow, south past Little Cottonwood Canyon and south of Forest Road 500 to the Big Pipe Spring area, again remaining east of Cottonwood Ridge. The legal locations are described as the following: T14S, R21E, Sections 3, 4, 5, 7, 8, 9, 10, 15, 16, 17, 18, 21, 22; T13S, R21E Sections 20, 28, 29, 30, 31, 32, 33.

Decision

I have decided to implement Alternative C – the (Modified) Agency Proposed Action as described in the EA. This Alternative includes 4,710 of hazardous fuels reduction treatment. Under Alternative C (as described in the EA), treatment units 1, 2, 3, 4, 5, 8, 9, and 11 were proposed and analyzed for treatment with mechanical / mechanized[1] methods (3,970 acres). As part of my decision I am modifying the method of treatment in these units.

In Unit 1 (1,061 acres), mechanized equipment (rubber-tired or tracked vehicles) will be allowed as proposed in the EA. Units 2, 3, 4, 5, 8, 9, and 11 will be treated by hand using chainsaws only. Units 6, 7 and 10 will be treated with prescribed fire and/or chainsaws (740 acres). A complete and detailed description of the Alternative I have chosen can be found in Chapter Two of the EA. A map is attached showing my decision.

I have considered the effects of the modification to the alternative. By reducing the use of mechanized equipment the resource effects are less than what were analyzed and falls within the scope of the analysis. Thus, no additional analysis is needed.

Other Alternatives Considered

Alternative A – No Action Alternative
Under Alternative A, no activities would have been implemented. This alternative is represented by the existing condition of the project area and is used as a baseline against which to compare the Proposed Action.

Alternative A would have no vegetation treatments, would not reduce fuels, and would not move the project area toward the desired condition identified in the Forest Plan. This alternative complies with 40 CFR 1502.14(d), which requires that a No Action Alternative be included in the analysis

Alternative B – (Original) Agency Proposed Action
Under Alternative B, treatment units 1, 2, 3, 4 and 5 would have been treated with mechanical methods. Treatment units 6, 7, 8, 9, 10 and 11 were proposed to be treated with prescribed fire and/or mechanical methods.

Alternative D – Mechanical Only
Under Alternative C, all 11 proposed treatments units would be treated with mechanical methods only, with the distinction that pile burning (a form of prescribed fire) would be allowed in order to facilitate slash disposal.

[1] Mechanized treatments are rubber-tired or tracked vehicles – machines that move. Mechanical Treatments include all mechanized treatments, plus chainsaws.

Public Involvement

The North East Cassia Project Area is tiered to an earlier proposed project that was named the Big Cedar Wildlife/Fuels Management Project. The Big Cedar project was smaller in size and sought slightly different end-state objectives than the North East Cassia Project Area; however, scoping and public comment periods were both completed for the Big Cedar project. These original comments and concerns were carried forward into the development of the North East Cassia project.

A chronology of public involvement is as follows:

August 6th, 2007. (Big Cedar) Combined Scoping and Public Comment Period documents mailed to interested parties.
August 6th, 2007. (Big Cedar) Legal Notice published in the Times-News Newspaper, Twin Falls, ID.
December 3rd, 2007. Field trip with representatives from local interest groups, members of the public, and cooperating state agencies.
March 4th, 2008. North East Cassia Scoping document mailed to interested parties.
January 13th, 2009 – February 11th, 2009 – Formal 30-day Public Comment Period

The scoping period yielded six comments. The 30-day Public Comment Period yielded six comments, five of whom had commented during the scoping period. Using the comments from the public, other agencies, and Tribes, the interdisciplinary team identified several issues regarding the effects of the proposed action. To address these concerns, the Forest Service created the alternative described above.

How My Decision Responds To Public Concerns and the Need for Change

This decision was made taking into account the various impacts of action versus no-action. The action involves several resource issue trade-offs.

Several concerns were voiced by members of the public in regards to this project. These concerns were incorporated into the project analysis. Concerns carried through the analysis process include: the potential that invasive plant species could be spread as a result of the project; that prescribed fire would escape control; that key wildlife species and/or their habitats would be negatively affected; and the risk associated with implementing this project.

