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Empire Vegetation Management Project

Final Supplemental Environmental Impact Statement

Record of Decision

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Table of Contents

Introduction.....	3
Background.....	3
Purpose and Need.....	4
Decision	5
Reasons for the Decision.....	7
Legal and Regulatory Compliance.....	12
Public Involvement	14
Alternatives Considered in Detail but Not Selected.....	16
Contact Person	18
Implementation	18
Administrative Review or Appeal Opportunities.....	19



High Severity Fire within the Wildland Urban Interface

Preamble

The threat posed by wildfires on the Plumas National Forest has increased in recent time due to an unnatural accumulation of fuels and possibly as a result of gradually increasing temperatures associated with global warming. Large, high severity wildfires are a serious and real threat to people, homes, water quality, and wildlife habitat. Over the past seven years, the Plumas has had three large wildfires (the Storrie, Stream, and Boulder fires) which have burned approximately 31,000 acres of wildlife habitat, increased erosion into California's drinking water supply, threatened homes and structures, and injured fire fighters and citizens. Wildfires are a natural component of a forested landscape, however, the size and intensity of fires has increased to the point that current risks are no longer acceptable.

The purpose of the Empire Project is to reduce this risk in as balanced a way as possible – to preserve life and property and to protect all forest resources. Balance means that I have considered the need with the means available to me. In this decision, I have tried to integrate as many of the public's recommendations and suggestions to reduce the threat of wildfire, protect sensitive wildlife, water and air quality, and provide for firefighter safety as possible while building a plan that will be effective and efficient.

Economics have been a consideration. The value of timber or biomass products removed offsets the costs of the fuels reduction, making broad landscape modifications possible. To underscore this point, let me repeat myself: without the sale of commercial wood products, it is not currently possible to accomplish enough fuels reduction to achieve our objectives. Much of the difficulty in designing this project has revolved around creating a reasonable balance – treatments that will work to achieve their primary objectives while also paying for themselves. I believe that alternative D best creates an effective and efficient balance.

Alternative D as modified will not implement treatments in selected California spotted owl Protected Activity Centers to protect known nesting pairs of owls, even though doing so may reduce treatment effectiveness in these areas. Some transportation system actions, road decommissioning and closures, will be deferred to be consistent with the Plumas National Forest Off-highway Vehicle Route Designation Process. I would like to thank everyone who commented in these areas. Your comments have substantially improved the final product.

While the Empire Project will not reduce the risk of wildfire on all lands, it is a substantial effort to reducing fire severity and increasing safety at a landscape level.

In choosing to implement the Empire Project, I will directly address these threats by implementing tested and proven fuel treatments, including reduction of surface, ladder, and crown fuels through thinning and mastication in combination with prescribed fire. These treatments will be used in dense, overcrowded forests and brushfields to reduce fire hazard and give fire fighters a better chance of protecting homes, wildlife habitat, watershed values, and recreational opportunities in and adjacent to the Empire Project Area.

Introduction

The Empire Project area is on the Mt. Hough Ranger District of the Plumas National Forest and is located northeast of the communities of Keddie, Butterfly Valley, Quincy, East Quincy and Greenhorn in central Plumas County, California. Treatments are primarily proposed on southwest-facing slopes of Grizzly Ridge and Indian Falls Ridge. The four watersheds that comprise the project area are Big Blackhawk, Estray, Indian Falls, and Sockum.

Background

This project was developed from needs and opportunities identified during the Mt. Hough Landscape Assessment (MHLA). The MHLA completed in March 2004, included four watersheds, and covered 103,000 acres. In August 2005, the Forest Service published the Empire Vegetation Management Project Final Environmental Impact Statement (2005 FEIS) and Forest Supervisor Jim Peña signed a Record of Decision (ROD) on August 9, 2005, which identified alternative D for implementation.

In response to three appeals received on the Empire project, the Regional Forester found that the purpose and need were clear and the Forest Supervisor's reasons for selecting alternative D were logical. He also found that the Forest Supervisor adequately considered and responded to public input. However, he determined that there was insufficient disclosure of cumulative effects in the 2005 FEIS.

On November 18, 2005, he reversed the Forest Supervisor's decision to implement alternative D and denied all other relief requested by the appellants. The Regional Forester recommended that:

- 1) the scope of the cumulative effects analysis be established by setting geographic boundaries and a clear and logical rationale provided that explains why the boundary was selected for each affected resource; and
- 2) the disclosure of cumulative effects incorporate additional discussion on future effects in combination with past and present effects.

A Supplemental Environmental Impact Statement was published along with a Record of Decision in 2006. The 2006 decision was also appealed. Forest Supervisor withdrew his 2006 decision and requested a new supplement in 2007 to completely replace the 2006 supplement and clarify the discussion of planning areas, Management Indicator Species (MIS), and effects to soil resources. Four appendices are supplemented with additional details: Appendix A – Maps, Appendix D – Proposed Actions for Each Road in Each Watershed, Appendix G – Past, Present, and Reasonably Foreseeable Future Actions, and Appendix H – Economic Analysis. This 2007 Final Supplemental Environmental Impact Statement completely replaces the 2006 supplement; however some information from the 2005 FEIS is incorporated by reference.

