

Decision Notice
and
Finding of No Significant Impact
for
Brokenshire Project
USDA Forest Service, Lassen National Forest
Almanor Ranger District
Tehama County

Decision and Reasons for the Decision

Introduction

The Brokenshire Project area provides recreation opportunities such as picnicking, fishing, and dispersed camping. Additionally, there are recreation residences and an organization camp under special use permits with the Lassen National Forest within the project area. The Brokenshire project is also situated adjacent to Mill Creek, which supports habitat for federally listed anadromous fishes.

To meet the purpose and need (described below and in detail on page 7 of the EA), the proposed project would include recreation site improvement and expansion, route decommissioning, parking area improvements, riparian and soil resource protection measures, road work and fuels reduction.

The Brokenshire Project utilizes the analysis and objection process identified under H.R. 1904, known as the Healthy Forests Restoration Act of 2003 (HFRA).

The Brokenshire Project area is located southeast of Mineral, Tehama County, California. The legal description is sec. 23, 27 & 34 of T. 29 N., R. 4 E., MDM.

I have read the Brokenshire Project Environmental Assessment (EA), reviewed the analysis in the project file, including documents incorporated by reference, and fully understand the environmental effects disclosed therein. I have also considered the comments submitted during collaboration and public scoping for this project. The comments to the EA and Forest response to these comments are available in the project file located at the Almanor Ranger District office.

Decision

Based upon my review of the alternatives, it is my decision to select Alternative 1, the proposed action, which is fully described in the EA on pages 9 through 22. The following is a summary of these actions.

- Expand Brokenshire picnic area to include ABA compliant picnic sites, vault toilet and path of travel.
- Construct new parking area for use with Brokenshire picnic area.

- Improve existing extra vehicle parking area.
- Add the existing foot trail that goes from the picnic area expansion to the edge of Mill Creek to the Forest Transportation System.
- Convert current Brokenshire picnic area to a walk-in picnic site; decommission expired toilet; block vehicle access from highway to wet meadow.
- Decommission System Road 29N41 and the unauthorized route leading to the current picnic area; replace unauthorized route with a foot trail.
- Decommission two unauthorized routes around Summit Springs Recreation Tract.
- Block vehicle access to wet meadow on west side of Highway 172.
- Improve existing dispersed campsite on north side of Decom Creek; treat surrounding fuels; add current access road to system.
- Decommission unauthorized routes UBB 707 and 707A, B & C (identified during Travel Management), which access Mill Creek dispersed campsites; replace with foot trails.
- Improve existing parking area for accessing proposed foot trail to Mill Creek dispersed campsites.
- Hand thin, pile, and burn created piles around Summit Springs Recreation Residence Tract, Camp Tehama Organizational Camp, recreation sites and 50 foot buffer along east side State Highway 172.
- Change Forest Road 29N52 to Maintenance Level one for administrative use; transfer responsibility of route maintenance to grazing permittee.
- Upgrade Summit Springs access route to meet Forest Service Level 2 road standards and improve usability; issue special use permit for use and maintenance.
- Redding Rancheria will collect small diameter cedar poles, cedar bark from downed cedar trees, and large downed and/or felled cedar logs from within the project area.

The alternative selected will accommodate and enhance visitors' recreation experience through recreation site expansion and improvement. It will implement fuels reduction activities which will decrease the risk of wildfire occurring within the project area with potential impacts to Forest users, property, riparian vegetation, and Mill Creek's anadromous habitat. Additionally, improvements to roads and decommissioning of unauthorized and unneeded routes will reduce the risk of sediment production to Mill Creek related to management and recreation activities within the Riparian Habitat Conservation Area (RHCA) and maintain and protect habitat for federally listed anadromous fishes.

Integrated design features (IDFs) have been developed addressing Silviculture, Range, Recreation, Special Uses, Wildlife, Botany, Watershed, Soil, Heritage, Engineering and Fuels. Application of these IDFs will minimize potential impacts from implementation of the Alternative 1 (EA, pgs. 17-22).

