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Watdog Project

Final Supplemental Environmental Impact Statement

Record of Decision

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Introduction

As the Plumas National Forest's, Forest Supervisor and Responsible Official, I have selected a course of action to be implemented for the Watdog Project. This Record of Decision (ROD) documents my decision, along with the rationale for the selection. The Watdog Project Final Supplement Environmental Impact Statement (FSEIS) was issued April 2008, concurrent with this ROD. The FSEIS provides a comprehensive disclosure of the environmental consequences linked to a no-action alternative and the three action alternatives considered in detail.

The FSEIS and ROD are available online at http://www.fs.fed.us/r5/plumas/projects_and_plans/watdog_project/. Upon request, copies can be obtained at the Feather River District Office, 875 Mitchell Avenue, Oroville, California 95965, or by contacting Carol Spinos at 530-534-6500.

The Watdog Project is located in Butte and Plumas Counties in northern California, administered by the Feather River Ranger District of the Plumas National Forest. The Watdog Project Area encompasses an estimated 6,000 acres of National Forest System Land between 3,000 and 6,200 feet in elevation, located to the west of Feather Falls, to the east of Little Grass Valley Reservoir, to the north of Table Mountain, and to the south of Frey Creek. (A vicinity map is attached at the end of this document.)

The legal land description is: T21N, R6E, portions of sections 13, 14, 22, 23, and 25; T21N, R7E, portions of sections 5-8 and 18; T21N, R8E, portions of sections 3 and 5; T22N, R7E, portions of sections 13, 14, 23, 24, 26, 27 and 32-34; and T22N, R8E, portions of section 13-15, 17-19, 24-28 and 32-35, Mount Diablo Base and Meridian.

The Watdog Project addresses restoration opportunities as identified in the 2005 US Forest Service, *Fall River South Branch Middle Fork of the Feather River Landscape Assessment*, incorporated by reference as pertinent information to the preparation of the 2008, Watdog Project FSEIS.

The Decision

Based on information disclosed in the April 2008 Watdog Project Final Supplemental Environmental Impact Statement (FSEIS) and the associated planning record, I have decided to implement **Alternative B**, with the exception of 20 acres of underburning in a portion of the Middle Fork Inventoried Roadless Area.

My decision is based upon careful review and consideration of public comments received on the November 2007, Watdog Project Draft Supplemental Environmental Impact Statement (DSEIS), and the environmental analysis prepared pursuant to the National Environmental Policy Act.

Description of Decision

Alternative B is described in detail in the April 2008, Watdog Project FSEIS from pages 2-3 through 2-14, including display figures and vegetation, fuels and road improvement treatment maps. Additional information concerning required project implementation and effectiveness monitoring and mitigation measures is disclosed in the 2008 FSEIS, Appendix E. Supplemental resource specialist reports in the planning record provide explicit support data, descriptions of analysis methodology and assumptions, along with detailed prescription guidelines.

The following Watdog Project activities were designed in conformance with current management direction, as described in the Plumas National Forest Land and Resource Management Plan and Record of Decision (1988), Herger-Feinstein Quincy Library Group Final Environmental Impact Statement and ROD (1999) and the Sierra Nevada Forest Plan Amendment Final Supplemental Environmental Impact Statement and ROD (2004).

My decision will authorize the construction of an estimated 4,000 acres of defensible fuel profile zones (DFPZs), by treating excessive, highly-combustible surface, ladder and canopy fuels using a combination of underburning, mastication and mechanical timber harvest practices.

Within DFPZs in California Wildlife Habitat Relationships (CWHR¹) Size Classes 4, inter-tree spacing will be approximately 25 feet (\pm 25 percent), and stands will be thinned to 70 trees per acre. An average of less than 40 % tree canopy closure post treatment will result. CWHR Size Class 5 stands will not be thinned below 40 % canopy cover. Saw log diameter treatments will be from 9 to 29.9 inches diameter at breast height (dbh), retaining all trees 30 inches dbh or larger, except as necessary for safety and operability.

My decision will implement Group Selection over 231 acres, of which an estimated 203 acres are within DFPZ boundaries and 28.5 acres are outside DFPZ boundaries. Group openings will range from 0.5 acre to 2 acres in size. Where operationally feasible, black oak concentrations will be avoided in the placement of the groups. Within groups, all conifers and hardwoods greater than 30 inches dbh will be retained, except in the event removal is required to ensure operator safety and/or allow for operability. Reforestation (hand planting) in group selection openings will supplement natural regeneration to achieve desired stocking levels for shade-intolerant species (e.g., ponderosa pine, Jeffrey pine, sugar pine, etc.).