This final supplement has been completed under National Environmental Policy Act (40 CFR 1502.9 (c) (2)) and Forest Service Handbook 1909.18. A Draft SEIS was issued for

public comment in March 2007. After a 45-day comment period, and review and consideration of the comments we received, a Final SEIS (FSEIS) has been completed.

Purpose and Need

The purpose and need of the Empire Project has not changed since the 2005 FEIS: the current fuel conditions do not allow for safe fire suppression efforts and do not provide sufficient protection from wildfire.

Additionally, the current forest conditions include stands that have moderate and dense canopy cover, where tree crowding and, in some cases, disease and insect infestation have developed over decades of growth and development. Within the project area, there are stands where adequate conditions for growth and healthy forest development are lacking.

Lastly, the current transportation system is not in compliance with current maintenance standards and contributes to erosion, sedimentation, and soil compaction. Also, current road densities impact wildlife, as well as impede fish passage.

The desired condition for the Empire Project area includes the following:

- A reduced threat of large-scale high intensity wildfire and corresponding effects in the Empire Project area.
- Safe locations for fire personnel to take action against wildfires.
- An uneven-aged, multistory, fire-resilient forest.
- Reduced risk of insect/pathogen drought-related mortality by managing stand density levels.
- Economically viable removal of commercial timber while accomplishing vegetation and watershed management activities.
- A project that contributes to the local economy, forest products industry, and social environment.
- Improved watershed conditions and reduced sedimentation caused by existing roads.

The purpose and need for the proposed action are to move the existing conditions toward the desired conditions. Actions 1 and 2 were derived from the direction contained in the Herger-Feinstein Quincy Library Group Forest Recovery Act (HFQLG Act), and action 3 was developed to facilitate implementation of actions 1 and 2 and to restore proper watershed function.

Action 1: Implement Fuel Treatment Strategies

Purpose — to implement fuel treatment strategies to reduce fire potential in the wildland urban interface zones, reduce the potential size and intensity of wildfires, and provide fire-suppression personnel with safe locations for taking action against wildfires.

Action 2: Implement Group Selection and Individual Tree Selection

Purpose — to implement group selection and individual tree selection as directed in the HFQLG Act, testing the effectiveness of an uneven-aged silvicultural system in achieving an uneven-aged, multistory, fire-resilient forest; provide an adequate timber supply that contributes to the economic stability of rural communities; and improve and maintain the ecological health of the forest.

Action 3: Implement Transportation System Changes

Purpose — to reduce impacts of the transportation system on forest resources and provide the necessary access for fuel treatments, group selection, and individual tree selection harvests.

Decision

Based on the analysis in the FSEIS, the 2005 FEIS, and new information available in the planning record for the Empire Project, **I have decided to implement alternative D with the following changes (table 1).**

- The amount of road closure and road decommissioning within the transportation system has changed in the selected alternative. Road closure and decommissioning will be limited to 4.2 miles of roads where existing information demonstrates egregious resource damage, and where the Forest Service has jurisdictional authority to manage use. This constitutes a 64 percent reduction from the 11.8 miles of road proposed for decommissioning in alternative D under the 2007 FSEIS. This reduction of road decommission and closure is intended to allow for further analysis and public input associated with the National Forest Route Designation Process.
- Approximately 69 acres of group selection, 151 acres of individual tree selection, and 522 acres of DFPZ will not be treated in order to incorporate: 1) the discovery of a new spotted owl nest site and resultant delineation of a Protected Activity Center (PAC), and 2) the discovery of differences in recorded spotted owl distributions between California Fish and Game and Forest Service databases. As a result, additional areas were protected to expedite completion of this project.

This decision will implement 5,033 acres of fuel treatments including Defensible Fuel Profile Zones (DFPZs) by treating surface, ladder, and canopy fuels. All fuel treatments would meet the standards and guidelines as described in the Sierra Nevada Forest Plan Amendment Final Supplemental Environmental Impact Statement (FSEIS) ROD (2004). In California Wildlife Habitat Relationships (CWHR) type 5M, 5D, and 6, fuel treatments would retain 40 to 45 percent canopy cover while retaining at least 40 percent of the existing basal area, generally comprised of the largest trees. In all other CWHR classes, fuel treatments would retain 30 to 45 percent canopy cover while retaining at least 30 percent of the existing basal area, generally comprised of the largest trees. In all CWHR types, all trees 30 inches in diameter and greater would be retained with the exception of those removed for operability.

This decision will implement 1,157 acres of group selection and 2,219 acres of individual tree selection. Group selection density would be limited to no more than 11.4 percent of each of the 15 planning areas that divide up the project area.

This decision will implement improvements to the transportation system and provide the necessary access for the fuel treatments, group selection, and individual tree selection. These improvements include approximately: 3 miles of road construction and closure; 6.2 miles of temporary road construction and decommissioning; 101.8 miles of road reconstruction; 4.2 miles of decommissioning; and no closures of existing or reconstructed roads.

Table 1 summarizes the modifications to alternative D included in this decision.

Element	DSEIS Alternative D March 2007	Action	ROD Alternative D May 2007	Difference	Percentage of Removal
Transportation System	11.8 miles	Decommission Dropped or Deferred	4.2 miles	7.6 miles	64%
	11.1 miles	*Closure Dropped	0	11.1 miles	100%
Wildlife Land Allocations Delineated	1,226 acres	Group Selection Dropped	1,157 acres	69 acres	6%
	2,370 acres	Individual Tree Selection Dropped	2,219 acres	151 acres	6%
	5,555 acres	Fuel Treatments Dropped	5,033 acres	522 acres	9%
	16 planning areas	Deleted 21G, part of 19G consisting of portions of fuel treatment units 13 and 17	15 planning areas	1 planning area	6%

*Closure includes roads proposed as "Closed" and "Reconstruction and Closure".

