

Decision Notice
and
Finding of No Significant Impact
for
Dragon Project
USDA Forest Service, Lassen National Forest
Eagle Lake Ranger District
Lassen County, California

Introduction

The Dragon Project 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) FSEIS and ROD (2004), and the *SNFP Management Indicator Species Amendment* (2007). On March 27, 2013 a new Final Rule was published in the Federal Register creating a Pre-Decisional Administrative Review Process (36 CFR 218) that expanded the objection process to non-*Healthy Forests Restoration Act* (HFRA) projects. This rule established a pre-decisional objection process for projects and activities implementing land management plans in lieu of the post-decisional appeal process (215) previously used by the agency. The Dragon Project will be implemented under this new 36 CFR 218 rule.

The Dragon Project is located within the Harvey Management Area (MA 12), as identified in the LNF LRMP, encompassing 1,734 acres of National Forest System (NFS) land. This project area is roughly 27 air miles northwest of Susanville, California, just east and southeast of the Blacks Mountain Experimental Forest. It includes portions of Township (T) 32 North (N), Range (R) 8 East (E), Sections 5 through 8, 17, and 18, and T33N, R8E, Sections 3 through 5, 8, 9 and 34 of the Mount Diablo Meridian. The project area consists of four separate areas: near Windy Gap Well, Aspen Flat, Puls Camp, and a small aspen unit in the White Horse Well area.

I have read the Dragon 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 the public scoping and the legal notice and comment periods. The comments to the Proposed Action and the EA and how they were considered are available in the project file. No objections were received during the pre-decisional objection period.

Decision

Based upon my review of all the alternatives, it is my decision to select Alternative 1, the Proposed Action, described in the EA on pages 16 through 28. My decision to implement Alternative 1 is based on information contained in the administrative record, including the EA, response to public comments,

integrated design features incorporated into the alternatives, and environmental consequences (EA pages 36 through 58).

This decision will implement 1,576 total acres of vegetation treatments including 1,180 acres of variable density thinning in eastside pine, 333 acres of non-forested community enhancement, and 63 acres of aspen enhancement. Prescribed fire will follow these treatments on approximately 1,513 acres. These treatments will result in the creation of 666 acres of defensible fuel profile zones (DFPZs).

It is my decision to implement the following transportation management and watershed improvement actions (EA maps, pages 26-28):

Perform reconstruction maintenance on approximately 2.2 miles of road; work will include culvert replacement, realignment, construction of low water crossings, reconstruction of the roadbed, minor clearing of encroaching trees, and road surfacing with crushed aggregate to improve roadway-drainage functionality before project implementation. Post implementation water bars would be installed on sections of the reconstruction. Portion of Forest Roads (FR) included: 33N03, 33N29Y, 33N29YB, and 33N37.

Reclassify a 0.5 mile portion of FR 33N37 from NFS maintenance level (ML) 2 road to ML 1 road once the project is complete.

Decommission a total of approximately 0.4 miles of existing NFS road (all or portions of 33N04Y and 33N04YA).

Upgrade 0.6 miles of portions of unauthorized route UNE309 to Forest transportation standards and add as NFS ML1 roads.

Upgrade 0.2 miles of unauthorized route UNE559 to Forest transportation standards and add as NFS ML 2 roads.

Decommission 1.0 miles of all or portions of unauthorized roads UNE309, UNE310, and UNE560.

Fill and recontour to improve hydrologic function on the surrounding meadows, wetlands, and streams a stock pond (T33N, R8E, Section 8), two waterfowl structures and one reservoir (T32N, R8E, Section 7). If necessary, these areas would be reseeded with native seeding, and protected with temporary fencing to allow for soil stabilization and protection from browse.

Rip the landing at the intersection of FR 33N03 and 33N03B after use to prevent water loss from pooling and evaporation loss, and to allow for better infiltration of water into the associated stream and nearby meadow.