Reasons for the Decision

Response to the Purpose and Need

The alternative selected, when compared to the No Action Alternative, will accommodate and enhance visitors' recreation experience; decrease the risk of wildfire occurring within the project area with potential impacts to Forest users, property, riparian vegetation, and Mill Creek's anadromous habitat; reduce the risk of sediment production to Mill Creek related to management and recreation activities within the RHCA; and maintain and protect habitat for federally listed anadromous fishes.

The rationale for my decision is based on the purpose and need for the Brokenshire Project, as described below.

Recreation

This decision will improve and enhance recreation site facilities to accommodate current and anticipated recreation use, and will protect riparian vegetation and resources. The expansion and improvement of the Brokenshire picnic area will provide Forest visitors with increased opportunities for recreation on public lands, as well as improve accessibility through implementation of requirements set forth in the Architectural Barriers Act (1968) (ABA). Foot trail construction will expand hiking opportunities in the area. Improvements to dispersed areas will further expand recreational opportunities, and the proposed kiosks will provide educational information to help visitors understand the natural and cultural resources of Mill Creek and the management actions taken to balance visitor access and resource protection.

Fuels

This decision will reduce the fuels in this area to decrease potential adverse fire behavior to protect communities from wildfire and prevent the loss of life and property. Reducing ladder and surface fuels will improve defensible space near Summit Springs Recreation Tract, Camp Tehama Organization Camp communities and adjacent areas, providing a safe and effective area for firefighters to suppress fire.

Watershed

This decision will reduce impacts related to sediment sources and drainage features associated with existing NF transportation system and unauthorized routes in the project area. Actions will include decommissioning unauthorized routes located within riparian habitat conservation areas (RHCA) that were not added to the National Forest Transportation System described in the LNF Motorized Travel Management (MTM) ROD (2010), and are prohibited for use by motorized vehicles. Improving the access road to the Summit Springs Recreation Residences to meet Forest Service Maintenance Level 2 road standards will minimize road-related watershed impacts.

My decision is also based on careful consideration of the analysis presented in the Brokenshire Project EA, including a review of relevant scientific information and a consideration of responsible opposing views.

Alternatives Considered

Alternative 1: Proposed Action

Alternative 1 was developed by an interdisciplinary team (IDT) of resource specialists to address all components of the purpose and need. Alternative 1 proposes to expand and improve the Brokenshire picnic area, decommission unauthorized roads and OHV trails, implement protection measures for wet areas and define current dispersed campsites. One road will be removed from the system but maintained by the area livestock permittee in accordance with Best Management Practices for authorized use through the permit. Additional work includes fuels reduction around Summit Springs Recreation Residences, Camp Tehama Special Use Area and recreation areas within this project area. Finally, the road system accessing Summit Springs Recreation Residences would be improved to meet Forest Service Level 2 road standards and a special use permit would be issued for its use and maintenance (Brokenshire EA, p 9-10). See the Alternatives section for a detailed description of the Proposed Action (Alt. 1) and how it fully meets the purpose and need for the Brokenshire project (EA, pgs 7 & 11).

Alternative 2: No Action

Under the *No Action* alternative, current management plans would continue to guide management of the project area. No road decommissioning, road improvement, trail work, recreation area improvement/construction, or fuels treatment would be implemented. Current management practices such as road maintenance and fire suppression would continue (EA, p 22). This alternative does not meet the purpose and need for this project.

Public involvement

A proposal for the Brokenshire Project was listed in the Schedule of Proposed Actions (SOPA) starting on January 1, 2010.

The scoping period began on February 29, 2012 with an announcement in the *Chester Progressive* and lasted through March 21, 2012. The proposal was also provided to the public and other agencies for comment during a public meeting held at the Almanor District Office on March 8, 2012. This meeting was advertised in a press release on March 1, 2012.

Three comments were received during the scoping period, with one potential issue identified. The collaboration and scoping comments were carefully reviewed and the Responsible Official made a determination of the status of each comment. No significant issues were identified. These comments are examined in depth in the Public Scoping Comment Analysis & Alternative Development document which is located in the Brokenshire project record, maintained at the Almanor District office.