I have considered public comment, previous analyses, and the additional analyses presented within the 2007 FSEIS in making this decision to implement alternative D with the changes noted above. Additional analyses clarified the cumulative effects in five resource areas: Vegetation, Fire/Fuels/Air Quality, Wildlife, Watershed, and Botanical Resources/Noxious Weeds. The scope of the cumulative effects analysis is supplemented with geographic boundaries by resource, as well as clear and logical rationale that explains why these boundaries were selected. The supplement also clarifies the definition of planning areas, Management Indicator Species (MIS), and impacts to soil resources. The supplement also incorporated an updated economic analysis that is based on the timber sale preparation process that occurred between the 2005 FEIS reversal and development the 2007 FSEIS (appendix H).

I have included all of the design elements, mitigation, and monitoring that I feel is necessary to protect resources. Mitigation measures and design elements have been implemented numerous times across the Plumas National Forest. This decision will implement the Standard Management Requirements and mitigation measures as described in appendix F, and design elements in chapter 2. This decision will implement surface fuel, vegetation, noxious weed, and heritage resource monitoring as specified in appendix F.

Reasons for the Decision

In reaching my decision, I have considered the purpose and need for action, public comment, the range of alternatives, and environmental consequences. My decision is based on careful consideration of the scientific reviews documented in the Science Consistency Review Summary (SCR) prepared by the Pacific Southwest Research Station and included in the 2005 FEIS. I have considered the available science as well as included some suggested new information and analysis brought forward in the SCR and all past and present public comments on the Empire project. My decision takes into account the supplemental analysis completed to address the cumulative effects concerns brought forward in the Regional Forester's recommendations, and public comments submitted during all comment periods described in the "Background" section at the beginning of this ROD.

My decision to implement alternative D, with the modifications, will best address: compliance with the Interim 2006 Motorized Vehicle Restriction Forest Order 01-07 and the current Plumas National Forest OHV Route Designation Process; protection for a nest site discovered in April 2007 for California spotted owl; and protection of a spotted owl PAC and home range core area that were not previously analyzed due to discrepancies discovered in the Plumas National Forest PAC Geographical Information System (GIS) coverage and delineation process.

I have taken into consideration the information available through the Plumas County Fire Safe Council Community Fire Plan. Implementation of this decision will help fire fighting personnel more effectively protect communities at risk and reduce the potential for spread of wildland fires into and out of the wildland urban interface (WUI). The crown densities prescribed in the DFPZs are lower than some public comments advocated. I have considered this input, as well as recent information from examination of the Boulder Fire in the Antelope Lake Recreation Area in the summer 2006. The fuels treatments that burned in this fire demonstrated that crown separation and fuel ladder reduction is necessary to provide safe working conditions for fire fighters and adequate protection to communities in the WUI. The Plumas County Fire Plan identifies the communities this project will influence. I have considered the trade-off of the effect this will have on the amount of wildlife habitat remaining following treatment, and I am satisfied that species of concern will not be adversely affected in the long run. Therefore, I believe it is necessary to adopt the lower canopy densities prescribed to provide fuels treatment that effectively protects the community and improves firefighter safety.

This decision also addresses watershed concerns and wildlife habitat fragmentation concerns while meeting the purpose and need for fuel treatments, group selection, individual tree selection, and transportation improvements as described above. The fuels treatments prescribed in the riparian habitat conservation areas (RHCAs) are reasonable to maintain proper function of the riparian areas that will be treated. Recent observations of the fire effects on the riparian areas along Lost and Antelope creeks within boundaries of the Boulder Fire shows that heavy fuel loads can cause adverse affects in riparian habitat that are burned over. In the Boulder Fire, fuel treatments were not applied to RHCAs when the surrounding DFPZs were completed under the Antelope Border project.

The unintended result was that both of these drainages experienced some of the highest vegetative and soil burn intensity in the fire area. I believe the fuels prescription for this project reasonably considers the need to protect the RHCA by maintaining adequate canopy closure to protect water quality and reduce fuels to provide a higher probability of the riparian vegetation survival in the event of a fire.

I have considered the effects to resources and they are readily identifiable and measurable. The analysis of effects has afforded me a high degree of certainty that alternative D, as noted and changed above, is the environmentally preferable alternative. The methodologies discussed in both the 2005 FEIS and the 2007 FSEIS show how the Forest Service narrowed the issues, focused alternatives, and disclosed environmental consequences. In addition to the above rationale, my decision is based on the connections between the purpose, need, range of alternatives, and environmental effects listed below.