My decision includes all of the integrated design features and Best Management Practices (BMPs) necessary to protect resources within the Dragon Project area. The integrated design features are described in detail on pages 29 through 32 of the EA, Best Management Practices are described in Appendix 1 of the Hydrology Report.

Decision Rational

I have decided to implement Alternative 1 because I believe it most fully addresses the purpose and need which is described in the EA on pages 5 through 15. My decision is also based on comments generated through collaboration and public scoping, and careful consideration of the analysis presented in the Dragon Project EA and project specialist reports, including a review of relevant scientific information; a consideration of responsible opposing views; and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk. Public input was considered during various phases of the project, and is addressed within the project record.

Alternative 1 best addresses the objectives of the Dragon Project which includes: 1) creation of healthy forest conditions that are characterized by a more open and spatially heterogeneous forest dominated by fire-resistant tree species, and reduced surface fuel loads and ladder fuels where periodic low-intensity surface fires can be reintroduced; 2) forest areas with reduced tree densities that decrease risk of mortality from insects, drought, disease, and fire; 3) functioning aspen, meadow, bitterbrush / sagebrush flats, and riparian systems that contribute to landscape biodiversity; and 4) watersheds with functioning hydrologic processes. Additional objectives include 5) cost effective treatments that contribute to community stability and 5) management of the transportation system.

Creating vegetative heterogeneity for a more disturbance-resilient landscape across non-forested communities, eastside pine, and aspen vegetation types is addressed throughout the EA. The actions under Alternative 1 speak to irregular distribution and variable spacing of trees along the gradient in eastside pine, with large, healthy, fire-resistant trees, abundant and diverse understory vegetation, and creation of clumps and openings to mimic forest conditions that resemble the vegetative structure and composition associated with the historical fire regime. The 2004 SNFPA ROD emphasizes management of hazardous fuels with strategic placement of fuels treatments across broad landscapes to modify wildland fire behavior by interrupting potential fire spread causing fires to burn at lower intensities, thereby reducing the size and severity of wildfires. This would be accomplished with Alternative 1 by various area vegetation and fuels treatments along with the creation of defensible fuel profile zones (DFPZ).

In the last century, non-forested and aspen communities have been altered by encroaching conifers, as described on pages 10 and 13 of the EA. There is a need to restore the non-forested and aspen communities through removal of these conifers.

Several water impoundments are located within the project area, some of which were excavated within seasonal stream channels. Many of these impoundments are currently impeding water flow in their associated meadows and streams by holding water that is subsequently lost to evaporation, and there is a need to remove them. Alternative 1 would recontour some of the water impoundments to improve hydrologic function in the project area.

This decision will effectively manage the transportation system within the project area. Implementing the transportation actions outlined in this Decision Notice and discussed on pages 21 and 22 of the EA will

provide access for this project, minimize environmental impacts as a result of roads, and provide a sustainable forest transportation system to meet current and future transportation needs.

There were no anticipated substantive impacts to forest resources associated with Alternative 1 (EA pages 36 through 58). Integrated design features for multiple resources, which are listed on pages 29 through 32 of the EA, will apply to the selected alternative and minimize any possible negative effects of the proposed activities.

Alternatives Considered

Two alternatives were considered in detail for the Dragon Project. These include the Proposed Action (Alternative 1) and No Action (Alternative 2). In addition to the No Action and the action alternative analyzed in detail for this project, a third alternative (a non-commercially funded fuels alternative) was initially analyzed and considered. Alternative 3 was developed based on direction in the Memorandum and Order dated 11/03/2009 from Judge Morrison C. England, United States District Court, during the remedy phase in the complaint of Sierra Forest Legacy vs. Mark Rey. This direction required that a detailed consideration of a non-commercially funded (fuels reduction) alternative be included for all new fuels reduction projects not already evaluated and approved as of the date of the Memorandum and Order. A decision in this case was filed on April 15, 2013 for this case in favor of the USDA. With this decision, it is no longer required to analyze this alternative.

