

**United States Department of Agriculture
Forest Service
Pacific-Southwest Region**

Decision Notice and Finding of No Significant Impact

East Fork II Project

**South Fork Management Unit
Shasta-Trinity National Forest
Trinity County, CA**

T28 & 29 N, R11W, M.D.M.

April 9, 2008

The East Fork II Project is located on the Yolla Bolla Ranger District, South Fork Management Unit, Shasta-Trinity National Forest. The Project is located in Trinity County, an estimated six air miles south of the community of Wildwood, California.

I have reviewed the East Fork II Environmental Assessment (EA) which addresses expected environmental effects of the project. The EA is available for public review at the Hayfork Ranger Station, Hayfork, California, and at the Forest Supervisor's office in Redding, California. It is also available online at <http://www.fs.fed.us/r5/shastatrinity/projects/sfmu-projects.shtml>.

Background

On September 16, 2003, I published the original East Fork Decision Notice and Finding of No Significant Impact (DN/FONSI). The original East Fork EA proposed thinning and fuels hazard reduction treatments on an estimated 2,077 acres of National Forest System lands.

On October 31, 2003, the Environmental Protection Information Center (EPIC) appealed my decision to the Regional Forester. On December 15, 2003, the Regional Forester remanded my decision with instructions. On April 20, 2004, I addressed the appeal points and issued the East Fork DN/FONSI again. On June 7, 2004, EPIC again appealed the DN/FONSI to the Regional Forester and on July 22, 2004, the Regional Forester upheld my decision. On August 20, 2004, EPIC (Plaintiff) filed in US District Court an eight-count complaint seeking declaratory and injunctive relief. On August 19, 2005, the Eastern District of California, US District Court denied the Plaintiff's motion for summary judgment and granted the Defendant's (U. S. Forest Service) motion for summary judgment on all claims.

The East Fork II Project and the Texas Spider timber sale are synonymous. Texas Spider timber sale implemented proposed activities analyzed in the 2004 East Fork DN/FONSI and offered an estimated 17,430 hundred cubic feet (8.7 million board feet) of sawtimber. The Texas Spider timber sale was awarded to Trinity River Lumber Company of Weaverville, California, on September 2, 2005. Operations began in November of that year. In December 2006 EPIC appealed the District Court order granting

summary judgment to the Forest Service to the Ninth Circuit Court of Appeals. On May 9, 2007, The Ninth Circuit Court of Appeals reversed and remanded the opinion back to the District Court on two grounds: 1) failure to consider a reasonable range of alternatives and 2) failure to use sufficient methodology to analyze effects to Pacific fisher. On June 13, 2007, the US District Court judge entered an injunction pending completion of a new environmental assessment consistent with the Ninth Circuit opinion. At the time of the injunction approximately 45% of the original East Fork project had been implemented.

The new assessment, East Fork II Environmental Assessment (EA), was published in January 2008. The East Fork II EA and this Decision Notice and Finding of No Significant Impact were prepared to comply with the Court order.

Summary of the Proposed Action

The East Fork II Project as described in the EA proposes to harvest timber by thinning from below on an estimated 1,059 forested acres in the East Fork South Fork Trinity River watershed. As described below, this decision selects a modified Alternative 2. I have decided to modify this alternative by deferring all 128 acres of unit #197 which includes 65 acres in Late-Successional Reserves (LSR) land allocation and Northern spotted owl designated critical habitat. As a result, all the remaining units of the project are Matrix land allocation which has been allocated for commercial wood products emphasis. The project proposes that forested acres are thinned from below to leave 50 to 60% residual canopy closure. The thinning prescriptions within 41 acres of Northern spotted owl suitable nesting/roosting habitat retain a higher residual canopy closure of 60 to 70% and retain all late-successional habitat components including snags and downed logs. The project would remove merchantable and sub-merchantable wood products, as described in the EA Section 2.

Connected actions that are part of the timber harvest and sale include:

- Reconstruction or construction of approximately 45 landings for project use. No new landing construction will occur in Riparian Reserves.
- Approximately two miles of temporary road reconstruction and subsequent decommissioning. No new roads will be constructed.
- The use of two existing rock pits to provide source material for proposed road activities.