Within the DFPZs, operations will thin and remove biomass on 2,137 acres. Biomass treatments will range from 3.0 to 8.9 inches dbh. Where California black oak is present in DFPZs, an average basal area of 25 to 35 square feet per acre will be retained for oaks >15 inches dbh. Black oaks <15 inches dbh may be retained if determined necessary for future recruitment. In CWHR Size Class 4 stands will maintain at least 30 % of existing basal area, generally comprised

¹ **California Wildlife Habitat Relationships (CWHR)** – A system developed jointly by the FS Region 5 and the California Department of Fish and Game that classifies forest stands by dominant species types, tree species, and tree densities and rates the resulting classes in regard to habitat value for various wildlife species or guilds. CWHR Size Classes 1-3 are comprised of Seedling, Sapling and Pole (trees <11 inches dbh), Size Class 4 is composed of Small (trees 11-24 inches dbh) and Size Class 5 includes Medium/Large (trees >24 inches dbh).

of the largest trees. In CWHR 5 stands at least 40 % of basal area will be retained. In Riparian Habitat Conservation Areas, where land management direction prohibits mechanical treatments, solely underburning practices will be employed to reduce fuels providing for continuity of DFPZs.

Mastication will occur initially on 629 acres with an additional 473 acres occurring after harvest for a total of 1,102 acres. Woody shrubs and trees will be masticated to a maximum of 9.9 inches dbh. However, the majority of masticated shrubs and trees will be less than 6 inches dbh. Spacing of residual conifers will range from 18 feet (\pm 25 percent) in smaller tree size aggregations, to approximately 25 feet (\pm 25 percent) in larger tree size aggregations.

An estimated 938 acres of underburning will be employed as a primary treatment in areas where pre-fuels treatment is not necessary. An additional 1,834 acres of underburning will be implemented as a secondary treatment in pre-fuels treatment areas (i.e., DFPZs and Groups) to ensure safe operations within burning design parameters. After prescribed burning is accomplished, residual fuels (<3 inches dbh) will not exceed 5 tons per acre. Where available, an average over the treatment unit of 10–15 tons per acre of large down wood >12 inches dbh will be retained. Where existing, 5 well-distributed logs, 20 inches dbh and 10 feet long, preferably in decomposition Classes 3-5 will be maintained. Prescribed burning will be employed on “Burn Days” designated by the State Air Quality Control Board, when fuel moisture levels are low enough to carry fire and still be within prescription parameters,

My decision will implement road improvements to provide safe, adequate access to facilitate Watdog Project operations, while mitigating resource degradation resulting from high road densities and inadequately-designed and/or compromised transportation system infrastructures. To reduce wildlife habitat fragmentation, fish passage barriers, and point-source sedimentation affecting water quality, an estimated 13 miles of road will be decommissioned, approximately 2.0 miles will be removed from the Forest Service’s transportation system database, an estimated 5.0 miles will be closed, approximately 18 miles will be reconstructed and approximately 2 miles of new road construction, of which 0.5 mile is temporary road, will be implemented. Additionally, my decision authorizes the removal and upgrade of 5 culverts located on Forest Service system road segments and replacement and/or reconstruction of a low water crossing to eliminate fish barriers and reduce increased erosion.

My decision will improve 40 acres of hardwood ecosystems dominated by black oak, to provide important habitat elements for wildlife and native plant species. Treatments will remove encroaching conifers <30 inches dbh to stimulate oak growth and mast production. Oaks will be retained at an average 25-35 square feet of basal area per acre for trees 15+ inches in (dbh), with additional hardwoods >30 inches dbh preserved.

An estimated 1,100 feet of streambank stabilization will be implemented along of the South Branch of the Middle Fork of the Feather River, downstream of the low water crossing on Forest System Road 22N94. The stream-channel banks will be realigned to restore flow pattern and morphology, and fish habitat structures will be placed in the stream.

My decision authorizes an estimated 25 acres of meadow habitat enhancement by stabilizing degraded streambanks and removing and/or underburning encroaching conifers <10 inch dbh, necessary to sustain an open environment.