I selected Alternative C - (Modified) Agency Proposed Action (as described above) as my Decision because it best meets the Purpose and Need described in the EA on pages 1-6, and best responds to all the issues identified in the EA on page 7. See Chapter 2 for a comparison of the Alternatives and Issues. See page 15 of the EA for a full comparison of all the proposed alternatives.

This alternative was developed primarily in response to comments voicing concern about the amount of prescribed fire being utilized on the landscape, and a preference for mechanical treatment. This alternative is designed to utilize aerial prescribed fire in areas where slope steepness would limit the ability to utilize mechanical methods (units 6, 7); and utilize single tree hand ignition prescribed fire in unit 10. Unit 10 is adjacent to the only free flowing water source in the project area. The treatment design for unit 10 was developed while on the site (December 3rd, 2007) with interested members of the public, including some of those who have commented on this project. All other treatment units would receive mechanical treatment.

Issue 1: Risk associated with the Proposed Action and Alternatives.

a) **Potential that the fuels reduction treatments will not be successful in achieving meaningful objectives**

b) Potential for prescribed fire to escape and cause unacceptable resource damage

This issue includes the possibility of an escaped prescribed fire, the project being prohibitively expensive to achieve, or treatment methods will not work as designed. This alternative implements a balance between prescribed burning and mechanical treatments and will be less costly to implement than alternative D. In order to use a consistent metric for determining potential risk, number of burning days was used. This gave a relative measure with which to compare alternatives. Although alternative C has a relative escaped fire risk of moderate when compared to alternative D (6 days vs. 0 days) it is substantially less than the risk of alternative B (6 days vs. 17 days). The true risk of escape with alternative C will be very low considering mitigation contained in the EA on page 14.

Treatment methods are expected to work as designed. The critical feature of all mechanical treatments will be to ensure that trees are cut to at least below the lowest live branch. Prescribed fire treatments will be successful if a sufficient amount of the juniper crowns are killed. A thorough discussion of treatment methods is found in the EA beginning on page 12.

The cost of implementing this project is discussed in the EA on page 15, and then more thoroughly beginning on page 18. I have chosen an alternative that finds a middle ground amongst action alternatives in regards to the cost of implementation that also meets Forest Plan direction.

Issue 2: Potential loss of sagebrush habitat could be detrimental to sage grouse, a Management Indicator Species (MIS) and Forest Service Region 4 Sensitive species.

The alternative I have chosen stands to impact sagebrush on a limited scale, through direct fire loss (helitorch fuel dropping directly on a small number of sage plants, or proximity to burning slash piles); or crushing by mechanical machinery. Specific mitigation measures are proposed to address these impacts, although no impacts proposed are large enough to affect the population in a significant manner. Impact to Sage-grouse individuals will be mitigated through treatment timing. Additionally, limiting mechanized treatment to Unit 1 only will reduce the potential loss of sagebrush through crushing on 2,910 acres. In the long term, by restoring the sagebrush and grasslands component, this action will be beneficial to sage-grouse. This action also responds directly to the 2006 Idaho Sage-grouse Conservation Plan which includes landscape restoration as a tool to maintain, improve, and where possible, increase sage-grouse populations and habitats.

Issue 3: Invasive plants such as cheatgrass may be expanded as a result of fuels reduction treatments.

Cheatgrass and other exotic weed species are present within the North East Cassia project area, and have the potential to be spread as a result of the project being implemented. Seeds could be spread by machinery or foot travel. Areas burned could be possible receptors to invasive plant species. Mitigation actions are centered on preventing the expansion of exotic weeds by washing machinery and by not burning within a set distance from these travel corridors, and avoiding areas of high densities of weed populations. These are proven mitigations actions that have been effective in limiting spread of noxious weeds due to human actions. Large scale continuous surface burning that may allow cheatgrass to expand is not being proposed for this project. Also, the timing of prescribed fire treatments does not correlate with a time in the life cycle when invasive plants would be expanding. The modification to Alternative C, limiting mechanized treatment to unit 1 only, will reduce the relative risk of Alternative C from a moderate-high to a low-moderate rating. Unit 1 has an individual risk rating of low.

