

Gooseberry Ecological Restoration (30270) Decision Notice and Finding of No Significant Impact

Stanislaus National Forest
Summit Ranger District
Tuolumne County, California

Decision and Reasons for the Decision

The Forest Service prepared an Environmental Assessment (EA) for the Gooseberry Ecological Restoration project in compliance with the National Environmental Policy Act (NEPA) and other relevant laws and regulations. The EA discloses the direct, indirect and cumulative environmental impacts that would result from the alternatives. Additional documentation, including more detailed analyses of project area resources, may be found in the project record located at the Summit Ranger District Office in Pinecrest, California.

This document contains a Decision Notice and Finding of No Significant Impact (FONSI). The Decision Notice identifies the decision and the rationale for selecting or modifying an alternative from the EA. The FONSI shows that the decision does not cause significant impacts on the human environment and explains why an environmental impact statement is not necessary.

The EA (p. 2-3) explains the Purpose and Need for Action, of which the key points are:

1. **Forest Health and Restoration:** Proposed thinning would reduce overall stand densities; increase species diversity; and lessen the impacts of pathogens especially during periods of drought. Improve and promote forest health and resiliency by: 1) moving stand structure and species composition toward the potential natural vegetation; 2) reducing stand densities to minimize elevated levels of insect- and drought-related mortality; and, 3) enhancing or maintaining shade intolerant pines and hardwoods. Within plantations an additional goal is to accelerate the development of old forest characteristics. Thinning would reduce the impacts of pathogens by removing infected trees, reducing inter-tree competition, and increasing forest diversity and heterogeneity (species composition, size class, and stand structure). Thinning would also accelerate development of healthy forest conditions that are resilient, diverse, and sustainable for the long-term to support wildlife species dependent upon old growth characteristics.
2. **Re-introducing Fire:** Provide for the re-introduction of fire (prescribed fire and/or wildfire managed to achieve multiple resource objectives) to re-establish fuel profiles and vegetative conditions more characteristic of historic fire regimes, eventually allowing fire to function as a natural process. Areas proposed for prescribed fire were determined to be outside their historic fire regimes due to the long absence of fire. Prescribed fire would reduce surface and ladder fuels, lowering the risk of severe fire behavior, promote fire-tolerant species (pine and oak), assist in restoring historic species composition and forest structure, and provide for the health and safety of firefighters and the public in the event a wildfire occurs.
3. **Aspen Restoration:** Promote aspen by releasing existing aspen stems, increasing aspen root system vigor, and stimulating regeneration by removing encroaching conifers.
4. **Meadow Restoration:** Restore meadow conditions to achieve and maintain high ecological function. This would include filling gullies and returning streambeds to their original elevations.
5. **Roads, Trails and Recreation:** Reduce resource impacts from existing roads, trails and recreation sites. The campgrounds currently lack defined boundaries resulting in uncontrolled expansion of the sites. This expansion is encroaching into protected species habitats, and increasing areas of de-vegetation and soil compaction. Forest vegetation cover in developed recreation sites (Crabtree

Trailhead, Kerrick Corral Horse Camp, and Pine Valley Horse Camp) is deteriorating and creating increased hazards to site users. Tree mortality is reducing shade availability within sites as well as reducing vertical diversity and screening between sites.

6. **Noxious Weed Eradication:** Prevent the spread of ox-eye daisy down the Clavey River and South Fork Stanislaus River watersheds, which results in the degradation of habitats.

Decision

Based upon my review of the alternatives, I decided to implement Alternative 1 (Proposed Action) as described in the EA (p. 7-16), including the design elements (EA, p. 17-29) and with the modification described below. Hereafter, I will refer to this decision as Modified Alternative 1.

- Use route 41919G as a temporary road, connecting between Forest Service roads 04N242 and 04N26H to avoid the need to reconstruct and use the stream crossing on decommissioned route 04N241.