Data collection and field review identified the forest stands proposed for treatment because of their overstocked condition and accumulation of ground and ladder fuels. Due to successful fire suppression and the effects of past, more intensive, timber management in this area, there are currently too many trees for the available space and site resources to sustain healthy forests. If left untreated, these forested stands will continue to decline in health and development due to their overcrowded conditions.

Decision and Reasons for the Decision

Based upon my review of the East Fork II Project EA, supporting documents and public comments received, I have selected Alternative 2, the proposed action with modification. The modification is the

deferral of unit #197. This 128-acre unit contains 65 acres of Late-Successional Reserve lands with the remaining acres in Matrix. The public expressed concern over activities within Late-Successional Reserves. I have decided to defer any activities in this unit to future Late-Successional Reserve projects. The selected alternative thins from below approximately 930 acres of overcrowded forest through timber harvest with associated fuels hazard reduction activities.

The supporting East Fork II Project EA and record more completely discloses the impacts related to issues raised by the public and the Court. Specifically, the original wildlife project analysis and documentation were reviewed and updated to provide a more detailed Pacific fisher analysis and biological evaluation addendum for other sensitive species.

I think the project is needed to protect and sustain these forest areas from loss to wildfire, insects and disease and major decline in forest health and vigor. This alternative will provide the most benefit in terms of forest health and fuels hazard reduction to Matrix and Riparian Reserve land allocations.

In making my decision, I considered project impacts on the human environment and consistency with the Shasta-Trinity National Forest Land and Resource Management Plan (LRMP). The analysis clearly shows that the project provides increased protection of the environment, when compared with taking no action. I believe any adverse impacts will be minor and short term.

Other Alternatives Considered

No Action Alternative

Under no action the project would not be implemented. No action serves as a baseline on which to compare the proposed action.

With no action the opportunity to improve stand vigor and resistance to insect/disease impacts would not be realized and the probability of high intensity, stand-replacing wildfire will increase. Future wildfire would likely destroy most of this 80-year old forest, converting it to snags and shrub fields and result in adverse watershed-related impacts. Taking action to reduce surface and ladder fuels and improving overall forest health will produce stands that are more resilient to environmental change and reduce the likelihood of future high intensity wildfire. Maintaining healthy forests in these areas is critical to protecting downstream water resources and meeting the objectives of the LRMP.

Alternative 3 (Diameter Limits)

The East Fork II interdisciplinary team designed Alternative 3 to respond to the Court's issues as well as to those received during public scoping. We received public comments expressing concern over the removal of any "large trees," "legacy trees" or "large fire-resistant trees" from the assessment area and over the proposed treatment within Riparian Reserves.

With implementation of Alternative 3, no trees greater than 30 inches diameter breast height (DBH) would be harvested. In addition, no trees greater than 12 inches DBH would be removed from Riparian Reserves. Fewer acres would be treated because diameter limits would restrict access to some areas of dense forest; therefore, untreated pockets of vegetation would remain.

Alternative 3 was not selected because modified Alternative 2 provides a better balance between concerns raised by the public and the protection of the resources. Some comment letters stressed the importance of placing a strict limit on the size of trees harvested, while others held that such limits are contrary to established practices in forest management. The project proposes silvicultural prescriptions that are based on diameter distributions in each individual stand and directed towards specific stand objectives. Since Alternative 3 retains all trees over 12 inches DBH in Riparian Reserves, without regard to site conditions, project operations would be restricted and denser, less resilient stands would remain. Retention of all trees greater than or equal to 30 inches DBH¹ over the entire project would result in slightly elevated levels of insect and disease centers when contrasted with Alternative 2. Overall, this alternative could result in greater fuels accumulations in Riparian Reserves because these areas would receive less or no treatment. The real benefits provided to Riparian Reserves by Alternative 2 will far outweigh the minor impacts that could potentially result from treatment.

Alternative 2 provides more benefits than Alternative 3 in the improvement of forest health and vigor in the assessment area. I contrasted the environmental impacts and benefits of implementation of the proposed action to Alternative 3. The hydrologic analysis indicates that for both action alternatives there would likely be a moderate increase in fine and coarse sediment that could cause highly-limited and non-lethal stress to fish. The predicted impacts would be minor locally and insignificant at the basin scale. While further reduction of treatment activities in Riparian Reserves may yield a relative reduction in possible moderate increases in coarse and fine sediment, it is not likely to translate into meaningful effects to fish or their habitat. In fact, this reduction may increase the likelihood of widespread negative watershed-related impacts from wildfire.