During the formal comment period several responses expressed concerns related to potential impacts to soil from treatments using mechanized equipment. To address these concerns, mechanized treatments have been dropped for all units except Unit 1 (where mechanized/mechanical treatments will still occur). By limiting treatments to the use of chainsaws in the majority of the units my decision addresses that

concern, even though the implementation of Best Management Practices would have mitigated any negative impacts. The modification of Alternative C will also reduce the potential risk of noxious weed expansion and loss of sagebrush through crushing on 2910 acres.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that this action will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. Context and Intensity
This action occurs on the Minidoka Ranger District, Cassia Division. It includes a total of 4,710 acres of hazardous fuels reduction treatment. Treatments include the use of mechanical thinning, surface based prescribed fire, and aerial ignition prescribed fire.

This project was designed with input from interested parties. This project was designed to reduce potential harmful impacts from non-typical high intensity fire to the natural resources of the area, to restore the natural fire regime condition class, and allow a natural fire regime to be managed in this area of the Forest.

No significant effects on local regional or national resources were identified in the EA. Impacts associated with the project are discussed in Chapter Three of the EA and the project record. None of the direct, indirect, or cumulative effects were identified as being significant.

After careful consideration of the EA and the project record, it is my finding that the effects of this action are not significant. My finding that the impacts are not significant is not biased by the beneficial impacts described in the analysis.

2. Public Health and Safety
This action will improve public health and safety by allowing fires to be suppressed with more efficiency, if that management action is deemed necessary.

3. Unique Characteristics of the Area
This action will not adversely affect unique characteristics such as historic or cultural resources, wetlands, or ecologically critical areas. My determination is based on the discussion of effects found in the EA, Chapter Three. There are no parklands, prime lands (forest, farm or range), historic or cultural properties, wilderness or wild and scenic rivers, research natural areas or inventoried roadless areas associated with this action.

4. Controversy
The activities described in Alternative C do not involve effects on the human environment that are likely to be highly controversial (40 CFR 1508.27). I find that while there are opposing opinions regarding the proposed action and alternatives, there is no substantiated scientific controversy over the effects themselves. The opposing opinions related to the Purpose and Need were addressed during alternative development and are discussed in Chapter Three of the EA. I find the effects on the human environment are not highly uncertain, are unlikely to involve unique or unknown risks and are not likely to be highly controversial and are, therefore, not significant.

5. Uncertainty

The action described in my decision will not involve effects that are highly uncertain or involve unique or unknown risks (40 CFR 1580.27). This action is similar to actions taken on many National Forests in the Intermountain Region, as well as Bureau of Land Management lands throughout the Great Basin.

Pertinent scientific literature has been reviewed and incorporated into the analysis process and the technical analyses conducted for determinations on the impacts to the resources are supportable with use of accepted techniques, reliable data and professional judgment. Issues of public concern and possible environmental effects of the selected alternative have been adequately addressed in the analysis of this decision. Therefore, I conclude that there are no highly uncertain, unique or unknown risks.

6. Precedent
My decision to implement the action included in Alternative C does not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. This action is consistent with Forest Service direction contained in the 36 CFR Parts 215, 216, 219, 251, and 261. Similar actions have been implemented across National Forest System Lands. Any future proposals for fuels reduction on the Sawtooth Forest will be evaluated through the National Environmental Policy Act process, consistent with current laws and regulations.

7. Cumulative Impacts
The decision was evaluated in the context of past, present, and reasonably foreseeable actions. The cumulative effects of this action are described in the EA – Chapter 3. This action does not individually, nor with other activities taken cumulatively within the area affected, reach a level of significance as discussed in Chapter Three of the EA. This is primarily based on the predicted effects from the modest level of overall change that would occur as a result of the fuels reduction treatments.

8. Properties On or Eligible for the National Register of Historic Places
I find the action will have no adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The State Historic Preservation Office has been consulted with and concurs with the agency's finding of no significant impact. I find the action will not cause loss or destruction of significant scientific, cultural, or historical resources.