In reaching this decision, I reviewed and considered the most recent information, including: the Stanislaus National Forest Land and Resource Management Plan¹ (Forest Plan); the Clavey River Watershed Action Plan (CRWAP)²; Central Stanislaus Watershed Analysis (CSWA)³; specialist reports included in the project file; and, input from interested parties. My decision authorizes the following specific actions, as described in the EA (p. 7-16):

1. **Forest Health and Restoration:** thinning to promote pine and oak, reduce pathogen levels, and increase stand structure on 2,246 acres; and, expansion of gaps, up to 1 acre, for pine regeneration.
2. **Re-introducing Fire:** prescribed burning on 2,271 acres.
3. **Aspen Restoration:** remove encroaching conifers up to 40 inches dbh on 111 acres and fencing to protect regeneration.
4. **Meadow Restoration:** repair gullies and head cuts on 15 acres; remove encroaching conifers up to 40 inches dbh; plant riparian vegetation; and, fencing.
5. **Roads, Trails and Recreation:** road maintenance, reconstruction and decommissioning; trail improvements and decommissioning unauthorized routes; and, delineation of recreation site boundaries.
6. **Noxious Weed Eradication:** remove small infestations of ox-eye daisy in the Clavey and South Fork Stanislaus watersheds.

Reasons for the Decision

I selected Modified Alternative 1 for the following reasons:

1. Modified Alternative 1 is consistent with the Forest Plan (USDA 2010).
2. Modified Alternative 1 will meet goals addressed in the Forest Plan, CRWAP and CSWA by lowering stand densities, favoring pine and hardwoods, increasing stand heterogeneity, improving the function of hydrologic features, improving road conditions, reintroducing fire, and maintaining wildlife habitat.
3. Modified Alternative 1 meets the Purpose and Need better than Alternative 2 (No Action) or Alternative 3 (Non-Commercial Funding) by: allowing the removal of encroaching conifers in

¹ USDA 2010. Forest Plan Direction. April 2010. Forest Service, Stanislaus National Forest, Sonora, CA.

² CRWAP 2010. Clavey River Watershed Action Plan. Clavey Watershed Council. online: <http://www.claveyriver.net>.

³ USDA 2002. Central Stanislaus Watershed Analysis. Stanislaus National Forest. Sonora, CA.

meadows and aspen stands; allowing thinning intended to promote pine and oak; increasing stand heterogeneity; reducing pathogen levels to improve Forest Health; and, improving forest resiliency, diversity and sustainability for the long-term to support wildlife species dependent upon old growth characteristics.

Other Alternatives Considered

In addition to the selected alternative, I considered the two other alternatives considered in detail (EA, p. 7-29) as described below. The EA (p. 30) includes a comparison of the alternatives considered in detail. The EA (p. 29) also describes one alternative considered but eliminated from detailed study (30 inch Maximum Diameter Limit).

Alternative 2 (No Action)

Alternative 2 (No Action), current management plans would continue to guide management of the project area. No thinning; re-introduction of fire; aspen restoration; meadow restoration; improvements to roads and trails, and delineation of recreation sites; or noxious weed removal would be implemented to accomplish project goals.

I did not select Alternative 2 (No Action) for the following reasons:

1. No treatments to enhance pine and oak, increase stand heterogeneity, or improve forest health would occur.
2. Fire, a critical ecosystem process, would not be reintroduced in a controlled manner.
3. Aspen stands would continue to decline due to conifer encroachment.
4. Hydrologic conditions would continue to degrade due to headcut expansion, continued down cutting, uncorrected road conditions, and continued conifer encroachment.
5. Impacts from uncontrolled expansion of recreation sites and unauthorized routes would not be corrected.
6. Noxious weeds would continue to spread through the area.

Alternative 3 (Non-Commercial Funding)

Treatment stands would be the same as in Alternative 1 (EA, p. 8-9; Tables 1 and 2), but treatments would remove only material necessary to meet fuels objectives. This would result in a maximum diameter limit of 12 inches; with an incidental amount of trees larger than 12 inches removed to create landings, skid roads and/or to meet other operational needs. The 12 inch diameter limit eliminates the borate compound application, as the borate compound was only proposed for application to stumps greater than 14 inches in diameter. Aspen restoration and removal of encroaching conifers in meadows would not occur. All other treatments would be the same as Alternative 1.

