

UNITED STATES DEPARTMENT OF AGRICULTURE
Forest Service
Pacific-Southwest Region

**DECISION MEMO
And
Categorical Exclusion
For The**

Crowder Block Wildlife Habitat Improvement Project

Modoc National Forest
Devil's Garden/Warner Mountain Ranger District

Modoc County, California

Background

This memo provides documentation, pursuant to the National Environmental Policy Act (NEPA), related to the Crowder Block Wildlife Habitat Improvement Project.

The project is within east-side pine plant associations, where ponderosa pine is the dominant overstory and western juniper (xeric site) and to a very limited extent, white fir (mesic site) are encroaching overstory components. Slopes are gentle, generally ranging between 0 and 20%. Understory grasses, forbs and shrubs are present and vary based upon plant association but fire exclusion has resulted in decadent understory shrubs lacking age class distribution and palatability. All stands within the project area have been previously treated with selective removal of overstory trees followed by pre-commercial thinning. In areas of pre-commercial thinning, slash was not treated, resulting in accumulation of activity fuels.

Location

The project is located in the Kellogg and Stateline Timber Sale areas along Forest Roads 48N08, 47N20, 47N01, 48N11: T47N, R10E, Sec. 1,2,12,13,24,25 / T47N, R11E, Sec. 16,19,20,29,30 and T48N, R10E, Sec. 19-21, 28-30

Proposed Action

The proposed action is to treat approximately 5000 acres of large ungulate habitat with the use of prescribed fire. A combination of Fall and Spring burns will be used to achieve management objectives.

Prescriptions specific to land use allocations and ungulate habitat needs will improve forage quality and quantity by:

- revitalizing shrubs, forbs, and grasses
- reducing encroachment of young pine, fir, and juniper
- creating seedbed for herbaceous forage
- creating a mosaic of understory vegetative age-classes to improve habitat diversity

The proposed action will reduce the potential for a stand/habitat replacing fire burning outside historical norms by:

- re-introducing (prescribed) fire to ecosystems that were historically maintained with frequent low-intensity ground fire
- reducing hazardous fuel loading while maintaining adequate dead and down material for wildlife cover

Decision

It is my decision to implement the Crowder Block Wildlife Habitat Improvement project. This project will increase vegetative diversity, improve quality and quantity of forage, and reduce the risk of stand and habitat loss due to wildfire.

Specialist input covering wildlife, vegetation, botany, range, fuels, heritage resources, and hydrology is included in the project file. I considered their recommendations in making this decision. Specific management requirements included in this decision are described below.

Management Requirements

- Construction of control lines within designated SMZ will be avoided.
- Direct ignition of vegetation within SMZ will be avoided.
- Best Management Practices (BMP) will be implemented.
- Equipment will be visually inspected to be weed-free.
- Cultural Resource sites will be flagged and avoided.
- Raptor nest sites, if active, will be protected with limited operating periods (LOP) as follows:

Bald eagle: Work within ½ mile of nest only from August 15 thru November 1

Goshawk: Work within ¼ mile of nest only from September 15 thru February 15

Reasons for Categorically Excluding the Proposed Action

This action is categorically excluded from documentation in an environmental impact statement or an environmental assessment as per Forest Service Handbook (FSH) 1909.15, Chapter 31.2, Category 6(d): Timber stand and/or wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction such as; (d) Prescribed burning to reduce natural fuel build-up and improve plant vigor. All necessary means to avoid or minimize environmental impacts have been adopted. Prescribed Fire is a routine Forest activity and the Forest Service has found that projects like this one do not have a significant adverse effect on the environment providing there are no extraordinary circumstances as defined in FSH 1909.15.

Extraordinary circumstances include but are not limited to the following:

- a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.*

This project will have “no effect” on TES plant species.

There are no Federally listed terrestrial wildlife species in the project area.

The Bald eagle (*Haliaeetus leucocephalus*) was delisted on August 8, 2007 thereby making it a Forest Service sensitive species.

All sensitive species have a “no impact” determination except Northern Goshawk (*Accipiter gentilis*) which has a “may impact individuals, but not likely to cause a trend to Federal listing or a loss of viability.”

