

Decision Notice and Finding of No Significant Impact

Piute Fire Roadside Hazard Tree Removal Project

**USDA Forest Service
Kern River Ranger District, Sequoia National Forest
Kern County, California**

Background

The Piute Fire began on June 28, 2008, burned approximately 37,000 acres, and was contained by July 25, 2008. As a result of the fire, many trees along roads used by the public, Forest Service personnel, and Forest Service contractors were damaged or killed and could fall into the roadway, posing a safety and access risk. In addition to the fire-affected trees, there are unburned trees that are dead or have damage and/or defects that predispose them to failure. These additional trees are both within the fire perimeter and along roads that access the burned area and the water source for this project; they pose a safety risk similar to that of the burned trees. As a result, there is a need to reduce safety hazards to the public and forest workers from falling trees along approximately 32 miles of roads in and around the burned area.

The Piute Fire Roadside Hazard Tree Removal (Piute Roadside Hazard) project location is in Kern County, California approximately seven air-miles southeast of Lake Isabella, California. The project is on the Kern River Ranger District, Sequoia National Forest (SQF). The legal description is T. 28 S., R. 33 E., Sections 11, 13, 14, 22-26, and 36; T. 28 S., R. 34 E., Sections 8, 9, 16-20, and 29-32; T. 29 S., R. 34 E., Section 6, Mount Diablo Base and Meridian. The project includes all or portions of Forest Service System roads: 28S27, 28S27A, 28S25, 28S24, 28S17, 28S17B, 27S02, 28S23, 28S18, 28S18A, 28S47, 28S47A, and 28S47B, and a portion of the Piute Mountain Road (County Road 501).

Decision and Selected Alternative

As the Responsible Official for this project, I have decided to use a commercial timber sale to remove hazard trees for safety purposes along approximately 32 miles of roads affected by the 2008 Piute Fire. To that end, I have selected the Proposed Action-Alternative B, as described in the Piute Fire Roadside Hazard Tree Removal Environmental Assessment (EA), hereinafter referred to as the Selected Alternative. This decision was made after careful consideration of the potential impacts of the activities analyzed in the EA and public comments on the proposed action and the analysis. The Piute Fire Roadside Hazard Tree Removal EA and its supporting documentation are incorporated by reference.

The Selected Alternative includes the following:

Use a commercial timber harvest to remove hazard trees along 28S27, 28S27A, 28S25, 28S24, 28S17, 28S17B, 27S02, 28S23, 28S18, 28S18A, 28S47, 28S47A, 28S47B, and a portion of the Piute Mountain Road (County Road 501).

Hazard trees proposed for felling will be identified using the Sequoia National Forest Hazard Tree Identification Guidelines (2004). These trees include both fire damaged and killed trees that meet the above guidelines, as well as unburned trees that are dead or have damage and/or defects that meet the above guidelines. These trees are located within 200 feet from each side of the road prism (top of cut bank to bottom of road fill). Trees marked as hazards by Forest Service personnel will be manually cut; those with commercial value may be removed under a timber sale contract using ground-based equipment.

Activity-created slash would be treated by lop and scatter, pile and burn, chipping, or a combination of these methods to retain adequate soil cover while reducing hazardous fuel loading. Approximately 10 miles of the project area are proposed for treatment by piling activity generated fuels where slope and safety permit and burning the piles; the other approximately 22 miles of treatments would consist of lop and scatter¹ to 18 inches or less, with jackpot burning² employed in areas where fuel loading exceeds 10 tons/acre.