I did not select Alternative 3 (Non-Commercial Funding) for the following reasons:

1. Treatments to enhance pine and oak, increase stand heterogeneity, and improve forest health would have limited to no effect and would not achieve the objectives of the Purpose and Need.
2. Aspen stands would continue to decline, root systems would loss vigor, and eventually disappear due to continued conifer encroachment.
3. Meadows would continue to constrict due to continued conifer encroachment.

Public Involvement

The Forest Service first listed the Gooseberry Ecological Restoration project in the April 2010 issue of the Stanislaus National Forest Schedule of Proposed Actions (SOPA). The Forest distributes the SOPA to about 160 parties and it is available on the internet [<http://www.fs.fed.us/sopa/forest-level.php?110516>].

The Forest conducted three field trips to the project area to discuss the ecological issues present and potential treatments. Dodge Ridge representatives attended the first trip on October 21, 2009. Central Sierra Environmental Resource Center (CSERC) representatives attended the second trip on October 29, 2009. CSERC and Audubon Society representatives attended the third trip on November 3, 2010. The Forest also met with a representative of Aspen Meadows Pack Station on May 24, 2010.

On March 23, 2010, the Forest sent a scoping letter to 16 individuals, affected permittees, organizations, agencies and Tribes interested in this project. The letter requested comments on the Proposed Action between March 24 and April 23, 2010. Seven interested parties submitted letters, e-mails or verbal comments. During scoping, the Forest Service identified two relevant issues raised during scoping: 1) maintaining Visual Quality; and, 2) impacts on operations and visitor use for an existing special use permittee (see 3.1 Effects Related to Issues). A list of non-relevant issues and reasons regarding their categorization as non-relevant are in the project record. Although non-relevant issues are not used to formulate alternatives or prescribe mitigation measures, the EA will disclose all environmental effects including any related to non-relevant issues.

A legal notice, announcing the 30-day Opportunity to Comment on the EA appeared in the Union Democrat, the newspaper of record, on March 8, 2013. The Forest mailed copies of the EA to those parties who previously expressed interest in the project. The 30-day comment period ended on April 8, 2013. During the comment period, three parties submitted comments and one party submitted a letter of support for the project. The project file contains a summary of the comments received along with a response to comments. Based on those comments, the EA includes the following change:

- A project requirement to have the District Silviculturist and Wildlife Biologist review the mark of trees greater than 30 inches dbh in aspen and meadow restoration units.

Finding of No Significant Impact

After considering the environmental effects described in the EA (p. 31-44), I determined that these actions will not have a significant effect on the quality of the human environment, considering the context and intensity of impacts (40 CFR 1508.27); therefore, an environmental impact statement will not be prepared. I incorporate, by reference, the EA and project record, in making this determination. I base this finding on the following.

Context

Context is a site specific action that by itself does not have international, national, regional, or statewide importance. The Gooseberry project, located on the Summit Ranger District, proposes treatment on 2,860 acres of the 898,000 acre Stanislaus National Forest. The area experiences high recreation use and contains scenic views, Dodge Ridge Winter Sports Area, Aspen Pack Station, and multiple trailheads and campgrounds. The project meets Forest Plan goals for providing economic benefits to the local community, maintaining diversity of plants and animals, addressing fire and fuels concerns, improving habitat for wildlife, controlling insect and disease levels and their impacts on forest resources, providing a wide range of recreation opportunities, protecting and improving riparian areas, managing of sensitive species, managing timber resources, providing a safe and effective transportation system, meeting visual quality objectives, and maintaining or improving water quality while managing for the proposed Wild and Scenic River that is present in the project area (USDA 2010, p. 5-7).

Intensity

I considered the following ten elements of impact intensity (40 CFR 1508.27b) in assessing the potential significance of project effects.

1. Impacts that may be both beneficial and adverse.

The direct and indirect effects of the alternative are addressed here. Cumulative effects are addressed below under Intensity Factor 7.