Monitoring and Mitigation: My decision will employ pertinent mitigation measures to minimize, to the extent feasible, the potential for operational generated resource impacts, as described in the 2008 Watdog Project FSEIS, Appendix E. Implementation and effectiveness monitoring will be accomplished to provide useful information to guide future planning and decision making.

Permits, Licenses, Grants, and Authorizations: No Federal permits or licenses are needed to implement the proposed project. A permit to conduct prescribed burning is required by the State of California and is administered by Butte and Plumas Counties. A water quality waiver is required by the Central Valley Water Quality Control Board. All necessary road license agreements for access across private land have been obtained.

Reasons for the Decision

Fire and Fuels – My decision will implement effective treatments to reduce the occurrence and severity of crown fires and provide defensible fuel profile zones (DFPZs), while maintaining most of the canopy cover provided by medium and large trees (FSEIS Table 2-6 and Figure 2-1). These treatments will greatly improve the likelihood of tree survival if a wildfire occurs. My decision will reduce tree mortality from a range of 78 to 98 percent to an estimated range of 16 to 36 percent, which is a notably lower mortality rate than the other action alternatives I considered (modeling of Alternative C showed 25 to 36 percent mortality and Alternative D showed 25 to 44 percent mortality). Canopy cover of large trees (greater than 30 inches diameter) will remain the same (11.8 percent) and medium trees (20 to 30 inches diameter) will reduce slightly (from 17.2 to 16.8 percent).

The Watdog project will provide a critical link in the Defensible Fuel Profile Zone (DFPZ) network in an area with natural features that contribute to dangerous firefighting. This project is expected to substantially alter fire behavior. For example, if a crown fire originates in the steep-walled Feather River Canyon, the increased crown separation in the treated areas would cause the fire to drop out of the forest canopy. This will allow firefighters to protect adjacent private property and wildlife habitat, using newly created safe locations from which suppression resources can establish control points and safety zones for initial and extended attacks of the wildfire. The project will also provide connectivity to South Fork and Bald Onion DFPZs and other fuel reduction projects adjacent to the Watdog Project area, effectively completing this section of the Forest's DFPZ network.

There have been several examples where reducing fuel loads has improved effectiveness of retardant application during firefighting due to more open canopy, reduced surface fire spread, and an increase in fireline production by suppression forces using direct attack instead of indirect

attack methods. These examples include the 2003 Peterson Fire on the Feather River District, the 2005 Bell fire on the Beckwourth Ranger District and the 2007 Moonlight Fire on the Mount Hough Ranger District of the Plumas National Forest. I believe it is necessary to considerably reduce numbers of small trees (11 to 20-inch diameter) in the DFPZs to provide effective fuels treatment in the Watdog project area.

Forest Health and Economic Stability - This decision will enhance the development of an uneven-aged, multistory forest by implementing group selection on 231 acres. I recognize that this one treatment will not fully restore the landscape, but I consider it to be an important first step toward a landscape transition to different stand structure and species composition. Group selection silvicultural treatments will move stands across the project area toward a more fire resilient forest by promoting regeneration, of fire resistant, shade intolerant species, such as Jeffrey pine and ponderosa pine within these openings.

The thin from below silvicultural prescription, common to all action alternatives, will decrease tree density, leading to improved forest health. Trees that are intermediate or suppressed will be removed from the stand subsequently decreasing the risk of mortality related to drought, insects and disease.

I have determined that this decision will provide timber products that contribute to the economic stability of rural communities by removing 33,000 tons of biomass and 16.3 million board feet of sawlogs. This decision will meet the purpose and need to cost effectively implement treatments. This decision provides the most full time employment opportunities of the action alternatives and contributes the most to community stability by creating 302 direct and indirect jobs, generating \$13 million of employee related income.

Transportation System and Watershed Condition – My decision balances the need for road access and long term watershed protection with a slight increase to equivalent roaded area, an indicator of cumulative watershed effects.