Fire Behavior

In light of new information regarding presence of spotted owl and development of activity centers, planning area 21G (166 acres) and portions of DFPZ units 13 and 17 (356 acres) will be dropped from treatment. Planning area 21G is within the wildland urban interface (WUI) of the communities of Butterfly Valley and Keddie. This planning area includes approximately 166 acres of DFPZs treatment. By dropping planning area 21G, the purpose and need of reducing risk of fire to the communities of Keddie and Butterfly Valley will not be fully realized because wildfires can spot and burn into these communities from these adjacent untreated forested areas. Fuel treatment units 13 and 17 are located outside of the wildland urban interface. Dropping units 13 and 17 will result in “gaps” in fuel treatments leading to moderate local decrease in DFPZ effectiveness at units 13 and 17. These gaps will not compromise the overall effectiveness of DFPZ’s on the Empire Project because they only affect a relatively small portion of the overall DFPZ network.

Implementation of fuel treatments would not decrease the risk of human or lightning caused fires starting in the Empire Project area, but it does decrease the risk of fire spread by modifying fire behavior and enhancing the ability of fire fighters to contain, suppress, and control wildfires within fuel treatments. The proposed activities will move the existing conditions toward the desired conditions in areas treated, by reducing surface fuels, removing ladder fuels thereby raising canopy base heights, and reducing canopy fuels. In addition, the treatments will strategically connect and maintain areas to meet desired conditions.

I have determined that Alternative D will best modify fire behavior to increase our ability to suppress fires in the Empire Project area within and outside the wildland urban interface. In addition, these actions will provide safe locations for firefighters to suppress wildland fire outside of the wildland urban interface. This decision includes the improvement of an evacuation route for the Greenhorn Subdivision. Alternative D will reduce the likelihood of crown fire and improve the ability to suppress fires under 90th percentile weather conditions. Fuel treatments will retain 30 to 45 percent canopy cover,

which will result in a lower probability of crown-fire events compared to existing conditions. The rate of fire-line construction and penetration of retardant drops through the canopy to surface fuels will be increased, resulting in enhanced ability of fire management personnel to suppress, control, and contain fires impacting or starting in fuel treatments. Overall, this will result in potentially fewer acres of forest landscape being modified by high-intensity wildland fire and providing more effective community protection.

Landscape Structure

I have determined that this decision will test the effectiveness of an uneven-aged silvicultural system in achieving an uneven-aged, multistory, fire resilient forest; provide an adequate timber supply that contributes to the economic stability of rural communities; and improve and maintain ecological health of the forest. This project alone will not convert the landscape to an uneven aged, multistoried, fire resilient forest, but rather takes a step toward a landscape transition to desired stand structure and species composition.

The amount of group selection and individual tree selection implemented with this decision is approximately six percent less than what was analyzed with alternative D in the 2007 FSEIS. The six percent reduction in treated acres is negligible relative to the project and landscape scale. The project will continue to meet the purpose and need, enhancing the development of an uneven-aged, multistoried forest by implementing 1,157 acres of group selection and individual tree selection on 2,219 acres. Activity generated fuels will be treated after implementation. Desired residual fuel loading (1, 10, and 100 hour fuels) will be less than five tons per acre. Group selection density will be limited to no more than 11.4 percent of each of the 15 planning areas that comprise the project area. This will reduce the risk and uncertainty associated with group density and impacts on interior forest habitat. This level of treatment will provide an effective step toward fire resilient forest with limited risk to watershed and wildlife as discussed below.

Watershed Concerns

I have determined that alternative D best addresses watershed concerns by eliminating group selection and individual tree selection from subwatersheds that approach the threshold of concern (TOC) due to past land use practices. All fuel treatments proposed in subwatersheds approaching the TOC will be implemented without exceeding the TOC.

Because alternative D limits timber harvesting, there will be reduced compaction and ground disturbance from timber harvest activities, and reduced cumulative equivalent roaded acres (ERA) in these subwatersheds. Implementation of alternative D will allow for enhanced fire suppression, control, and containment in the project area. This will produce long term benefits for soil productivity and watershed values by reducing the vulnerability of the project area to high intensity wildfires that have adverse effects on forest resources.

The transportation modifications included in this decision will result in fewer miles of road decommissioning. Decommissioning minimizes the impacts of roads on watershed resources, and serves to reduce the number of ERA. By reducing the miles of

decommissioning in this decision, the long-term benefits to soil and water resources will not be realized in some areas. These areas are dispersed across the project area, and the subsequent increase in ERA in each affected subwatershed will be small.

Decommissioning of one road segment will not occur in the Lee Summit West subwatershed. While this subwatershed is of concern due to its high ERA value, keeping this short road segment open will only result in a very minor ERA increase that will not change the risk of detrimental effects. No subwatershed will exceed the TOC as a result of this decision.

Wildlife Concerns

I have considered the risk and uncertainty associated with project impacts, including direct, indirect, and cumulative impacts to spotted owls, which has been acknowledged and addressed in the 2005 FEIS and 2007 FSEIS. This decision is consistent with the SNFPA FSEIS and ROD (2004) Standards and Guidelines that amend the Plumas National Land and Resource Management Plan (LRMP) (1988).

In 2007, a new spotted owl nest was discovered on private land adjacent to National Forest Land within the project area. A PAC was delineated based on guidance provided by the 2004 SNFPA Record of Decision (page 37). This PAC delineation resulted in the removal of planning area 21G, consisting of approximately 166 acres of DFPZs, including 14.5 acres of group selection units from alternative D, as proposed in the 2005 FEIS.