9. Endangered or Threatened Species or Their Critical Habitat
The action will not adversely affect any endangered or threatened species or their critical habitat (Endangered Species Act of 1973). No critical habitat for species occurs in the North East Cassia project area.

10. Legal Requirements for Environmental Protection
The action will not violate Federal, or applicable State and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Sawtooth National Forest Land and Resource Management Plan.

Findings Required by Other Laws and Regulations

Consistency with Forest Plan - This decision, as designed and with mitigation and management requirements, and based on the EA, is consistent with the Sawtooth Forest Plan goals and objectives, and standards and guidelines. This decision to reduce levels of hazardous fuels in the North East Cassia project area is consistent with the intent of the Forest Plan's long term goals and objectives listed.

National Environmental Policy Act - The EA and DN/FONSI document are in compliance with NEPA and the Council on Environmental Quality regulations (40 CFR 1500-1508) for implementing NEPA.

Endangered Species Act - This decision is consistent with the Endangered Species Act. A Biological Assessment and Biological Evaluation were completed for TEPC species. A no effect determination was made for all species. Due to the current status of each species, consultation was not required with U.S. Fish and Wildlife Service.

Clean Water Act - This decision is consistent with the Clean Water Act and amendments. No wetlands are involved and therefore no permit is required from the U.S. Army Corps of Engineers. No State permit for streambed alteration is required because no streambeds are involved in the project.

Nonpoint Source Water Quality Program for the State of Idaho - This decision maintains water quality within the project area and is consistent with the State of Idaho Nonpoint Source Water Quality Program.

Executive Order 119990 of May 1977 (Wetlands) - This order requires the Forest Service to take action to minimize destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. In compliance with this order, Forest Service direction requires that an analysis be completed to determine whether adverse impacts will result. Based on discussions in Chapters 3 of the EA and the Project Record concerning wetlands, the decision complies with EO 11990 by maintaining and restoring riparian conditions.

Executive Order 11988 of May 1977 (Floodplains) - This order requires the Forest Service to provide leadership and to take action to (1) minimize adverse impacts associated with occupancy and modification of floodplains and reduce risks of flood loss, (2) minimize impacts of floods on human safety, health, and welfare, and (3) restore and preserve the natural and beneficial values served by flood plains. Based on discussions in Chapters 3 of the EA and the Project Record concerning floodplains, the decision complies with EO 11998 by maintaining floodplain integrity.

Environmental Justice - This decision was assessed to determine whether it would disproportionately impact minority or low-income populations, in accordance with Executive Order 12898. No impacts to minority or low-income populations were identified during scoping or the effects assessment.

Decision and Implementation Date

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer. Written comments must be submitted to: USDA - Forest Service, Appeal Deciding Officer, 324 25th Street, Ogden, UT 84401; (801) 625-5605. The Notice of Appeal may alternatively be faxed to: USDA, Forest Service, (801) 625-5277, ATTN: Appeals Deciding Officer; mailed electronically in a format (pdf, txt, rft, or document compatible with Microsoft Office applications) to: appeals-intermtn-regional-office@fs.fed.us; or hand delivered between the hours of between 8:00 am and 4:30pm, Monday through Friday except legal holidays at Federal Building, 324 – 25th St., Ogden.

Contents of an appeal must meet the requirements of 36 CFR 215.14. 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.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Times News, the newspaper of record. Attachments received after the 45-day appeal period will not be considered. The publication date in the Times News, newspaper of record, Twin Falls, ID, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Contact

For additional information concerning this decision or the Forest Service objection process, contact Stephen Fillmore – Interdisciplinary Team Leader, 3650 S Overland Ave, Burley, 83318, or by phone at (208) 678-0430.