My decision will implement road work that will result in road decommissioning to improve watershed condition and road construction to improve forest access. Road decommissioning, totaling approximately 12.7-miles, focuses on areas with resource damage or unnecessary dead end spurs. Other roads being decommissioned are non-system roads that were specifically identified in order to reduce the Equivalent Roaded Area (ERA) values. Road decommissioning will remove culverts, subsoil the roadbed, recontour the hillslope and/or seed the affected area. Cumulative effects in three watersheds will actually decrease due to proposed road decommissioning. These measures will help initiate revegetation and recovery of the decommissioned road area. The 1.2 miles of road construction will allow firefighters access to fight wildfires coming out of or into the canyon. The road related work included in this decision was planned according to May 31, 2005—OHV Route Designation Process which applied consistent standards for determining which routes and areas will be closed as part of the Interim Forest Order and subsequent Final Forest Order.

I have determined that this decision addresses long-term watershed concerns by reducing the risk of high intensity wildfires within multiple watersheds. Cumulative effects to soil and water quality will be mitigated or entirely eliminated by the application of required standards and guidelines from the 1988 LRMP, Scientific Analysis Team, SNFPA FSEIS and all applicable Best Management Practices (BMPs). Proposed road decommissioning will further improve watershed conditions. As previously mentioned, cumulative effects in three watersheds will actually decrease due to proposed road decommissioning.

In order to achieve these long term benefits to watershed condition, there needs to be an adequate road network in place for vegetation treatments to take place. I feel that the long term benefits to watershed condition and other resources outweighs the potential risk of watershed effects associated with increasing the amount of equivalent roaded area (ERA), an indicator of cumulative watershed effects. My decision will result in the ERA score of one watershed approaching TOC. However, this watershed includes private land that has a high road density and recent timber harvest that has contributed to the current ERA scores that are approaching threshold. I cannot control the road density or timber harvest on private land, and I do not think it prudent to delay treatment of these watersheds or try to treat them without an adequate road system. I also feel that the proximity to private land makes it extremely important for these treatments to be completed despite the increase in road density. The TOC does not represent an exact level of disturbance above which cumulative watershed effects will occur. Rather, it serves as a "yellow flag" indicator of increased risk of significant adverse cumulative effects occurring within a watershed.

California Black Oak Stands - Long-term ecosystem health will benefit from the restoration of 40 acres of black oak stands. Black oak stand restoration will promote a more natural forest ecosystem by maintaining and enhancing growth and mast production, as well as providing a wide variety of wildlife species with shelter, nesting sites and travel corridors.

Streams and Meadow Habitat - My decision will stabilize 1,100 feet of stream banks and remove fish barriers. Streambank stabilization will restore bank stability and reduce erosion with large boulders, logs and vegetation along 1,100 feet of the South Branch of the Middle Fork of the Feather River. Upgrading culverts will eliminate some fish barriers and restore 3.5 miles of connectivity of high-quality spawning and rearing habitat for riparian and aquatic-dependent species.

My decision will improve 25 acres of meadow habitat within the project area which is desirable for plant and wildlife diversity, as well as sediment retention. Meadow restoration will remove encroaching conifers and stabilize degraded streambanks, helping to reverse the loss of meadow habitat.

Wildlife Habitat - I recognize that the treatments for long term wildfire protection will cause reductions in habitat for some wildlife species, including California spotted owls, northern goshawk and forest carnivores. Several commenters expressed concern over Alternative B because it proposes treatment within suitable nesting and forage habitat for California spotted

owls and goshawks. This decision assumes some risk because it decreases California spotted owl habitat suitability and, potentially, owl use of the treated areas. However, most existing habitat will be retained. Approximately 85 percent of the existing foraging habitat and 98 percent of the existing nesting habitat for the California spotted owl will remain after treatment. Approximately 96 percent of the potential existing foraging habitat and 92 percent of nesting habitat for northern goshawk will not be treated. For forest carnivores, no known occupied habitat exists. I believe these short-term habitat reductions within the project area will be offset by fuel treatments which reduce the risk of loss of wildlife habitat to wildfire. I believe these treatments are necessary in order to prevent wildfire from adding to large-scale habitat fragmentation, which could potentially reduce spotted owl and goshawk occupancy in the Watdog Project area.

Meadow habitats within the project area are desirable for plant and wildlife diversity and sediment retention. Although many meadows in the project area have been treated in the past to remove encroaching conifers, stabilize streambanks and re-align pre-disturbance flow/water tables, periodic restoration is necessary to sustain an open, properly-functioning environment.