Public comments on the 2007 DSEIS pointed out that spotted owl PAC number PL038 was identified in the California Department of Fish and Game spotted owl PAC database, but had not been delineated with a PAC boundary in the Empire Project wildlife analysis area. This PAC did not appear within the Plumas National Forest spotted owl PAC GIS coverage database. The delineation of PAC PL038 has been rectified in the Forest database, with PAC and Home Range Core Area (HRCA) boundaries delineated. I have decided to defer all treatments that occur within this newly delineated PAC and HRCA for PL038. The delineation of this PAC and HRCA resulted in the removal of 356 acres of DFPZ, 54 acres of groups (25.5 acres of these acres were within a DFPZ), and 151 acres of individual tree selection from alternative D. These acres of treatment have been removed from planning area 19G and fuel treatment units 13 and 17. The Forest is in the process of coordinating the delineation of PACs with the Department of Fish and Game and the PSW Plumas Lassen Administrative Study owl module to ensure the accuracies of the GIS coverage database for future planning efforts.

This decision further reduces the risk and uncertainty associated with project impacts to wildlife in terms of connectivity and forest interior habitat by implementing group selection density or distribution within planning areas to be at or below 11.4 percent of each of the 15 planning areas that comprise the project area. The direct, indirect, and cumulative impacts of project activities will not isolate large blocks of habitat or create barriers to movement across the landscape.

The US Fish and Wildlife Service (USFWS) conducted a comprehensive study of California spotted owl populations. It assessed the best scientific and commercial

information available; reviewed comments and information received during two public comment periods; and consulted with recognized spotted owl experts and Federal and State resource agencies, including an interagency Science Team. On May 15th, 2006, after a 12 month status review, the USFWS concluded that the California spotted owl should not be listed as a threatened or endangered species under the Endangered Species Act (ESA). This conclusion was based in part on the best available data that indicated that “most California spotted owl populations in the Sierra Nevada are stable or increasing and adult survival rates show an increasing trend”. Based on this review the USFWS also concluded that “Forest fuels reduction activities, notably those provided for in the Sierra Nevada Forest Plan Amendment of 2004, may have a short-term impact on owl populations. But fuels reduction will have a long-term benefit to California spotted owls by reducing the risk of catastrophic wildfires that pose a major threat to California spotted owl habitat.”

This decision will involve some risk of decreasing spotted owl habitat and subsequent uncertainty with regard to owl activity. Approximately 90 percent of the existing foraging habitat and 88 percent of the existing nesting habitat for the California spotted owl, and approximately 89 percent of nesting habitat for Northern goshawk will be retained. This includes habitat in PACs, spotted owl habitat areas (SOHAs), HRCAs, and the forested habitat connecting these owl sites. The risk and uncertainty associated with habitat reductions potentially could be offset by implementation of fuel treatments. The PACs, SOHAs, HRCAs, and old-forest habitat will be less vulnerable to increased risk of loss to wildfire.

My decision also takes into account the selection of project level management indicator species (MIS) effects analysis for the Empire Project based on the Pacific Southwest Region (R5) “Draft – MIS Analysis and Documentation in Project-Level NEPA, R5 Environmental Coordination,” May 23rd, 2006 guidance document. A Forest-scale examination of habitat, population attributes, and trend for each selected project-level MIS, documented in the November 2006 Plumas National Forest Management Indicator Species Report, has been incorporated into the Empire analysis. Project-level MIS were selected to reflect the May 30th, 2006, letter “Clarification on Plumas National Forest MIS List” and the MIS identified in the 1988 Plumas Land Management Plan appendix G.

Cost Effectiveness

I have determined that this decision as modified will meet the purpose and need to cost effectively implement treatments by removing biomass and sawlogs. Implementation of alternative D will provide an estimated timber supply of 21.3 million board feet and generate an estimated \$92,110 of net project value.

Community Stability

I have determined that this decision will meet the purpose and need for community economic stability by creating approximately 331 direct and indirect jobs and generating 14.2 million dollars of employee related income.

Compliance with the Plumas National Forest Off-Highway Vehicle (OHV) Route Designation

I have determined that this decision will meet the purpose and need to reduce impacts of the transportation system on forest resources and provide the necessary access for fuel treatments, group selection, and individual tree selection.

When alternatives were developed, it was thought that road decommissioning was in compliance with the OHV route designation process. With the issuance of the maps that accompanied the Interim 2006 Motorized Vehicle Restriction Forest Order 01-07, it became apparent that alternatives C, D, E, and F were no longer in compliance with either the route designation process or the Interim Forest Order. Therefore, to be in compliance with both the Forest Order and the direction provided by the Forest Supervisor letter of May 31, 2005, road decommissioning would be limited to roads where existing information demonstrates that egregious resource damage is occurring. Road decommissioning will occur only where the Forest Service has jurisdictional authority to manage use. The Interdisciplinary Team identified 4.2 miles of roads where the Forest Service has jurisdictional authority to manage use, and that should be decommissioned as a result of ongoing documented egregious resource damage. These roads include 25N12C, 25N12C1, U6347, U6351, and four non-system roads off of system roads: 25N10Y, 24N20Y, 24N02X. This reduces the total miles of decommissioning by 64 percent from the 11.8 miles in the proposed 2005 FEIS alternative D. All other roads proposed for closure (11.1 miles with alternative D) and decommissioning would be deferred until the final decision on the Plumas National Forest OHV Route Designation Process.