Public comments were important in evaluating this project and making my decision. All suggested changes to elements of the proposed action received from the public were considered. There were no significant issues identified during the scoping process that led to the development of additional alternatives.

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 as outlined in the scoping document. The primary goal of Alternative 1 is to achieve a trend toward desired conditions including: restoration of ecosystem health, including resilience to fire, insects, and disease; restoration of ecosystem services; improvement of ecological sustainability; reduction of hazardous fuels; and stimulation of economic activity in timber-dependent communities. Alternative 1- Proposed Action is the selected alternative and is discussed throughout this Decision Notice.

Alternative 2: No Action

Under the No Action alternative, current management plans would continue to guide management of the project area. None of the proposed actions would occur, as so stated on page 33 of the EA. The No Action alternative does not meet the Purpose and Need for the Dragon Project.

Because thinning would not be implemented, this alternative would make a negligible contribution to an all-aged, multi-storied landscape in terms of fire resistant trees and low stand densities. Restoration work in the non-forested communities, aspen, and riparian areas will not occur. This alternative would not produce timber and would not contribute to the local economy.

Public Involvement

The following list outlines the public involvement process for the Dragon Project:

- The project has been listed in the Lassen National Forest Schedule of Proposed Actions (SOPA) since July 2012.
- The project proposal was discussed with the Susanville Indian Rancheria on January 11, 2012 and December 3, 2012.
- The project proposal was discussed with the Lassen County Fish and Game Commission on January 19, 2012.
- The project was presented to the Lassen Fire Safe Council in February 2012 and February 2013, and has been incorporated into the *Lassen County Community Wildfire Protection Plan*.
- The project proposal was discussed with the authorized range permittees in July 2012.
- The project proposal was discussed with Pit River Tribe on October 3, 2012 and February 13, 2013.

Scoping for this project was initiated on August 7, 2012. Individuals and groups that expressed interest in response to the SOPA were mailed a copy of the scoping document for this project. Six individuals/organizations responded in writing. All suggested changes to elements of the proposed action received from the public were considered. The analysis of the public comments is contained in the document titled “*Dragon Project Public Scoping Issue Analysis and Alternative Development*” (located in the Dragon Project Record, ELRD office).

The *Draft Dragon Project Final Environmental Assessment* was completed and mailed on August 27, 2013 to the individuals who previously provided comments. As part of the pre-decisional involvement process, those individuals were given an opportunity to comment until September 27, 2013. Four individuals/organizations responded in writing during this period. All suggested changes to elements of the EA received from the public were considered. The analysis of the public comments is contained in the document titled “*Dragon Project Legal Notice and Comment Analysis*” (located in the Dragon Project Record, ELRD office).

The *Dragon Project Final Environmental Assessment* was completed and mailed on November 26, 2013 to the individuals who had previously provided comments. As part of the pre-decisional involvement process, those individuals were given an opportunity to object until January 10, 2014. No objection letters were filed at that time.

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, are not significant. Therefore, an environmental impact statement is not needed. This determination is based on the following factors:

(a) Context:

The local context of the proposed action is limited to a small area of the Lassen National Forest, in locations described on page 2 of the EA. Proposed treatments focus on restoration, stand health improvement, and/or fuels reduction through the thinning of trees within stands that are overstocked and far from their historic range of variability. These stands represent a mid-seral range and do not currently provide the majority of the habitat attributes needed by old growth dependent wildlife species. With active management, the landscape proposed for treatment could develop the qualities and characteristics of a healthy eastside pine forest in the foreseeable future.