Public Involvement

An extensive public involvement process was conducted for the Watdog Project. The Forest Service used a variety of methods to solicit input and comments from members of the public, other public agencies, tribes, adjacent property owners and organizations. To announce the latest environmental analysis efforts on the Watdog Project, a Notice of Intent (NOI) to prepare a second Supplemental EIS was published in the Federal Register on July 18, 2007. A notice of availability for the Draft Supplemental EIS was published on December 21, 2007. Following this notice in the Federal Register, legal notices were posted in two local newspapers to announce the opening of the public comment period. Letters were sent to Tribal members and other interested citizens who had previously expressed interest in the Watdog Project. The Forest Service website was also updated to reflect the changes and to encourage the public to view the document electronically. Comments were accepted for a 45-day period ending on February 4, 2008.

Three letters were received during the public 45-day Comment Period and incorporated into the 2008 Watdog FSEIS in Appendix I. A number of comments were received regarding hazard tree and snag analyses, large woody debris requirements to meet fire and fuels desired conditions, canopy cover within CWHR 4 and 5 areas, and cumulative effects relating to old forest habitat components for old forest dependent-species; the California spotted owl, marten and fisher.

Alternatives Considered

In addition to the selected alternative, I considered three other alternatives in detail, which are discussed below. They include a no action alternative and two action alternatives. A more detailed comparison of these alternatives can be found in Chapter 2 of the 2008 FSEIS.

Alternative A – The application of fuels treatments, DFPZ construction, group selection harvests, transportation system improvements, and forest health and watershed restoration would NOT be implemented to accomplish the purpose and need.

Alternative C – Employs Defensible Fuels Profile Zones and Group Selection practices based on canopy cover design criteria as described in the HFQLG FEIS “Appendix J: Fire and Fuels” (40 percent canopy cover) to address potential environmental effects to California spotted owl and northern goshawk foraging habitat. It also incorporates project access improvements and infrastructure upgrades, along with reforestation and restoration of California black oak, aquatic and riparian ecosystems.

Alternative D – Employs Defensible Fuels Profile Zones and Group Selection practices based on a 50 percent canopy closure retention prescription and harvest no trees >20” dbh to address potential environmental effects to old forest ecosystems. It also incorporates project access improvements and infrastructure upgrades, along with reforestation and restoration of California black oak, aquatic and riparian ecosystems.

Alternative A – No Action

Alternative A, the no-action alternative for the Watdog Project, would not meet the intent of the Plumas National Forest Land and Resource Management Plan (LRMP), as amended by the 2004 Sierra Nevada Forest Plan Amendment (SNFPA) Record of Decision (ROD) and the HFQLG ROD. The desired condition set forth in the HFQLG Act of an uneven-aged (all-aged), multistory, fire-resilient forest would not be achieved. Ecological health of the forest would not be improved and maintained.

I did not select Alternative A as this alternative would result in a higher probability of crown-fire events compared to Alternatives B, C or D. Wildfire could cause substantial losses of forest cover and degrade watersheds and wildlife habitat. No habitat improvement or restoration opportunities would be implemented under this alternative. Alternative A would not contribute to community stability and would not generate any timber related forest products, jobs, or employee related income.

Trees in stands would continue to grow and canopy closure in these stands, especially in overstocked stands, would continue to increase. Brush and smaller trees would be shaded out and die, further increasing ladder fuels and fire hazard. Encroachment of conifers on black oak stands and meadows would gradually increase. Degraded streambanks would not be restored, and fish passage would continue to be impaired by undersized culverts.

This alternative would leave the main transportation roads in the area in a less-than-satisfactory condition, inhibiting access for the public and fire management in some areas. Roads in good condition provide access for emergency response, woodcutting, mining, sightseeing and other recreational activities. Roads not closed or decommissioned would continue to contribute to accelerating erosion processes, altering water quality and aquatic habitat and increasing cumulative watershed effects.

Economically, there would be no jobs, direct or indirect, created and there would be no employee-related income generated by the use of this alternative. There would be no income created by saw log volume or biomass revenues. Alternative A would not meet the purpose and need for this project.

Alternative C

Alternative C is similar to Alternative B except it retains more canopy cover in DFPZs (40 percent) and has fewer acres of group selection harvest (151 acres). The amount of group selection within and adjacent to DFPZs was designed to provide 40 percent canopy cover by stand. The CWHR Size Class 4 stands would be thinned to a 40 percent canopy cover instead of thinning to 70 trees per acre at 25-foot spacing as proposed under Alternative B.