One comment came from the Tehama County Resource Advisory Committee and was in support of the project, with questions about cost and alternative treatments. An additional comment came from Frank Stewart, the Counties' HFQLG (Herger-Feinstein Quincy Library Group) Forester. Mr. Stewart suggested delaying the project until the "deferred" land base restriction was gone and a possible extension of the HFQLG Act was granted so that the area would be available to treatment by group selection. (The Brokenshire project was scoped while HFQLG was still in place; it has since expired.) While the project area is now able to be treated by commercial timber sale, re-initiating the project to address the lifting of HFQLG restrictions would result in substantial delays in alleviating the hazardous fuels conditions that

currently exist in the project area, and would not meet commitments for watershed stabilization and recreation opportunities identified in existing grants.

An issue was raised during scoping with road decommissioning in the project. The PA was modified at the time to address the issue and still fit the purpose & need. No other issues, significant or otherwise, were identified during scoping.

On July 30, 2013 a Notice of Objection was printed in the *Lassen County Times* for the pre-decisional objection period. Letters and copies of the Brokenshire EA were sent to individuals that expressed interest in the project during the scoping and the comment periods, as well as to chair people and representatives of interested tribes. The objection period closed on August 29, 2013 with no objections received.

Finding of No Significant Impact

After careful consideration of the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts as stated in the regulations for implementing NEPA, 40 CFR Parts 1500-1508. These regulations include a definition of “significantly” as used in NEPA. Significance as used in NEPA requires considerations of both Context and ten elements of Intensity. In a local context, the site-specific actions of the selected alternative (Alternative 1), both short and long term, will not have a significant effect on the human environment and are therefore exempt from documentation in an environmental impact statement. My determination is based on the following intensity factors.

(a) Context:

The local context of the proposed action is limited to the southwestern portion of the Lassen National Forest, in locations described on page 5 of the EA. Proposed work focuses on recreation site improvement and expansion, route decommissioning, parking area improvements, riparian and soil resource protection measures, road work and fuels reduction.

Proposed work would take place in dispersed locations, primarily during June through October, over a 1-4 year period. Pile burning would also take place in dispersed locations on an infrequent basis during the spring and autumn seasons, after completion of thinning and piling activities. Even in the context of seasonality and duration of activities, analysis prepared in support of the EA (Biological Evaluations/Assessments, Management Indicator Species Assessment, Noxious Weed Risk Assessment, and Cumulative Effects Analysis, hereby incorporated by reference, and available upon request), indicate that the Proposed Action would not pose significant short- or long-term effects.

(b) Intensity:

(1) Impacts both beneficial and adverse.

Effects determinations are summarized in the Brokenshire EA (pages 25-65) and supporting analysis. Both beneficial and adverse effects have been taken into consideration when making the determination of significance. Beneficial effects have not, however, been used to offset or compensate for potential

significant adverse effects. Application of IDFs will minimize potential impacts from implementation of the Proposed Action (EA, pgs. 17-22).

The fuels treatment proposed in Alternative 1 will remove small trees which will raise crown base heights and reduce ladder fuels while grapple piling will reduce surface fuels. The effect of this treatment reduces the risk for damage or loss from a stand replacing wildfire (EA, page 27). These fuel thinning treatments could increase populations of the pine engraver beetle. Proper slash treatments such as piling and burning, as described in the IDFs, have been identified in the EA (page 17) to minimize potential effects and maintain beetle populations at endemic or common levels. Additionally, the fuels treatment will improve watershed, riparian, and aquatic resources by thinning out encroaching conifers and releasing riparian vegetation in the RHCA (EA, page 39).