/s/ Scott Nannenga March 11, 2009

SCOTT C. NANNENGA Date
Minidoka Ranger District

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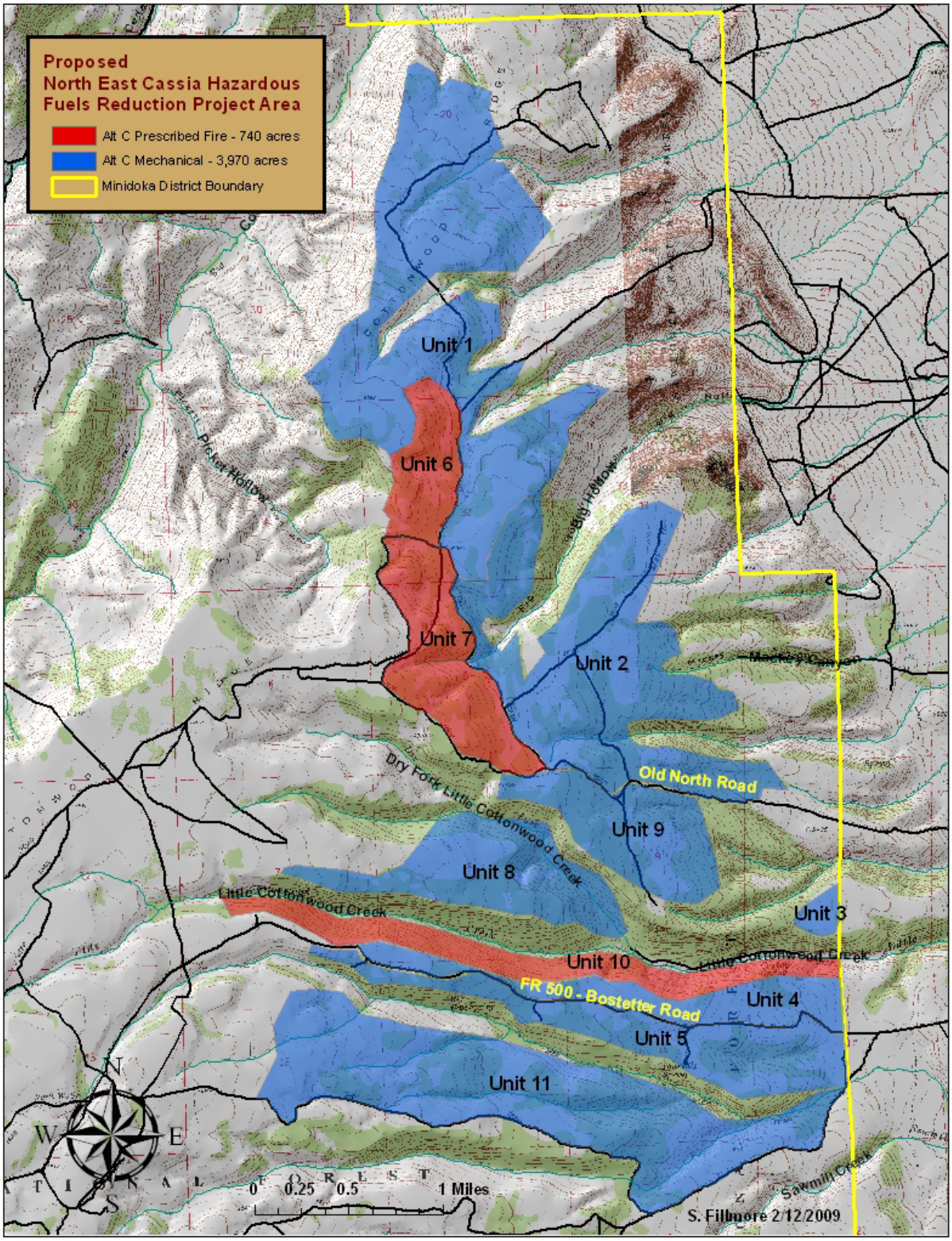
Proposed
North East Cassia Hazardous
Fuels Reduction Project Area
Alt C Prescribed Fire - 740 acres
Alt C Mechanical - 3,970 acres
Minidoka District Boundary
Unit 1
Unit 6
Unit 7
Unit 2
Unit 9
Unit 8
Unit 3
Unit 10
Unit 4
Unit 5
Unit 11
Picket Hollow
Big Hollow
Dry Fork Little Cottonwood Creek
Old North Road
Little Cottonwood Creek
FR 500 - Bostetter Road
Sawmill Creek
N
W
E
S
0 0.25 0.5 1 Miles
S. Fillmore 2/12/2009