Alternative C proposes the same transportation system improvements and restoration opportunities as Alternative B, including black oak stand restoration, streambank stabilization, meadow restoration and fish passage improvements.

I did not select Alternative C as this alternative would result in a higher probability of crown-fire events compared to Alternative B. Alternatives C and B differ in the treatment of CWHR size class 4 stands. All other treatments would be the same. When averaged across all stands, canopy cover under Alternative C appears to differ only slightly from that of Alternative B. However, Alternative C has more interlocking crowns and higher potential for a crown fire burning up from the canyon that would carry across the canopy in the DFPZ when compared to Alternative B. In addition, Alternative C would not contribute as much to community stability as Alternative B. Alternative C would generate approximately 12.7 million board feet, 253 direct and indirect jobs and \$10,868,351 in employee related income.

Alternative D

Alternative D would retain 50 percent canopy cover and harvest trees no larger than 20 inches diameter in DFPZs. A total of 105 acres of group selection harvest within and adjacent to DFPZs was designed to provide 50 percent canopy cover by stand. Under this alternative, acres of mastication would increase and acres of thinning/biomass would decrease when compared to Alternative B. These prescription changes are detailed in Appendix B of the FSEIS. Alternative D proposes the same transportation system improvements and restoration opportunities as Alternative B and C, including black oak stand restoration, streambank stabilization, meadow restoration and fish passage improvements. Transportation system improvements proposed under Alternative D would be the same as described for Alternative B, except no new system road construction would be needed, and Forest System Road 22N44Y (0.4 miles) would not be proposed for reconstruction because it is not needed to access any DFPZ or group selection treatment units.

I did not select Alternative D because of a higher probability of crown fire events compared to Alternatives B and C. Alternative D does not fully implement fuel treatments to be tested under

the HFGLQ Pilot Project. Alternative D proposes the least amount of group selection harvests and change in creating an uneven age, multistory, fire resilient forest at a landscape level in the long-term. In addition, Alternative D would not contribute as much to community stability as Alternative B or C. Alternative D would generate approximately 4.4 million board feet, 161 direct and indirect jobs and \$6,929,697 in employee related income.

Findings Required by Other Laws and Regulations

My decision complies with the laws, policies and executive orders listed below and described in the 2008 Watdog Project FSEIS.

Forest Plan Consistency

This decision to implement the Watdog Project is consistent with the intent of the Forest Plan's long term goals and objectives. The project was designed in conformance with Forest Plan standards and incorporates appropriate Forest Plan guidelines for Plumas National Forest Land and Resource Management Plan (1988), Herger-Feinstein Quincy Library Group Final Environmental Impact Statement and ROD (1999) and Sierra Nevada Forest Plan Amendment Final Supplemental Environmental Impact Statement and ROD (2004)².

National Environmental Policy Act (NEPA)

The National Environmental Policy Act (NEPA) requires that Federal agencies complete detailed statements on proposed actions that significantly affect the quality of the human environment. The Act's requirement to prepare an EIS is designed to provide decision makers with a detailed accounting of the likely environmental effects of a proposed action prior to adoption and to inform the public and allow comments on such effects. The FSEIS presents a comprehensive analysis of alternatives and environmental effects and meets the procedural requirements of NEPA.

National Forest Management Act (NFMA)

Timber harvest for the Watdog Project has been designed to comply with this law. The findings related to the National Forest Management Act (16 USC 1604) are presented in Appendix G of the FSEIS.

² In the 2004 SNFPA ROD, the Lassen and Plumas National Forests and the Sierraville Ranger District of the Tahoe National Forest were directed to implement the HFQLG Pilot Project, consistent with the HFQLG Forest Recovery Act and Alternative 2 of the HFQLG FEIS (USDA Forest Service 2004, p. 66).

Clean Air Act

The Clean Air Act makes it the primary responsibility of states and local governments to prevent air pollution and control air pollution at its source. States must have a plan that provides for implementation, maintenance and enforcement of the primary ambient air quality standard.

Whenever prescribed fire is used, smoke management and air quality will be emphasized. The Forest Service will comply with the Interim Air Quality Policy on Wildland and Prescribed Fires, announced by the EPA in 1998, the Memorandum of Understanding between the California Air Quality Board and the USDA Forest Service, signed on July 13, 1999, Title 17 of the 2004 California Air Pollution Control Laws and Interim Air Quality Policy and local smoke management programs. The procedures outlined in the FSEIS will minimize air quality concerns.