Legal and Regulatory Compliance

My decision complies with the laws, policies, and executive orders listed below and described in Chapter 3 of the 2005 FEIS.

Findings Required by Other Laws and Regulations

This decision to implement the Empire Vegetation Management Project is consistent with the intent of the Forest Plan's long term goals and objectives. The project was designed in conformance with Forest Plan standards and incorporates appropriate Forest Plan guidelines for the Plumas National Forest Land and Resource Management Plan (1988), as amended by the Herger-Feinstein Quincy Library Group Final Environmental Impact Statement and Record of Decision (ROD) (1999), and Sierra Nevada Forest Plan Amendment Final Supplemental Environmental Impact Statement and Record of Decision (2004).

Principle Environmental Laws

I have determined that the Empire Vegetation Management project meets the requirements of the following laws as described in the 2005 FEIS:

- Endangered Species Act
- Clean Water Act
- Clean Air Act
- National Historic Preservation Act
- National Forest Management Act

Executive Orders

Executive orders provide additional direction to federal agencies. I have determined that the Empire Vegetation Management project meets the requirements of the following executive orders as described in the 2005 FEIS. The executive orders that apply to the Empire Project proposed action and alternatives are presented below.

Consultation and Coordination with Indian Tribal Governments, Executive Order 13175 of November 6, 2000.

Indian Sacred Sites, Executive Order 13007 of May 24, 1996.

Invasive Species, Executive Order 13112 of February 3, 1999.

Recreational Fisheries, Executive Order 12962 of June 6, 1995.

Migratory Birds, Executive Order 13186 of January 10, 2001.

Floodplain Management, Executive Order 11988 of May 24, 1977, and Protection of Wetlands, Executive Order 11990 of May 24, 1977.

Environmental Justice, Executive Order 12898 of February 11, 1994.

Use of Off-Road Vehicles, Executive Order 11644 and 11989, amended May 25, 1977.

Special Area Designations

I have determined that the Empire Vegetation Management project complies with laws, regulations, and policies that pertain to the following special areas:

Research Natural Areas—There are no Research Natural Areas within the Empire Project area and would, therefore, not be affected.

Inventoried Roadless Areas—approximately one-half of the 8,000-acre Grizzly Peak Semi-Primitive Non-Motorized area is located in the Empire Project area. However, no treatment activities are proposed within the Grizzly Peak area boundary; therefore, it would not be affected.

Wilderness Areas—There are no Wilderness Areas within the Empire Project area and would, therefore, not be affected.

Wild and Scenic Rivers—There are no designated wild and scenic rivers in the Empire Project area. A segment of Indian Creek has been determined to be eligible for wild and scenic status. The segment is located in the Empire Project area, but no activities are proposed within its boundaries. Therefore, its integrity would be maintained until a final suitability determination is made.

Special Interest Areas—The Butterfly Valley Botanical Special Interest Area and its proposed expansion are in the Empire Project area. However, no activities are proposed within the boundary; therefore, it would not be affected. The proposed

Brady's Camp Special Interest Area is in the Empire Project area, but no activities are proposed within the boundary; therefore, it would not be affected.

Public Involvement

As described in the background, the need for this action was identified in March 2004. The Mt. Hough Ranger District conducted a public scoping process for the Empire Project environmental assessment from June 30 to July 30, 2004. The purpose of the scoping process was to inform the public about the proposed action and to seek public views on the proposed action and issues to be addressed during the project analysis period.

The public involvement process was initiated by publishing notices in the Feather River Bulletin (Quincy) and mailing a statement of the proposed action to 635 agencies, organizations, federally recognized tribes, Native American communities, nonprofits and groups, adjacent landowners, and individuals who expressed an interest in the Empire Project. At two open houses in Quincy and Taylorsville, District Forest Service representatives gave presentations to interested members of the public. Additionally, presentations were given to the Plumas County Fire Safe Council and Quincy Library Group. Four field trips were conducted to explain the proposed action. The purpose of the scoping process was to inform the public about the proposed action and to seek public views on the proposed action and issues to be addressed during the project analysis period. Written or verbal scoping comments or requests for additional information were submitted by three agencies, six organizations, and 19 individuals.

After evaluating responses to this scoping effort, Forest Supervisor Jim Peña made the decision to proceed with preparation of an EIS.

A Notice of Intent to prepare this EIS for the Empire Project was published in the Federal Register on February 9, 2005, and a second public scoping period was held from February 10 to March 11, 2005. One agency, four organizations, and seven individuals submitted written or verbal comments or requested additional information.

Forest Supervisor Jim Peña reviewed the comments from scoping efforts and examined the data collected during the 2004 and 2005 field seasons. He approved the issues identified by the Empire Project Interdisciplinary Team (ID Team) and the range of alternatives to be analyzed. The Empire Project ID Team developed the alternatives to the proposed action based on the following issues identified from public input, data analysis, and field reconnaissance:

- Economic feasibility and volume / net value (alternative C)
- Watershed effects and California spotted owl, Northern goshawk, and mesocarnivore (American marten and Pacific fisher) habitat considerations (alternative D)

- Compliance with the current Plumas National Forest off-highway vehicle (OHV) route designation process (action alternatives C, D, E, and F)

Two alternatives suggested by the public were carried forward for detailed analysis in the 2005 FEIS; the Empire Project ID Team identified the following issues for these two alternatives:

- Modify fuel treatments to retain all trees greater than 20 inches diameter breast height (DBH), and retain a 50 percent canopy in habitat for the California spotted owl, Northern goshawk, and mesocarnivores (alternative E)
- Do not implement group selection or individual tree selection harvests. Modify fuel treatments to retain trees greater than 20 inches dbh, and maintain a 50 percent canopy cover in habitat for the California spotted owl, Northern goshawk, and mesocarnivores (alternative F).