I considered both the beneficial and adverse impacts associated with Modified Alternative 1 as presented in the EA (p. 32-38). Modified Alternative 1 will increase the resilience of forested stands in the project area, and will restore key habitat features such as meadows and aspen stands. The EA (p. 32-38) discloses potential impacts to water, soils, vegetation, wildlife, scenery, air quality, recreation, heritage resources, and road condition. Also, this decision includes all practical means to avoid or minimize environmental harm by adopting the Management Requirements displayed in the EA (p. 17-29). The Biological Evaluations and specialist reports prepared for this project are contained in the project record and are available upon request. Combined, these documents provide the basis for the following key determinations:

- Modified Alternative 1 will achieve watershed goals and objectives while avoiding or minimizing negligible and short term adverse effects to beneficial uses by implementation of Best Management Practices and management requirements.
- No federally listed Threatened or Endangered plant or animal species occur within the project area. The project contains suitable habitat for the federally listed candidate species mountain yellow-legged frog (MYLF) and Yosemite toad. Modified Alternative 1 may affect individuals, but is not likely to contribute to the need for Federal listing or result in loss of viability for the MYLF or Yosemite toad in the Forest Plan area.
- Forest soil quality guidelines would be met with Modified Alternative 1. Management requirements and Best Management Practices would mitigate hazardous effects to soil quality. Soil moisture regimes would be restored in meadow treatment areas.
- Modified Alternative 1 may affect individuals and/or habitat but would not result in a loss of viability or a trend toward federal listing for the California spotted owl, great gray owl, northern goshawk, willow flycatcher, Pacific fisher, American marten, or California wolverine.

2. The degree to which the proposed action affects public health or safety.

Modified Alternative 1 would reduce the risk of severe wildfire, lowering the risk to the public, firefighters, and infrastructure within the project area. The reduction of fuels would reduce the amount of pollutants released if a wildfire occurred. Prescribed burning would be done in a manner that reduces the amount of pollutants released, and timed to minimize emission impacts.

Modified Alternative 1 would address declining forest health issues (tree decline and mortality in and around recreation sites), increasing public safety.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

Modified Alternative 1 would maintain and protect the desired characteristics of the Near Natural and Proposed Wild and Scenic River allocations within the project area, and have no adverse effect on these areas.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

The basic concept of Modified Alternative 1 – thinning trees; restoration of aspen and meadows; removal of noxious weeds; work on roads, trails and recreation sites; and re-introduction of fire – is generally not considered controversial. Removal of large diameter trees may be considered controversial by some groups and was brought up during the comment period. This activity is proposed on only 5 percent of the project area to achieve restoration and forest health objectives and is consistent with the Forest Plan (USDA 2010) and Sierra Nevada Forest Plan Amendment (USDA 2004), as well as National and Regional directives.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The effects on the human environment from Modified Alternative 1 are not uncertain and do not involve unique or unknown risks. The proposed activities of harvesting trees; pruning trees; riparian and meadow restoration; removal of noxious weeds; work on roads, trails and recreation sites prescribed fire; and pile and burn have all been previously implemented with known effects.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

This project does not set a precedent that would significantly affect future projects. Future projects would be considered, evaluated, and analyzed separately on their own merits.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

This analysis relies on current environmental conditions as a proxy for the impacts of past actions. Existing conditions reflect the aggregate impact of all prior human actions and natural events that affected the environment and might contribute to cumulative effects. In addition, the Council on Environmental Quality issued an interpretive memorandum on June 24, 2005, regarding analysis of past actions, which states, “agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of each individual past action.” The cumulative effects analysis in this environmental assessment is also consistent with Forest Service National Environmental Policy Act Regulations (36 CFR 220.4[f]) (July 24, 2008).