The Selected Alternative includes the following Project Design Features:

1. Implement appropriate limited operating periods to protect threatened, endangered, and sensitive (TES) species as outlined in the SQF Land and Resource Management Plan (LRMP), as amended by the Sierra Nevada Forest Plan Amendment (SNFPA). (For details of limited operating periods, see wildlife objective, EA, on pages 9-10.)
2. Protect known cultural resources per the SQF LRMP, and according to standard protection measures outlined in II (A) of the *First Amended Programmatic Agreement among the USDA Forest Service, Pacific Southwest Region, the Advisory Council on Historic Preservation, and the California State Historic Preservation Officer, Regarding the Process for Compliance with Section 106 of the National Historic Preservation Act for Undertaking on the National Forests of the Pacific Southwest Region* (Region 5 Programmatic Agreement 2001).
3. Protect all known and discovered Region 5 sensitive plant populations and habitats with high likelihood of sensitive plant occurrence within the project area by flagging and avoiding use of mechanical ground-disturbing equipment in those areas.

¹ Lop and scatter treatments include cutting branches and tops so that they will lie close to the ground and then spreading them evenly across an area.

² Jackpot burning involves igniting concentrations of fuels on the forest floor, whether they are natural fuels or fuels resulting from treatments.

4. Reduce potential for the introduction and/or spread of noxious weed species in the project area by avoiding infestations discovered during implementation, by using weed-free erosion control materials, and by requiring equipment that operates off-road to be free from weeds and soil before coming to the project area.
5. Protect watershed resources and water quality by employing best management practices (BMPs).
6. Increase soil cover while minimizing hazardous fuel loading (maintain <3" diameter size class at less than 3-5 tons/acre) through activity-created slash treatment.
7. Retain up to 10 tons per acre of large (> 12" diameter class) downed woody debris per acre over the treatment unit, starting with the largest available.
8. Apply riparian conservation objective (RCO) widths by stream type. Conduct surveys for sensitive amphibian species prior to any management activities in suitable habitat. Removal of hazard trees marked for treatment in these areas will be evaluated on a case-by-case basis.
9. Limit cross-country motorized travel and the development of new routes by scattering slash and cull logs where appropriate and practicable.
10. French Meadow, Piute Peak, Cold Springs, and Brown Meadow dispersed camping areas may be closed to public use during treatment activities to provide for public safety, and will be rehabilitated to accommodate public use at the completion of project activities.
11. Use traffic control or closures on roads and trails as needed during treatment activities for public safety.
12. Unless agreed otherwise, no log hauling will occur on Saturdays and Sundays, the Memorial Day, Fourth of July, and Labor Day holidays, and the Friday preceding the general deer season opening.
13. Protect or re-establish system trails if impacted. All safety hazards associated with management activities will be removed.

Decision Rationale

In making my decision I evaluated which alternative best meets the project purpose and need, responds to the issues raised through public scoping and meets the agency's goals described in the LRMP as amended by the SNFPA. As a result, I concluded that the Selected Alternative provides the best outcome at the lowest cost.

Project Need: The clear need for this project is to reduce safety risks to the public and forest workers from hazard trees. The Selected Alternative meets this need by using a

commercial harvest to remove these hazards while providing benefits to the local economy.

Project Purposes: Additional purposes selected for this analysis include protection of TES wildlife species; protection of cultural resources; minimization of impacts to sensitive plant species; prevention of introduction and spread of noxious weeds; and retention of adequate soil cover. Both action alternatives were designed to meet these purposes, as well as Forest Plan standards and guidelines.

Project Goals: Project goals include treating fuels in a manner that significantly reduces wildland fire intensity and rate of spread and recovering the value of timber killed or severely injured by the fire. These management goals are found in Appendix A of the SNFPA Record of Decision (ROD). The selected alternative best meets the fuels treatment goal by reducing slash and debris from cut hazard trees to less than 10 tons/acre. In addition, the selected alternative best recovers the economic value of fire-killed timber, providing an estimated present net value of \$916,668 to the local economy.

Issues: There was one issue raised during scoping that required the consideration of an alternative: *Mechanical harvesting and tree skidding actions may lead to soil disturbance, erosion, and impacts on sensitive plants.* To address this issue, the team analyzed an alternative—Alternative C—to cut hazard trees and leave them on site to buffer soils and avoid erosion or other disturbances caused by their removal. While Alternative C was designed to limit the disturbances associated with removing downed trees, neither the soils analysis nor the botany analysis felt that it would provide a significant benefit over the Selected Alternative.