Alternative 4 (Fire Only)

I asked the East Fork II interdisciplinary team to consider another alternative suggested during public scoping - Alternative 4, Fire Only. Alternative 4 proposed using prescribed fire and no commercial harvest to accomplish the purpose and need. The accumulation of ground and ladder fuels due to successful wildfire suppression over the past 100 years drastically impacts the feasibility and safety of implementing this alternative. In general, Riparian Reserve areas would not be treated due to the unacceptable risk associated with burning in dense, overstocked drainages. My rationale for eliminating Alternative 4 from detailed study is two-fold. First, it is not consistent with LRMP management direction for Matrix lands to optimize growth and yield and maintain forest health. Second, burning without pre-treating fuels would be dangerous, possibly causing unacceptable resource damage. Since untreated areas would be left, this alternative would have reduced effectiveness in preventing stand-replacing wildfire.

¹ The only trees of this size proposed for removal under Alternative 2 currently show signs of mortality within the next 10 years.

Public Involvement

Public scoping for the original East Fork Project took place from February 2003 through February 2004. Public involvement continued throughout the East Fork Project and the original decision was published on September 16, 2003.

Public scoping for the East Fork II Project was initiated in September 2007. An advertisement describing the project was printed in the Redding Record Searchlight on September 5, 2007, and a scoping letter was mailed to interested parties on September 10, 2007. The East Fork II proposed action was listed in the Shasta-Trinity National Forest Schedule of Proposed Actions (SOPA) beginning in the October – December 2007 quarter. Public responses to scoping were reviewed, issue dispensation documented and scoping comments responded to in Appendix B of the East Fork II EA. The issue management process is documented and included in the East Fork II planning record. The public commented on the East Fork II EA during February 2008. The interdisciplinary team extracted, considered and responded to public concerns. Responses to comments are included as Appendix G of the EA and will be circulated to project participants and interested members of the public with this Decision Notice.

Finding of No Significant Impact

The following is a summary of the project analysis for significance, as defined by NEPA (40CFR 1508.27). “Significantly” as used in NEPA requires consideration of both context and intensity of the expected project effects.

Context means that the significance of an action must be analyzed in several contexts (i.e. local, regional, worldwide) and over short and long time frames. For site-specific actions, significance usually depends upon the effects in the locale rather than in the world as a whole. Silvicultural thinning (with associated landing and road activities) is proposed on approximately 1,000 acres of Matrix lands² within the East Fork South Fork Trinity River watershed (about 24,000 acres). This watershed is designated by the LRMP as the key watershed³ for maintenance/restoration of fisheries habitat. Although this thinning project would result in short-term environmental effects as described in EA Section 3, these effects are likely to be minor and short lived for all resources affected and the project is not likely to negatively affect any fisheries habitat. The project includes specific resource protection measures (EA Section 2 and Appendix C) and these measures ensure that potential sediment-related effects of the project will be adequately minimized. The fisheries Biological Assessment (BA) concluded that the project would not adversely affect coho salmon or their designated Critical Habitat. In context, the effects of the project are not “significant” as described in NEPA.

Intensity refers to the severity of expected project impacts. The following factors were considered to evaluate intensity.

² Matrix lands were designated by the Northwest Forest Plan and STNF LRMP for programmed timber harvest in the context of ecosystem management

³ LRMP, pg 4-58

1. Beneficial and adverse impacts

Both beneficial and adverse effects have been taken into consideration and displayed in this EA. Beneficial effects have not been used to offset or compensate for potential adverse effects. Singularly and collectively, the resources affected by all alternatives are not expected to experience significant impacts. The adverse impacts associated with the project include localized soil disturbance and changes in erosion for several years post-project (see soils and hydrology effects discussions in the EA). These short-term watershed-related effects are expected to be minor and localized and the project would not have significant effects to water quality or species that depend upon it. The long-term beneficial effects of the action alternatives are increased stand health and vigor. The project contributes to the management goal of increasing stand resiliency to natural disturbances such as drought, insects, and wildfire.

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

Public health and safety would not be adversely affected by the alternatives considered. During implementation of Alternative 2, forest visitors may experience minor traffic delays and temporary closure of some roads to ensure safe public travel during some project activities. Smoke resulting from prescribed burning could be an adverse impact to public health; however, the project proposes to mitigate this impact to acceptable levels by allowing burning only as approved by the North Coast Unified Air Quality Management District.