Clean Water Act

The Clean Water Act of 1972, as amended, establishes goals, policies and procedures for the maintenance and improvement of the Nation's waters. The Clean Water Act established specific roles for federal, state and local authorities in the regulation, enforcement, planning, control and management of water pollution. Federal agencies are required by the Clean Water Act to cooperate with State agencies in preventing, reducing and eliminating pollution in concert with programs for managing water resources.

The Clean Water Act acknowledges land treatment measures as being an effective means of controlling non-point sources of water pollution and emphasizes their development. The Forest Service has developed and documented non-point pollution control measures applicable to National Forest System Lands and these measures have been certified as the most effective means for controlling non-point source pollution. These measures are called "Best Management Practices" (BMPs). All applicable BMPs will be implemented for the Watdog Project

Endangered Species Act (ESA)

Section 7(a)(2) of the ESA requires that Federal agencies consult with the United States Fish and Wildlife Service and the National Marine Fisheries Service, as appropriate, to ensure that their actions do not jeopardize the continued existence of species listed as threatened or endangered under ESA, or destroy or adversely modify their critical habitat.

A Biological Assessment (BA) has been prepared to determine the effects of the proposed project on aquatic and terrestrial wildlife species listed by the U.S. Fish and Wildlife Service as endangered, threatened, or proposed for listing. Based on the analysis of the proposed project and treatments within the Watdog Project area disclosed in the BA, it is my determination the implementation of Alternative B will not affect any threatened, endangered, or proposed wildlife species.

National Historic Preservation Act (NHPA)

Section 101 of the NHPA requires the Federal Government to preserve important historic, cultural, and natural aspects of our national heritage. To accomplish this, federal agencies utilize the Section 106 process associated with the National Historic Preservation Act. Passed by Congress three years prior to NEPA, the National Historic Preservation Act sets forth a framework for identifying and evaluating historic properties, and assessing effects on these properties. This process has been codified in 36 CFR 800 Subpart B. The coordination or linkage between the Section 106 process of the National Historic Preservation Act and the mandate to preserve our national heritage under NEPA is well understood, and is formally established in 36 CFR 800.3b and 800.8.

NEPA includes reference to "...important historic, cultural, and natural aspects of our national heritage." This terminology includes those resources defined as "historic properties" under the National Historic Preservation Act (36 CFR 800.16(l)(1)). Therefore, agencies use the National Historic Preservation Act, Section 106 process to consider, manage and protect historic properties during the planning and implementation stages of federal projects. Locally, the Plumas National Forest uses a programmatic agreement between Region 5 of the USDA Forest Service, the California State Historic Preservation Office, and the Advisory Council on Historic Preservation to implement the Section 106 process.

Executive Orders

Executive orders provide additional direction to federal agencies. I have determined that the Watdog Project meets the requirements of the following executive orders as described in the FSEIS. The executive orders that apply to the Watdog Project are presented below.

Consultation and Coordination with Indian Tribal Governments, Executive Order 13175 of November 6, 2000 - The following federally recognized tribes and interested and affected tribes were consulted regarding the Watdog Project: Mooretown Rancheria, Enterprise Rancheria, Berry Creek Rancheria, Chico Band of the Mechoopda Indians, and the Konkow Valley Band of Maidu. No concerns were raised during consultation.

Environmental Justice, Executive Order 12898 of February 11, 1994 - In February 1994, President Clinton signed an Executive Order on environmental justice, requiring federal agencies to conduct activities related to human health and the environment in a manner that does not discriminate or have the effect of discriminating against low-income or minority populations. Although low-income and minority populations live in the vicinity, activities proposed for the Watdog Project will not discriminate against these groups. Proposed activities will not have disproportionate adverse effects on human health, safety, or minorities, low income, or any other segments of the population. Scoping was conducted to elicit comments on the proposed action from all potentially interested and affected individuals and groups without regard to income or minority status.

Indian Sacred Sites, Executive Order 13007 of May 24, 1996 - There are no known sacred sites within the Landscape Assessment Area or Watdog Project area.

Invasive Species, Executive Order 13112 of February 3, 1999 - Section 3.3 of the FSEIS addresses botanical resources and noxious weeds. Mitigation measures, project design and standard management practices considered both the introduction and spread of invasive species.