In May 2005, the Draft EIS was mailed to twenty-one federal, state, and local agencies, five federally recognized tribes, ten organizations, and twenty-two individuals who either specifically requested a copy of the document, submitted comments during scoping, or was an interested or affected person.

The 45-day comment period on the Draft EIS occurred from May 20 through July 5, 2005. Three government agencies, five groups, and seven individuals sent comment letters on the Draft EIS. Summaries of public comments and Forest Service responses to comments are contained in appendix I of the 2005 FEIS.

In October 2005, four notice of appeals pursuant to 36 CFR Part 215 were filed on the Empire Vegetation Project. One of the appeals was resolved through the informal appeal resolution process. The Regional Forester determined that there was insufficient disclosure of cumulative effects in the 2005 FEIS and reversed Forest Supervisor Jim Peña's decision to implement alternative D and directed that: 1) the scope of the cumulative effects analysis be established by setting geographic boundaries and provide a clear and logical rationale that explains why the boundary was selected for each affected resource; 2) the disclosure of cumulative effects incorporate additional discussion on future effects in combination with past and present effects. The 2006 Supplemental Environmental Impact Statement and Record of Decision was also appealed, and Forest Supervisor Jim Peña withdrew the decision. This Supplemental Environmental Impact Statement and Record of Decision completely replace the 2006 supplement and clarifies the discussion of planning areas, Management Indicator Species (MIS), and effects to soil resources.

A Notice of Intent to prepare this supplement to the 2005 FEIS for the Empire Project was published in the Federal Register on February 2, 2007. Scoping is not required for supplements to EIS's (40 CFR 1502.9(c) (4)). A Draft SEIS was prepared and sent out to the public in March 2007. A 45-day comment period began March 2 and ended April 16, 2007. Two agencies, five organizations, and fifty-one individuals submitted written

comments. Summaries of public comments and Forest Service responses to comments are contained in appendix I of the FSEIS.

Alternatives Considered in Detail but Not Selected

In addition to the selected alternative, I considered five other alternatives in detail, which are discussed below. A more detailed comparison of these alternatives can be found in Chapter 2 of the FSEIS.

Alternative A (Proposed Action)

Alternative A would implement 6,636 acres of fuel treatments by treating surface, ladder, and canopy fuels. Fuel treatments would retain 30 to 45 percent canopy cover and all trees greater than 30 inches diameter at breast height (dbh) with the exception for operability. Group selection and individual tree selection would occur in all 24 planning areas. Group selection harvest would occur on 1,347 acres and individual tree selection would occur on 4,000 acres within these planning areas. Alternative A would implement improvements to the transportation system and provide the necessary access for the fuel treatments, group selection, and individual tree selection. These improvements include approximately: 3 miles of road construction and closure; 6 miles of temporary road construction and decommission; 113 miles of road re-construction; 17 miles of road closure; and 15 miles of decommissioning. Alternative A would have provided a timber supply of 24.6 million board feet, generate an estimated \$291,000 of net project value, directly and indirectly create 373 full-time jobs, generating 16 million dollars of employee related income.

I did not choose this alternative because implementation of group selection at a density of up to 17 percent would result in a moderate risk associated with the amount of forest interior habitat that could be rendered as noncontiguous forest cover. Implementation of this alternative would place four sub-watersheds near, but below, the threshold of concern. This alternative would not comply with the OHV route designation process. Based on the analysis in the EIS and for these reasons, I did not choose alternative A.

Alternative B (No Action)

Under the no-action alternative, current management plans would continue to guide management of the Empire Project area. No fuel treatments, DFPZ construction, group selection harvests, individual tree selection harvests, biomass removal, or transportation system changes would be implemented to accomplish the purpose and need.

I did not choose this alternative because this alternative would not enhance the ability of fire management personnel to suppress, control, and contain fires impacting or starting in fuel treatments under 90th percentile weather conditions. Additionally, firefighter safety would not be improved in fuel treatments. Because fuel treatments, group selection, and individual tree selection would not be implemented, this alternative would make a negligible contribution to an uneven-aged, multistoried landscape in terms of fire-resistant trees, low stand densities, and structural diversity. This alternative would rely

on disturbance such as density dependent mortality and fire occurrence, or lack thereof, to shape forest structure. The risk of losing owl nesting and roosting sites to wildland fire would not change from existing conditions, however, there have been 14,725 acres of previous wildfire occurrence since 1916. This alternative would not contribute to the economic stability of the communities because it would not generate any full-time jobs or employee-related income. The opportunity to improve watershed function and wildlife habitat effectiveness would be forgone with alternative B. Based on the analysis in the EIS and for these reasons, I did not choose alternative B.