Treatments, and any follow up mechanical treatment of surface fuels, will take place within the defined project area (see EA Maps 1 through 3). Mechanical treatments will occur when conditions permit, primarily during July through October. The harvesting of trees within the timber sale will likely occur within three to four years, while service contracts and hand treatments that follow may occur further in time. Underburning and pile burning of surface fuels will take place in dispersed locations on an infrequent basis during the spring and fall seasons, after completion of thinning activities. Even in the context of seasonality and duration of activities, analysis prepared in support of the EA (Biological Evaluations, Management Indicator Species Assessment, Noxious Weed Risk Assessment, and other cumulative effects analysis, available in the project record), indicate that Alternative 1 will not pose significant short- or long-term effects.

(b) Intensity:

(1) Impacts both beneficial and adverse.

Effects determinations are summarized in the Dragon Project EA (pages 36 through 58) 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.

(2) Public health or safety.

There will be no significant effects on public health and safety. Development for access and harvest operations will involve use of mechanical equipment; falling of trees; hauling of harvest products on

Forest roads, county roads, and state highways; and use of prescribed fire, all of which potentially pose risks to workers and to the public. Such risks will be reduced because the public will be alerted to active harvest areas, and haul routes on Forest roads will be clearly signed and monitored as required in contract provisions to warn and protect the public of project activities. Roads within the project area may be closed to the recreating public on a temporary basis for safety reasons. Typically, these closures are caused by roads being blocked with heavy equipment operating on project related activities. These closures are of limited duration lasting within a range of minutes to a few hours.

The fuels treatments should result in fewer acres burned in the event of a wildland fire. The decreased flame lengths and fireline intensity, will give firefighters a better chance of halting the progress of a wildland fire. This effect will result in increased protection for areas outside of the existing DFPZ network including communities and wildlife habitat (EA page 43).

The project area lies within the Lassen County Air Quality Management District (LCAQMD). In accordance with Title 17 of the California Code of Regulations, a smoke management plan will be submitted to and approved by the LCAQMD prior to any prescribed fire ignitions that are part of the action alternatives. Prescribed burning will only occur on 'permissive' burn days as defined by the California Air Resources Board (CARB). Adherence to the smoke management plan (SMP) for pile and understory burning will decrease the chance of negative impacts to communities and other smoke sensitive areas. It will also help to decrease the chance that particulate matter emissions from pile or understory burning will violate the National Ambient Air Quality (NAAQ) emission standards.

Daily coordination among local fire management officials (Air Quality Management Districts, the California Air Resources Board, the National Weather Service and agencies that are conducting prescribed fire operations), adherence to the SMP and the daily determination of smoke transport conditions by CARB will help to ensure the smoke and related emissions for the prescribed fire activities will stay within the standards of the Clean Air Act. Coordination helps ensure burning only occurs when atmospheric conditions are conducive to good smoke dispersion and that the cumulative effects of all prescribed burning remain at levels within the provisions of the Clean Air Act (EA page 43).

Treatment of fuels will result in decreased smoke production and associated emissions in the event of a wildland fire. This decrease in emissions will help to reduce smoke related impacts to nearby communities.

(3) Unique characteristics of the geographic area.

There will be no significant effects on unique characteristics of the area, because there are no such areas to be affected within the project area (see EA page 2).

(4) Highly controversial.

The effects on the quality of the human environment are not likely to be highly controversial. Based on comments received during the public involvement process, there is no substantive scientific controversy related to the effects of the proposed treatment on the human environment (EA pages 36 through 58).

(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 will they present unique or unknown risks. The proposed action will implement basic forest vegetation management practices that have been used for decades on the Lassen National Forest. The consequences of these actions are known, as described in each specialist report (EA pages 36 through 58).

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

The Dragon Project is site-specific and is not likely to establish a precedent for future actions with significant effects, because no significant environmental effects were identified. 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 represent potential significant cumulative adverse impacts when considered in combination 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 (EA pages 36 through 37). None of the specialists found the potential for significant adverse cumulative effects. The Past, Ongoing, and Reasonably Foreseeable Future Actions Summary (PORFFA) can be found in the project record.