Expansion and improvement of recreation sites will increase public use and enjoyment of this area. Closure of identified unauthorized routes within the project area will eliminate cross country travel in and around the Summit Springs Recreation Residences, Camp Tehama Organization Camp and in wet meadows around dispersed camping sites. Improving the Summit Springs Recreation Residence Tract access roads will improve ingress to and egress from the tract. Visual quality objectives will be retained in and around the Summit Springs Tract and at Camp Tehama; however, the immediate visual impacts of ladder fuel removal around these communities may be noticeable as viewed from Highway 172. It is expected that once all activities are complete the resulting change will be visually pleasing (EA, page 30).

The project area includes potential habitat for Forest Service Sensitive species of Moonworts (*Botrychiums*). Though no occurrences of *Botrychium* species are known to the project area, there is the potential for direct effects to potential habitat and unidentified occurrences of certain *Botrychium* species. If new occurrences of these *Botrychium* species are found before or during ground disturbing activities, an IDF specifies that they would be protected by flag and avoid methods (EA, page 19).

Overall, there will be positive, long-term effects from the proposed Brokenshire project that will allow for a greater amount of natural habitat within the proposed project area for the Western Bumble Bee (EA, page 52). Piling and burning downed logs and snags would directly affect habitat features that the California spotted owl, American marten, and northern flying squirrel may utilize, but would indirectly protect the large trees and dense canopy from potential wildfire if one should occur. The proposed action will directly affect snags within the project area, but the area is too small to accurately portray snag characteristics within the CWHR stands. At the stand level, the risk to snags is low in the SMC6 and SMC4D stands, but remains high in the SMC4M stand. Approximately 17% of the SMC6 stand, 6% of the SMC4D stand, and 62% of the SMC4M stand will be treated for fuels reduction (EA, pages 57-58).

Implementation of the Brokenshire Project may result in negligible risk to Central Valley (CV) spring-run Chinook salmon and CV steelhead as a result of potential increased sediment production to anadromous fish habitat located in Mill Creek due to actions associated with fuel reduction and transportation activities. In the long-term, sediment production from the existing transportation network is expected to decrease as a result of improved drainage features, seasonal stream crossings, and road conditions.

Additionally, blocking vehicle access from the Mill Creek Dispersed Camp area will result in a beneficial indirect effect by effectively preventing the potential for disturbance to designated critical habitat from any unauthorized motorized use (EA, page 62). The implementation of the Brokenshire Project may affect but is not likely to adversely affect CV spring-run Chinook salmon, CV steelhead trout, and/or their designated critical habitat (see EA page 64). Potential beneficial indirect effects could occur by preventing vehicle access to the Mill Creek dispersed camping area (see EA page 62).

(2) Public health or safety.

Public health and safety are not adversely affected by the proposed action. Implementation of the Brokenshire project is governed by standard public health and safety guidelines, Forest Service direction and other applicable laws and guidelines. The fuels reduction will improve the defensibility of the Summit Springs Recreation Residence Tract and Camp Tehama Organization Camp from impacts by wildfire (see EA pages 42-43, 44). Additionally, improvements made to the Summit Springs Road will improve safe access for residents and visitors. Replacement of the existing restroom facility will prevent future potential water quality impacts.

(3) Unique characteristics of the geographic area.

The project will not adversely affect unique characteristics of the geographic area. There are no parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas affected by this project. Integrated design features will be implemented to protect cultural and historic sites (see EA pages 21-22).

(4) Highly controversial.

Legitimate controversy must be based on credible scientific evidence. The effects on the quality of the human environment are not likely to be highly controversial with the Brokenshire project. There is no known scientific controversy over the impacts of the project (see EA pages 26-64). Fuels reduction through thinning is a standard practice in forest management. Comments received were generally supportive of the proposal.

(5) Degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The possible effects of the proposed action are neither highly uncertain nor would they represent unique or unknown risks. The activities proposed are routine in nature and employ site-specific protection measures, and their effects are well known (see EA pages 26-64).

(6) Precedent for future actions with significant effects or decisions in principle about future considerations.

The Brokenshire project is site-specific and is not likely to establish a precedent for future actions. No significant environmental effects were identified (see EA pages 26-64). The implementation of this decision will not establish a precedent for future actions with significant effects or represent a decision in

principle about a future consideration. Any additional resource projects within or adjacent to the project area will require a separate environmental analysis at that time.