While Alternatives B (Selected Alternative) and C both reduce the safety risks to the public and forest workers by cutting the hazard trees, Alternative C would not meet the fuels management goals. The cut trees and their branches would be left untreated under Alternative C resulting in fuel loads up to and exceeding 20 tons/acre. The amount and size of these fuels would not meet the agency goal of “treating fuels in a manner that significantly reduces wildland fire intensity and rate of spread, thereby contributing to more effective fire suppression...” (SNFPA ROD, page 34).

In summary, I have selected Alternative B as being fully responsive to the need and purposes for which this project is designed, and as being the most economically efficient alternative.

Other Alternatives Considered

I feel the alternatives are adequate for this NEPA analysis and for the complexity of the project. In addition to the selected alternative, I considered five other alternatives and analyzed two of these. A comparison of the alternatives analyzed in detail can be found in the EA on pages 9-13.

Alternatives Studied in Detail

Alternative A - No Action. Under the no action alternative, diligent effort would be made to provide public access and maintain safe conditions. However, current road maintenance budgets are not adequate to clear and maintain all roads currently open in light of the anticipated number and volume of falling trees. Roads currently open to the public may be subject to temporary closure during unsafe conditions such as high winds, delays in seasonal opening, or complete closure if hazards are not removed.

Alternative C - Retain Cut Trees. This alternative would meet the purpose and need by cutting, limbing, and leaving trees that pose a hazard. This addresses concerns regarding potential soil and vegetation disturbance if cut trees are removed as described under the proposed action. Hazard trees would be felled, secured from rolling, and left on site. (Mechanical equipment would not be used under this alternative except where necessary to aid in securing large trees.) Hazard trees are defined as described in the proposed action. Activity created fuels would not be treated under this alternative. Hazard trees would be cut using service contracts or Forest Service crews depending on availability of funding and personnel.

Alternatives Considered but not Studied in Detail

One scoping respondent requested an “imminent threat of immediate falling” alternative. The SQF has policy, direction, and guidelines for determining high risk hazard trees and removing them to preserve public safety. The proposed action, in this case, follows that direction and those guidelines.

One respondent suggested topping or pruning hazards such that they would be less likely to fall and less hazardous. This is a dangerous and very expensive technique used in high-value wildlife areas with a deficient number of snags. The Piute Fire area is not deficient in snags. The incremental wildlife value of additional snags along the road corridor would not justify the expense, or the additional risk to workers performing the task.

Finally, this same respondent suggested an alternative that would adopt the National Park Service’s policies for disposing of hazard trees. The primary reason for this suggested alternative was that the respondent felt that following a Park Service procedure would be unlikely to result in a commercial timber sale—the downed wood would be left in place or used for firewood, etc. Yosemite, Sequoia, and Kings Canyon National Parks do sell hazard trees as a means of maintaining roads and providing for public safety. This suggested alternative was not analyzed in detail because it is duplicative of an alternative already included in this analysis. Alternative C proposes to cut hazard trees and leave them in place; Alternative C does not include a commercial timber sale.

Public Involvement

The Piute Roadside Hazard Tree Removal Project was listed in the SQF Schedule of Proposed Actions on January 1, 2009. The proposal was provided to a total of 113 neighboring land owners; local tribal organizations; federal, state, and local agencies; and individuals; groups and organizations potentially interested in or affected by this project for comment during scoping from November 19 to December 19, 2008. Eighteen responses were received; all respondents wished to remain on the mailing list. Sixteen respondents offered comments. The public involvement file contains copies of the scoping letter and responses and is part of the project record.

On March 11, 2009, a letter was mailed to the eighteen (18) individuals, groups and agencies that responded to the initial scoping letter of November 19th 2008 and indicated continued interest in the project. This letter notified the interested public of the formal 30-day notice and comment period for the Piute Roadside Hazard Tree Removal Project. In addition to the mailing, a legal notice announcing the 30-day notice and comment period for the EA was published in the newspaper of record (Porterville Recorder), and simultaneously in the Bakersfield Californian, on March 13, 2009. A total of two (2) responses were received.