Floodplain Management, Executive Order 11988 of May 24, 1977 and Protection of Wetlands, Executive Order 11990 of May 24, 1977 - These federal executive orders provide for protection and management of floodplains and wetlands. Compliance with these orders will be assured by incorporating the project Riparian Management Objectives, adhering to the Scientific Analysis Team guidelines as set forth in the HFQLG EIS and ROD and implementation of best management practices (BMPs), standard management practices and project design criteria.

Migratory Birds, Executive Order 13186 of January 10, 2001 - In 2001, Executive Order 13186 was issued to outline responsibilities of federal agencies to protect migratory birds under the Migratory Bird Treaty Act (66 FR 3853-3856), including evaluating the effects of federal actions and agency plans on migratory birds through the NEPA process. Migratory birds have been addressed within the EIS and supporting MIS Report (Appendix B of the BA/BE). This order also directs federal agencies to work with the U.S. Fish and Wildlife Service to promote conservation of migratory bird populations.

Recreational Fisheries, Executive Order 12962 of June 6, 1995 - The Watdog Project is designed to improve the quantity, function, sustainable productivity and distribution of aquatic resources for increased recreational fishing, as per Executive Order 12962 by: incorporating SAT standards and guidelines thru implementation of RHCAs on all ephemeral, intermittent, perennial and fish-bearing perennial streams within the project area and conserving and restoring aquatic system that supports recreational fisheries.

Use of Off-Road Vehicles, Executive Order 11644 and 11989, amended May 25, 1977 - The Watdog Project is designed to comply with Executive Orders 11644 and 1980: A roads analysis was conducted by the IDT during project planning to determine disposition of system roads, resulting in road system treatments proposed as part of the Watdog Project (see Appendix D of this FSEIS). Through project planning, the public was given the opportunity to participate and comment on proposed road closures and decommissioning. The Watdog Project is designed to be in compliance with the Off-Highway Vehicle (OHV) Route Inventory and Designation process.

Environmentally Preferable Alternative

I consider Alternative B to be the environmentally preferable alternative because of the long term benefits to resources described in the Reasons for the Decision section of this document. The reduced risk of losing forests to wildfire associated with this alternative will best protect, preserve and enhance natural resources over the long term. While action Alternatives C and D would have less short term adverse effects to some resources, these alternatives cannot match the long term

benefits of Alternative B due to the reduced treatments in Alternatives C and D. I feel the long term protection of resources associated with Alternative B is the critical factor making it environmentally preferable.

Implementation

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 from the close of the appeal filing period. When appeals are filed, implementation may begin on, but not before, the 15th business day following the date of the last appeal disposition. Expected implementation dates are fall 2008 or spring 2009.

Multiple administrative procedures including stewardship contracting, timber sale and service contracts may be utilized. Additionally, various federally-appropriated and collaborative grant funding sources may be required to supplement biomass and restoration operational expenditures.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Only those individuals and organizations that submitted comments or otherwise expressed interest during the 45 day comment period (36 CFR 215.6) and otherwise meet the specific requirements of 36 CFR 215.13 have standing to appeal.

Appeals must be filed within 45 days from the publication date of the legal notice of this decision in the Feather River Bulletin newspaper. The publication date 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 on the dates or timeframe information provided by any other source. Notices of the 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 of service) with the appropriate Appeal Deciding Officer (36 CFR 215.8) within 45 days following the publication date of the legal notice.

Appeals must be submitted to the Appeal Deciding Officer: Randy Moore, Regional Forester, USDA Forest Service, 1323 Club Drive, Vallejo, CA 94592. 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 acceptable [plain text (.txt), rich text (.rtf) or Word (.doc)] formats, may be submitted to appeals-pacificsouthwest-regional-office@fs.fed.us [Subject: Watdog Project FSEIS].

Contact Information

The 2008 FSEIS and supporting documents are available at the Plumas National Forest, Feather River Ranger District. To view a copy of the 2008 FSEIS or for further information concerning this decision or the Forest Service appeal process, contact Carol Spinos, Writer Editor, at Feather River Ranger District, Plumas National Forest, 875 Mitchell Avenue, Oroville, CA 95965 or phone (530) 534-6500.

Alice B. Carlton

ALICE B. CARLTON
Forest Supervisor

4/11/08

Date

Vicinity Map of the Watdog Project