The cumulative effects analysis in the EA is consistent with Forest Service NEPA Regulations (36 CFR 220.4[f]) (July 24, 2008). The cumulative impacts are not significant. The effects of past, present and reasonably foreseeable future actions were assessed along with those of the Modified Alternative 1 to determine whether cumulative effects would occur. Each resource specialist identified the appropriate cumulative effects analysis area specific to their resource.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

Heritage resources have been considered in all aspects of this project. The entire area has been surveyed. The project is designed to protect and avoid disturbance of all eligible sites (no listed sites are located within the project area) during implementation. No effect is anticipated to occur to any cultural or historic resources. No scientific areas are within the project boundary.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The Wildlife Biological Evaluation (BE) and Aquatic BE prepared for this project determined the proposed action will have no effect on any Federally Threatened and Endangered or Proposed species or Designated Critical Habitat. The BEs determined that the action area is outside the geographic range of any T&E species.

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

Modified Alternative 1 was developed in accordance with and does not threaten to violate any Federal, State, or local laws or requirements imposed for the protection of the environment (i.e. Endangered Species Act, National Historic Preservation Act, Federal Clean Water Act, Executive Order 11988 for Floodplain Management, or the Clean Air Act).

This alternative complies with the Travel Management Rule by protecting the resources, promoting the safety of all users, and minimizing conflicts among the various uses (36 CFR Part 212).

The Forest Service will obtain all required permits from the appropriate county, state, and federal regulatory agencies prior to implementation.

Findings Required by Other Laws and Regulations

This decision to implement Modified Alternative 1 is consistent with the long term goals and objectives of the Forest Plan (USDA 2010, p. 5-16). I determined that Modified Alternative 1 is consistent with the Forest Plan goals and objectives and forestwide and Management Area standards and guidelines (EA p. 17-29), and therefore this project complies with the National Forest Management Planning Act of 1976.

A timber harvest waiver will be obtained through the California Regional Water Quality Control Board prior to implementation.

In addition, implementation and effects of this decision will be consistent with the following relevant acts and executive orders:

- Americans with Disabilities Act (ADA) of 1990
- Archaeological Resource Protection Act of 1978
- Clean Air Act of 1955, as amended
- Clean Water Act of 1948, as amended
- Endangered Species Act of 1973, as amended
- Fish and Wildlife Coordination Act of 1934, as amended
- Forest and Rangeland Renewable Resources Planning Act of 1974
- Multiple-Use Sustained Yield Act of 1960
- National Environmental Policy Act of 1969, as amended
- National Historic Preservation Act (NHPA) of 1966, as amended
- Organic Administration Act of 1897
- Protection of Wetlands Executive Order 11990

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, the 5th business day following the close of the appeal filing period [36 CFR 215.9(a)]. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition. In the event of multiple appeals, the implementation date is controlled by the date of the last appeal disposition [36 CFR 215.9(b)].

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR 215. In accordance with the April 24, 2006 order issued by the U. S. District Court for the Missoula Division of the District of Montana in Case No. CV 03-119-M-DWM, only those individuals and organizations who provided comments during the comment period are eligible to appeal [36 CFR 215.11(a), 1993 version]. Appeals must be filed within 45 days from the publication date of the legal notice of decision in the Union Democrat. Notices of 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 service) with the appropriate Appeal Deciding Officer [36 CFR 215.8] within 45 days following the publication date of the legal notice of decision. 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 upon dates or timeframe information provided by any other source.

Appeals must be submitted to Regional Forester, Attn: **Gooseberry**, USDA Forest Service, 1323 Club Drive, Vallejo, CA 94592, (707) 562-8737. Appeals may be submitted by FAX (707) 562-9229, or by hand-delivery to the Regional Office, at the address shown above, during normal business hours (Monday-Friday 8:00am to 4:00pm). Electronic appeals, in common (.doc, .pdf, .rtf, .txt, etc.) formats may be submitted to appeals-pacificsouthwest-regional-office@fs.fed.us with Subject: **Gooseberry**.

Contact Person

For additional information concerning this decision contact: John Nelson, Summit Ranger District, #1 Pinecrest, CA 95364; or call (209) 965-3434 ext. 5341.

Signature and Date



CHRISTINA M. WELCH
Deputy Forest Supervisor
Stanislaus National Forest

May 8, 2013

Date