(7) Relationship to other actions with individually insignificant but cumulatively significant impacts.

This decision does not present potential significant cumulative adverse impacts when considered with other past, ongoing, or reasonably foreseeable future actions.

A cumulative effects analysis was completed for each resource area. The geographic scope of the cumulative effects analysis area varied among resource areas. None of the specialists found the potential for significant adverse cumulative effects. The Past, Present, and Reasonably Foreseeable Future Actions summary (PORFA) can be found as Appendix B of the EA. The cumulative impacts are not significant (see EA pages 26-64).

(8) Adverse effects on properties listed or eligible for National Register of Historic Places, or loss of significant scientific/cultural/historical resources.

The Alternative 1 actions for the Brokenshire decision will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because they have been either determined to be ineligible for listing on the National Register or are situated well away from planned treatments (see EA page 36).

The Brokenshire project will not cause loss or destruction of significant scientific, cultural, or historical resources. All historic properties will be protected from project-related impacts through Standard Resource Protection Measures and site specific protection measures as described in the IDFs (see EA pages 21-22 & 37).

(9) The degree to which this action may adversely affect an endangered or threatened species or critical habitat.

The following specialist reports, located in the project record, are hereby incorporated by reference:

- Biological Evaluation and Assessment for R5 Forest Service Sensitive and Federally Listed Plant Species – Brokenshire Project
- Brokenshire Project Biological Evaluation and Biological Assessment for Terrestrial Wildlife

The action will not adversely affect any endangered or threatened species or its habitat determined to be critical under the Endangered Species Act of 1973 (see EA pages 33-36, 44-53, 59-64).

The proposed Brokenshire project would not affect the following federally listed species or their designated critical habitat: Northern Spotted Owl, Valley Elderberry Longhorn Beetle, or Gray Wolf (see EA pages 44-53; Biological Evaluation and Biological Assessment (BE/BA) for Terrestrial Wildlife – Brokenshire Project, page 15).

Two federally listed anadromous fish species occur adjacent to the Brokenshire project area; Central Valley spring-run Chinook salmon and Central Valley steelhead. The implementation of the Brokenshire project may affect but is not likely to adversely affect Central Valley spring-run Chinook salmon, Central

Valley steelhead trout, and/or their designated critical habitat (see EA page 64; BA for Listed Anadromous Salmonids - Brokenshire Project, pages 23-24).

There are no known occurrences of federally threatened or endangered plant species within the project area (BE/BA for R5 Forest Service Sensitive and Federally Listed Plant Species, pg. 2).

(10) Whether the action threatens a violation of Federal, State, or local law or requirement imposed for the protection of the environment.

The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered as demonstrated throughout the EA, in referenced supporting documents, and as noted above and below.

Findings required by other laws and regulations

Forest Plan Consistency –

Lassen LRMP: This decision is consistent with the 1992 *Lassen National Forest Land and Resource Management Plan* (LRMP) and 1993 *Record of Decision* (ROD) as amended by the *Sierra Nevada Forest Plan Amendment* (SNFPA) FSEISs and RODs (2001, 2004), and the *Sierra Nevada Forests Management Indicator Species* (SNF MIS) Amendment FEIS and ROD (2007).

All recreation site improvements are in compliance with the Architectural Barriers Act (1968) requirement for accessibility (ABA); and cedar collection by the Redding Rancheria is pursuant to section 8105 of the Food, Conservation, and Energy Act of 2008, Public Law 110-246, § 8 105, 122 Stat. 1651 (2008).

Analyses of effects to Forest Service Sensitive Species as listed in the Regional Foresters R5 Sensitive Species List are included in the Brokenshire Biological Evaluation/Biological Assessment (BE/BA) for Terrestrial Wildlife dated July 26, 2013; the BE/BA of Federally Listed Non-Anadromous and Forest Service Sensitive Aquatic Species for the Brokenshire project, dated July 26, 2013; and the BE/BA for R5 Forest Service Sensitive and Federally Listed Plant Species, dated July 26, 2013.