Finding of No Significant Impact

The Council on Environmental Quality (CEQ) regulations note that when an environmental assessment has been prepared, the responsible official shall review that document and determine whether the proposed action (selected alternative) may have a significant effect on the quality of the human environment and if an environmental impact statement should be prepared (40 CFR 1508.13).

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the Environmental Assessment for the Piute Roadside Hazard area. I have also reviewed the project record for this analysis and the effects of the proposed action and alternatives as disclosed in the EA. Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significance of effects. Significant, as used in NEPA requires consideration of both context and intensity.

(a). Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance will usually depend upon the effects in the locale rather than in the world as a whole. Both short-and long-term effects are relevant (40 CFR 1580.27):

The proposed hazard tree removals in this project are limited to a narrow band along approximately 32 miles of road in the Sequoia National Forest. This is a site-specific action with minor localized effects on access, on the economy, and on the resources of the area.

More than 100 scoping letters were mailed to interested parties. Eighteen responses or inquiries were received. Several responses questioned the extent of hazard tree removal needed, but none questioned the need for some level of treatment of hazard trees. The level of response relative to the pool of forest users is small and reflects a low level of controversy among the general public regarding this project.

Protections for cultural resources, water quality, and threatened, endangered, or sensitive plant and animal species are included in the Selected Alternative. In the context of short- or long-term effects, there have been a number of large fires within the SQF where similar or more extensive post-fire treatments were proposed. Post-fire observation and anecdotal evidence of the McNally (2002), Stormy (1990), Flat (1975), Bonita (1977), Bodfish (1984), Red Mountain (1970), Boone (1950), and other fires show that there are long-term effects from those fires but that hazard tree abatement alone has not resulted in long-term adverse effects.

(b). Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity (40 CFR 1508.27):

- 1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effects will be beneficial.**

Disturbances to sensitive plants and soils, with the potential for increased erosion, were identified as possible short-term effects. By incorporating the design features, the potential for, and intensity of, adverse effect is considered low (see EA, pages 14-18). There would likely be some beneficial economic effects from the proposed action, but these would not generally be considered "intense" (see EA, page 13).

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

The Selected Alternative would have the effect of reducing potential adverse conditions for public health and safety by removing trees considered hazardous to the public. To take no action, on the other hand, would lead to greater risks to public health and safety, as well as forest workers (see EA, page 9).

- 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.**

No parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas would be adversely affected by proposed treatments. The project area has been surveyed and analyzed for historical and cultural resources. Cultural sites would be flagged and protected (see EA, page 10).

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

The effects of any alternative on the quality of the human environment are not likely to be highly controversial. The project area has already been impacted by a wildfire; the proposal is limited in scope; and the project design features, including standard management requirements, are demonstrably effective in reducing impacts to national forest resources (see EA, pages 9-11).

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

The conditions present within the project area and the proposed action are similar to fire recovery projects that have been implemented on the Sequoia National Forest in the past. BMPs have been shown to be effective in minimizing or eliminating off-site sediment transport when properly implemented. These effects have been monitored for several years and are displayed in annual forest reports (see EA, pages 16-18).

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.

The precedent for removing trees that may become a hazard along roads and other points of public access has been well established in the Forest Service Manual and the Forest Plan. This action is considered routine and is usually covered under a category of actions excluded from further documentation under NEPA. As such, this action does not set a precedent for future actions or represent a decision in principle about a future consideration. Future actions will be analyzed on their own merits in compliance with NEPA.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small components parts.

A cumulative effect is the effect on the environment that results from the incremental effect of an action when added to the effects of other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes the other actions and regardless of land ownership in which the actions occur.

Design features included in the Selected Alternative would avoid or minimize adverse effects and protect plants, wildlife, aquatic species, and other sensitive resources to the extent that residual effects would not be significant. As a result, there would not be any significant direct or indirect effects associated with this proposal; without direct effects, there can be no cumulative effects (see EA, pages 9-18).