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

The action 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, nor cause loss or destruction of significant scientific, cultural, or historical resources, because Standard Resource Protection Measures as defined in the *Regional Programmatic Agreement and Interim Protocol* will be employed as integrated design features and applied to all heritage resources within the Area of Potential Effect (see EA page 57).

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

The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the *Endangered Species Act* of 1973, because no federally listed terrestrial, or aquatic wildlife species exist within or adjacent to the project area (see EA pages 45 and 46).

There are no known botanical threatened or endangered species within the project area, however; there is an occupied vernal pool with the federally listed species *Orcuttia tenuis* found approximately three-quarters of a mile from the project boundary. In addition, there is approximately 627 acres of designated critical habitat for this species within the Dragon Project

boundary. Despite extensive surveys within the designated critical habitat, no vernal pools or *Orcuttia tenuis* occurrences were found; thus, the project area does not contain any of the primary constituent elements required for this species. Therefore, there will be no direct, indirect, or cumulative effects to the designated critical habitat for *Orcuttia tenuis* from the implementation of the Dragon Project (see EA pages 53 and 54).

(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 noted below.

Findings required by other laws and regulations

Lassen National Forest Land and Resource Management Plan (LRMP) - Forest Plan Consistency

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 (2004), and the *Sierra Nevada Forests Management Indicator Species* (SNF MIS) Amendment FEIS and ROD (2007).

National Forest Management Act of 1976 (NFMA; Public Law 94-588)

The NFMA management requirements (per 36 CFR 219.27) for resource protection, vegetative manipulation, silvicultural practices, even-aged management, riparian areas, soil and water, and diversity have all been addressed in the EA. These findings are summarized in Appendix B of the Silviculture Report, hereby incorporated by reference.

Clean Water Act [as amended in 1972 (Public Law 92-500) and 1977 (Public Law 95-217)]

All federal agencies must comply with the provisions of the Clean Water Act. The Clean Water Act regulates forest management activities near Federal surface waters and riparian areas. The Proposed Action alternative meets the terms of the Clean Water Act for non-point sources of pollution, primarily pollution caused by erosion and sedimentation. As described in the 2004 SNFPA FEIS, compliance with the Clean Water Act is accomplished through implementation of Best Management Practices for National Forests in California (USDA FS 2000a).

The State and Regional Water Quality Control Boards entered into agreements with the Forest Service to control non-point source discharges by implementing control actions certified by the State Water Quality Control Board and the Environmental Protection Agency (EPA) as best management practices (BMPs). These BMPs are designed to protect and maintain water quality and prevent adverse effects to beneficial uses both on-site and downstream. In addition, the land-disturbing activities will be dispersed in time and space so that the sub-watersheds will not reach or exceed the threshold of concern for overall watershed disturbance (EA page 54 and 55).

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

At the project scale, pertinent standards and guidelines will be implemented to maintain habitat diversity. Habitat modification will not cause a measurable negative effect to migratory bird populations. This is due to the small amount of acreage where project activities will occur during the breeding season relative to the large amount of migratory bird habitat across Lassen NF. Lassen NF will comply with Terms and Conditions for the protection of migratory birds as provided by the USFWS.

Additionally, as discussed further in the resource reports, this project is also in compliance with the *Endangered Species Act (1973, as amended)*, *National Historic Preservation Act (1966, as amended)*, and the *Clean Air Act (1963, as amended)*,

Implementation

Implementation of this decision may occur immediately.

Administrative Review or Objection Opportunities

This decision is not subject to appeal pursuant to 36 CFR Part 218. A 45-day pre-decisional objection period was provided. No objections were received. There will be no further administrative review for this project.

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Ann Carlson, District Ranger, or Amy Harrison-Smith, Dragon Project Leader, at: Eagle Lake Ranger District, 477-050 Eagle Lake Rd., Susanville, CA 96130, (530) 257-4188.

/s/ Merv George Jr.

1/24/2014

MERV GEORGE Jr.
Acting Forest Supervisor
Lassen National Forest

Date:

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