Alternative C

The fuel treatments would be the same as the proposed action (alternative A). Group selection and individual tree selection would not occur in five of the 24 planning areas to improve economic feasibility and operability. Additionally, group selection harvest would increase to 1,600 acres. As a result, group selection and individual tree selection harvest acres would be increased within the remaining 19 planning areas. The economics would be improved by: (1) dropping the economically infeasible land base, (2) increasing the number of group selection harvest acres, and (3) changing the distribution of group selections. Alternative C would have provided a timber supply of 28 million board feet, generate an estimated \$1.9 million of net project value, directly and indirectly create 419 full-time jobs, generating 18 million dollars of employee related income.

I did not choose this alternative because implementation of group selection at a density of up to 23 percent would result in the highest risk associated with the amount of forest interior habitat that could be rendered as noncontiguous forest cover. Implementation of this alternative would place four sub-watersheds near, but below, the threshold of concern. Based on the analysis in the EIS and for these reasons, I did not choose alternative C.

Alternative E

Alternative E would implement the same amount of fuel treatments as alternative D. This alternative modifies the fuel treatment in order to analyze the effects of retaining all trees greater than 20 inches dbh and maintaining a 50 percent canopy cover. Group selection and individual tree selection harvest would be the same as in alternative D.

I did not choose this alternative because the retention of 50 percent canopy cover would result in a relatively higher probability of crown-fire events compared to existing conditions and alternatives A, C, and D. Retention of 50 percent canopy cover may limit the ability to attain diverse site specific desired conditions. Alternative E does not fully implement fuel treatments to be tested under the HFQLG Pilot Project parameters. Alternative E would not contribute as much to community economic stability, resulting in a net loss of \$157,500. However, it would result in 308 full time jobs. Based on the analysis in the EIS and for these reasons, I did not choose alternative E.

Alternative F

Alternative F would implement the same amount of fuel treatments as alternative D. This alternative would implement fuel treatments while retaining trees larger than 20 inches dbh and maintaining a 50 percent canopy cover. There would be no group selection or individual tree selection harvests. This alternative would have fewer transportation system improvements.

I did not choose this alternative because the retention of 50 percent canopy cover would result in a higher probability of crown-fire events compared to existing conditions and alternatives A, C, and D. Retention of 50 percent canopy cover may limit the ability to attain diverse site specific desired condition. Alternative F does not fully implement fuel treatments to be tested under the HFQLG Pilot Project. Alternative F does not meet the purpose and need for changing landscape structure using group selection and individual tree selection, and therefore, does not enhance the development of an uneven-aged, multistory forest. Alternative F would contribute little to community economic stability, resulting in a net loss of \$1.3 million. However, it would result in 43 full-time jobs. Based on the analysis in the EIS and for these reasons, I did not choose alternative F.

Environmentally Preferred Alternative

I find alternative D as modified in this decision to be the environmentally preferred alternative. This level of treatment will provide an effective step toward fire resilient forest with limited risk to watershed and wildlife. There will be an enhanced ability of fire management personnel to suppress, control, and contain fires that start within or outside fuel treatments. This will result in potentially fewer acres of forest landscape being modified by high-intensity wildland fire. The risk and uncertainty associated with habitat reductions will potentially be offset by fuel treatments. The PACs, SOHAs, HRCAs, and old-forest habitat will be less vulnerable to increased risk of loss to wildfire. The enhanced ability of fire management personnel to suppress, control, and contain fires will produce long term benefits for soil productivity and watershed values that would otherwise remain more vulnerable to the damaging effects of future high intensity wildfires. Implementation of alternative D, with modifications, will provide an estimated timber supply of 21.3 million board feet and generate an estimated \$92,110 of net project value.

Contact Person

The FSEIS, 2005 FEIS, and supporting documents are available for public review at the Mt. Hough Ranger Station; 39696 Highway 70; Quincy, CA 95971. For further information on this decision, contact Gary Rotta, interdisciplinary team leader at 530-283-0555.

Implementation

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Only those individuals and organizations who submitted written or oral comments or expressed interest during the 45-day comment period (36 CFR 215.6) and otherwise meet the specific requirements of 36 CFR 215.13 have standing to appeal. The Environmental Protection Agency published a Notice of Availability (NOA) for the draft SEIS in the Federal Register on March 2, 2007; the opportunity to comment ended 45 days following that date, on April 16, 2007. Appeals must be filed within 45 days from the publication date of the legal notice of this decision in the Feather River Bulletin newspaper.

Notices of the appeal must meet the specific content requirements of 36 CFR 215.14. An appeal, including attachments, must be filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger of service) with the appropriate Appeal Deciding Officer (36 CFR 215.8) within 45 days following the publication date of the legal notice. The publication date of the legal notice is the exclusive means for calculating the time period to file an appeal (36 CFR 215.15 (a)). Those wishing to appeal should not rely on the dates or timeframe information provided by any other source.

The appeal must be submitted (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer: Bernard Weingardt, Regional Forester, USDA Forest Service, Regional Office R5, 1323 Club Drive, Vallejo, CA 94592

Appeals may be submitted by FAX (707) 562-9229 or by hand delivery to the Regional Office at the address shown above. The office business hours for those submitting hand-delivered appeals are: 8:00 am to 4:00 pm Monday through Friday, excluding holidays. Electronic appeals 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 [Subject Empire Vegetation Management Project FSEIS]. 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.

//s// Chris Knopp

5/31/2007

CHRIS KNOPP

Date

Acting Forest Supervisor, Plumas National Forest
Quincy, CA