3. Unique characteristics of the geographic area

The characteristics of the project area do not make it uniquely sensitive to the effects of the project. Of over 8 million acres in key watershed land allocation over the area covered by the Northwest Forest Plan, about 474,000 of those acres are on the Shasta-Trinity National Forest. Although the project area is within a key watershed, all key watershed areas are not “ecologically critical areas,”⁴ and habitat accessible to fish in key watersheds varies from high quality habitat to inaccessible or degraded conditions. Most stream habitat in the assessment area is not accessible to anadromous fish. Only the East Fork South Fork Trinity River and lowest reach of Prospect Creek are accessible. Designated Critical Habitat for ESA-listed coho salmon is greater than one mile downstream of the project and currently coho salmon are only known to occur about 40 miles downstream. Management activities in key watersheds are restricted to support the maintenance and/or restoration of fisheries habitat and the project supports attainment of these objectives. Most of the project area does not have high risk of surface erosion or fine sediment production. Areas identified as having geologically unstable characteristics have been eliminated from project units and soils and water in the area will be adequately protected by project-specific resource protection measures (EA Section 2) and Best Management Practices (BMPs) (Appendix C).

⁴ As defined in NEPA (40 CFR 1508.27)

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

The effects of the project are not likely to be highly controversial among professional experts. Timber sale projects have been implemented in this area for most of this century and the majority of Forest Service timber-related projects within the last ten years have been commercial thinning projects. The East Fork II EA incorporates practices and procedures technically accepted by experts and commonly practiced to protect the environment (See Resource Protection Measures in Section 2 and BMPs in Appendix C).

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

Implementation of the project does not represent unique, unknown or highly uncertain risks. This project is like other vegetation management projects involving commercial thinning and harvest of dead, dying and diseased trees. Similar projects, having similar environmental effects, have occurred elsewhere on the Shasta-Trinity National Forest and on other public and private lands in Northern California with effects that are known and studied. Field review of completed East Fork Project units by resource professionals (soils, geology, hydrology, and fuels specialists) found that effects were at, or less than, those predicted in the original East Fork EA.

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 decision does not set a precedent for future decisions. Any future decisions will need to consider all relevant scientific and site-specific information available at that time. Specifically, the decision to implement this project does not imply approval of other future timber sales. The LRMP allocates about 13% of this 2.1 million-acre forest as Matrix lands, Commercial Wood Products Emphasis (see EA Section 1). On these lands, timber stands are to be managed to obtain optimum growth and yield in the context of ecosystem management.⁵ The rationale for analyzing a diameter limit for timber harvest on this project relates to the public involvement and court direction for this specific project.⁶ I recognize that implementing diameter limits for timber harvest on Matrix lands may depart from the multi-resource objectives of the LRMP and, therefore, alternatives developed for this project should not be considered precedent-setting for future actions.

⁵ LRMP, pg 4-67

⁶ See Section 2 for more information about alternative development for Alternative 4

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

The comprehensive environmental analysis summarized in this EA supports the conclusion that the project is not likely to result in any cumulative adverse impacts when considered in combination with other past or reasonably foreseeable actions (EA, Appendix E). The only reasonably foreseeable actions on National Forest lands within the watershed, other than this action, are low impact treatments including activities such as pre-commercial thinning, fuels hazard reduction treatments and watershed restoration. Past actions, when considered with the effects of this project, are not expected to have adverse cumulative effects on any resource. Cumulative effects were analyzed for each resource affected and the results are summarized in the EA (Section 3).

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 historic resource

The project area has been inventoried for cultural resources. Known sites will be avoided to ensure no adverse effects. The approved actions may be implemented without any further consultation or review in accordance with the Programmatic Agreement for Compliance with Section 106 of the National Historic Preservation Act, Pacific Southwest Region.

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 (ESA) of 1973

The project wildlife Biological Assessment/Evaluation (BAE) available in the project record and summarized in Section 3 and Appendix D of this EA, determined that the project **may affect, but is not likely to adversely affect** the Northern spotted owl (a Federal ESA-listed species). The project is not likely to result in adverse impacts to any threatened or endangered species. Because actions proposed are of small scale and key habitat components would be retained, the project is likely to accelerate development toward late-successional old growth conditions within treated stands that have existing habitat. The wildlife BAE determined that the proposed action **would not adversely affect** Northern spotted owl Critical Habitat. The USFWS provided a letter of concurrence to validate determinations in the wildlife BAE.