This roadside hazard tree removal project constitutes the minimum necessary action to maintain open roads and public safety in the project area. The incremental impact of the Selected Alternative is low in context, scale, and intensity. The Piute Fire Restoration Project, which is currently in the public scoping phase, could include up to 2,200 acres of treatment, including salvage logging and additional fuels reduction. The potential of these effects and their impacts in terms of context, scale, and intensity will be reviewed in that analysis.

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

A record search, field survey, resource inventory, and Cultural Resource Analysis have been completed for this project, under provisions of the programmatic agreement with the Advisory Council on Historic Preservation and the California State Historic Preservation Office (SHPO), and in compliance with Section 106 of the Historic Preservation Act. Assessment of historical and cultural resources in the project area indicates implementation of this project would neither affect any heritage resource eligible for listing in the National Register of Historic Places, nor cause loss or destruction of any significant cultural or historical resources. If any new heritage resources were discovered during project implementation, operations would cease in the area of new discovery until adequate protection measures were agreed upon with SHPO (see EA, pages 7-10).

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.

A biological assessment (BA) has been completed to document analysis of potential effects of this project on endangered, threatened, and proposed species and their critical habitats. No known federally-listed threatened, endangered, or proposed plant or animal species occur or have the potential to occur in the project area. The project does not remove suitable habitat or otherwise adversely affect any listed species (see EA, pages 9-11).

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

The Selected Alternatives would not violate federal, state, or local laws or requirements. They are fully consistent with the 1988 Sequoia National Forest Land and Resource Management Plan as amended by the Sierra Nevada Forest Plan Amendment. This EA is in full compliance with the National Environmental Policy Act of 1969 and is consistent with the National Forest Management Act of 1976 (see EA, pages 9-12).

Findings Required by other Laws and Regulations

The selected alternative meets requirements under the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Endangered Species Act (ESA), the Clean Water Act (CWA), and the Clean Air Act. It is also consistent with elements of the Sequoia National Forest Mediated Settlement Agreement (MSA) of 1990 not replaced by the SNFPA 2004. The project was designed in conformance with LRMP standards, as amended by the SNFPA 2004, and incorporates appropriate LRMP guidelines.

Implementation Date

If no appeals are received, this decision may be implemented no sooner than five days following the close of the appeal period. If an appeal is received, implementation may begin 15 days following the disposition of all appeals.

Administrative Appeal Opportunities

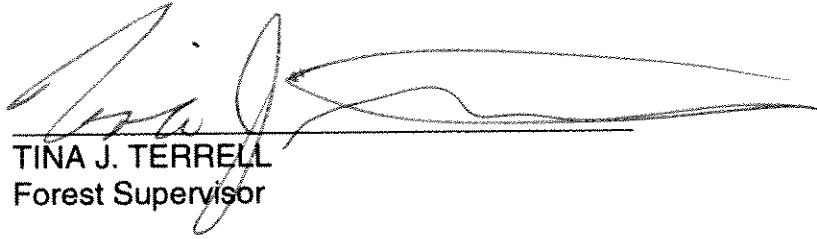
This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Regional Forester, 1323 Club Drive, Vallejo, CA 94592. Appeals may be submitted by FAX [707-562-9091] or by hand-delivery to the Regional Office, at the address shown above, during normal business hours (Monday-Friday 8:00 a.m. to 4:00 p.m.). Electronic appeals, in acceptable [plain text (.txt), rich text (.rtf) or Word (.doc)] formats, may be submitted to appeals-pacificsouthwest-regional-office@fs.fed.us with Subject: **Sequoia-Piute RSH**. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Porterville Recorder, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the Porterville Recorder is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source. Notice of this decision will be published simultaneously in the Bakersfield Californian. Individuals or organizations who submitted timely comments may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Contact Information

For additional information, contact Andrew Orlemann at (559) 793-8132 or aorlemann@fs.fed.us.

Responsible Official and Signature



TINA J. TERRELL
Forest Supervisor

5/1/09
DATE