Endangered Species Act of 1973 (as amended)

Section VII of the Endangered Species Act requires federal agencies to consult with the United States Department of the Interior Fish and Wildlife Service (USFWS) and/or the United States Department of Commerce National Marine Fisheries Service (NMFS), whichever is appropriate, during project planning when federally listed threatened or endangered species, and/or their designated critical habitat, may be affected by a project.

A Biological Assessment for listed anadromous fish species was completed for the Brokenshire project and sent to NMFS (Sacramento office) on August 2, 2013. A concurrence of *may affect but is not likely to adversely affect CV spring-run Chinook salmon, CV steelhead trout, and/or their designated critical habitat* in a letter for this project from NMFS was received by the Lassen National Forest on September 27 of 2013.

Executive Order 13112 Invasive Species 64 FR 6183 (February 8, 1999)

Consistent with this order, the Brokenshire project has incorporated feasible and prudent mitigation measures in Alternative 1 to minimize risk of harm caused by invasive plant species (Appendix C, Noxious Weed Risk Assessment (NWRA)). Anticipated weed response to the Brokenshire project is moderate for potential spread (NWRA, page 7).

Clean Water Act (as amended in 1972 (Public Law 92-500) and 1997 (Public Law 95-217))

The Brokenshire project is consistent with the laws and regulations contained within the Clean Water Act, as there are no water bodies included in the Act's Section 303(d) 2006 list or the amended 2010 list for non-attainment of water quality standards (Watershed and Soils Specialist Report for the Brokenshire Project, page 4).

Clean Air Act (as amended)

The Brokenshire project is compliant with the provisions of the Clean Air Act. All burning implemented under the Brokenshire project will be completed under approved burn and smoke management plans. Particulate concentrations are regulated through compliance with the local air quality management district (AQMD) and California Air Resource Board (CARB) (EA page 22).

Migratory Bird Treaty Act 1918 as amended (16 USC 703-712)

At the project scale, pertinent standards and guidelines would be implemented to maintain habitat diversity. Habitat modification would not cause a measurable negative effect to migratory bird populations. This is due to the small amount of acreage where project activities would occur during the breeding season relative to the large amount of migratory bird habitat across the Lassen National Forest. The Brokenshire project will comply with Terms and Conditions for the protection of migratory birds as provided by the United States Fish & Wildlife Service (USFWS). See the Migratory Landbird Conservation on the Lassen National Forest report located in the Brokenshire Project Record, maintained at the Almanor Ranger District office.

Environmental Justice

No environmental justice issues were identified during scoping and other public participation opportunities. The project is small in scale and will not disproportionately affect minority or low income groups.

Cultural Resources

This decision is consistent with the various acts regulating the protection of cultural resources. The Cultural Resources Report and associated analysis is in conformance with the regulations of the National Historic Preservation Act (NHPA), 1966, as amended (P.L. 89-665, 80 Stat. 915); the National Environmental Protection Acts (1969), Archaeological Resources Protection act of 1979 (ARPA); Native

American Grave Protection Act (1990: P.L. 101-601), and American Indian Religious Freedom Act (1978: P.L. 95-341).

Administrative Review or Appeal Opportunities

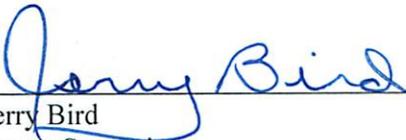
This decision is not subject to appeal pursuant to 36 CFR Part 215. A 30 day pre-decisional objection period was provided. No objections were filed during this period.

Implementation

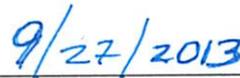
Implementation of this decision may occur immediately.

Contact person

For additional information concerning this decision or the Forest Service appeal process, contact: Jennifer Hensel, Almanor Ranger District Fuels Planner, (530) 258-5141 or jhensel@fs.fed.us.



Jerry Bird
Forest Supervisor
Lassen National Forest



Date:

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