The fisheries Biological Assessment (BA) concluded with a determination of **may affect, but is not likely to adversely affect** coho salmon and coho salmon Critical Habitat (a Federal ESA-listed species). Implementation of project BMPs (Appendix C) and resource protection measures (EA, Section 2) is critical for protecting local water quality and fisheries resources. The project promotes long-term improvements in water quality by taking action to reduce the probability of future stand-replacing

wildfire. The National Marine Fisheries Service provided a letter of concurrence to validate determinations of no adverse effects in the fisheries BAE.

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

Implementation of the project does not threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment. The alternatives considered in this analysis are consistent with the National Forest Management Act (NFMA), Endangered Species Act (ESA), Clean Water Act (CWA), Clean Air Act and the Shasta Trinity National Forest LRMP.

Findings Required by Other Laws and Regulations

I find the actions implemented by this decision consistent with the intent of the long term goals and objectives listed in pages 4-4 through 4-10 of the *Shasta-Trinity National Forests, Land and Resource Management Plan, April 28, 1995*. The project objectives are to “implement practices designed to maintain or improve the health and vigor of timber stands, consistent with the ecosystem needs of other resources,” and “provide a sustained yield of timber and other wood products to help support the economic structure of local communities and to supply regional and national needs,” and for Riparian Areas “maintain or improve riparian habitat.”

The project was designed in conformance with LRMP standards and guidelines (S&Gs). Project-specific resource protection measures are incorporated to meet LRMP S&Gs (see EA Section 2).

Management Indicator Assemblages: Our analysis discloses that there will not be any significant effects to the three wildlife assemblages (EA Section 3, and project record wildlife reports) potentially present in the project area or any fish species (EA Section 3).

Aquatic Conservation Strategy (ACS): The detailed summary of how the project is consistent with the Aquatic Conservation Strategy is in Appendix E of the East Fork II EA.

National Forest Management Act: I have determined that this action is consistent with the following legal requirements of the National Forest Management Act:

1. All timber being removed from Matrix lands is scheduled as part of the allowable sale quantity (ASQ) and is from land suitable for scheduled timber harvest. Timber removed meets land management objectives for management of commercial wood products emphasis and wildlife species associated with early to mid-seral stages. Timber harvested from riparian reserve lands is nonchargeable and is necessary to protect and enhance stands that are overstocked and at risk of loss to insect, disease and/or wildfire.
2. The proposed management prescriptions are suited to the multiple-use goals established for the area by the LRMP. The project will move the existing condition toward maintaining and improving the health and vigor of timber stands, providing a sustained yield of timber from suitable lands and maintaining and improving habitat conditions within Riparian Reserves. The

project has beneficial effects on residual trees and adjacent stands by reducing overstocked stands and regenerating poorly growing stands (EA, Purpose and Need). The project has no impact to site productivity and ensures the conservation of soils and water resources (as summarized in the EA, Section 3). The harvesting and transportation requirements and costs are practical and feasible.

Implementation Date

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

Administrative Review or Appeal Opportunities

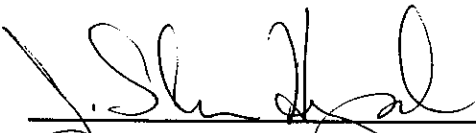
My decision is subject to appeal pursuant to 36 CFR 215. Appeals must be filed within 45 days from the publication of a legal notice in the Record Searchlight, a newspaper of general circulation. Notices of appeal must meet the specific content requirements of 36 CFR 215.14. Persons wishing to participate must meet the requirements of 36 CFR 215.13.

It is essential that copies of the notice of appeal be filed with the Appeal Deciding Officer. File notices of appeal with: Randy Moore, Regional Forester, USDA Forest Service, 1323 Club Drive, Vallejo, CA 94592. Electronic appeals can be sent via e-mail to: appeals-pacificsouthwest@fs.fed.us.

Contact

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J. SHARON HEYWOOD
Forest Supervisor
Shasta-Trinity National Forest



Date