- b. The proposed action is not located in any *Floodplains, wetlands, or municipal watersheds*.
- c. The proposed action is not in, or would it affect any *Congressionally designated area, such as wilderness, wilderness study area, or national recreation area*.
- d. The proposed project is not within, nor would it detract from, the roadless character of any *Inventoried Roadless Areas* on the Forest.
- e. The proposed project is not part of, nor is it located near any *Research Natural Areas*.
- f. The proposed action would not affect any known *American Indian and religious or cultural sites*.

All heritage resource sites will be flagged and avoided during project implementation.

- g. The proposed action would not adversely affect any known *Archeological sites or historic properties or areas*.

All heritage resource sites will be flagged and avoided during project implementation.

In addition to the above I've considered the potential for cumulative effects and have determined that without notable individual effects from the proposed action, there would be no significant cumulative effects.

Scoping and Public Involvement

- In April of 2006 the proposal was listed in the quarterly *Schedule of Proposed Actions* (SOPA).
- On May 2, 2006, a public scoping letter was mailed to the 2006 SOPA mailing list.
- A formal Notice of Opportunity to Comment on the Crowder Block Wildlife Habitat Improvement Project was published in the Modoc County Record newspaper on May 11, 2006. The comment period was open from May 11, 2006 to June 23, 2006.
- On May 19, 2006, a Tribal scoping letter requesting comments to the Crowder Block Wildlife Habitat Improvement Project was mailed to local Native American Tribal Representatives.
- On September 13, 2007 a Draft Decision Memo was published in the Modoc County Record. The comment period was open from September 13, 2007 to October 19, 2007.

During the comment periods, the Forest received one comment and two phone calls. The comments are summarized as follows:

Comment 1: On May 16, 2006 Deborah Hallis, California Regional Water Quality Control Board, contacted the Project Leader and requested to be placed on the SOPA mailing list for future projects and requested a copy of the Hydrology report for the Crowder Project.

In response to this request, Deborah Hallis was placed on the SOPA mailing list and a copy of the Hydrological report will be sent to her.

Comment 2: On June 13, 2006 Perry Chocktoot, Cultural Site Protection Specialist, Klamath Tribes, wrote requesting a field visit to the project site. Mr. Chocktoot was concerned about possible impacts to cultural sites.

In response to this request, Mr. Chocktoot was invited to, and attended a field visit of the project site on September 19, 2006. Mr. Chocktoot's concerns about possible impacts to cultural sites were addressed by reiterating Forest Service policy to survey for, flag and protect all heritage resource sites within the proposed project area.

Comment 3: On November 16, 2006 a phone message from Nate Sponsler, Sierra Club Environmental Law Program, was received with a survey inquiry as to whether CE 31.2 (10) *Hazardous fuels reduction activities* was being used.

In response to this inquiry, the Project Leader returned the phone call on November 17, 2006 and informed Mr. Sponsler this project utilizes CE category 31.2 (6(d)) to satisfy the requirements of NEPA. The Sierra Club was invited to contact us if they had anymore questions.

Comment 4: On August 28, 2007 Richard Shinn, Wildlife Biologist, California Department of Fish and Game, expressed concern over the size of prescribed fire units within Mule Deer summer, winter, and transitory range in relation to direction in the Modoc Land and Resource Management Plan.

In response to Mr. Shinn's concern he was informed by the District Wildlife Biologist and Silviculturist that unit size and application of prescribed fire would be consistent with the standards and guidelines and management prescriptions found in the Modoc National Forest Land and Resource Management Plan (LRMP).

Consistency with Other Laws and Regulations

This Project is consistent with the Modoc National Forest Land and Resource Management Plan as amended by the Sierra Nevada Forest Plan Amendment Record of Decision (2004), the National Forest Management Act, The National Forest Historic Properties Act and other applicable laws and direction. Additional details can be found in the project file.

Implementation Date

Implementation of the decision may begin immediately following the publication date of the legal notice of this decision in the Modoc Record (36 CFR 215.9(c)).

Administrative Review or Appeal Opportunity

In accordance with the October 19, 2005, order issued by the U. S. District Court for the Eastern District of California in Case No. CIV F-03-6386JKS, this decision is subject to administrative appeal pursuant to 36 CFR Part 215. Only those individuals and organizations

who submitted substantive written or oral comments during the 30-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 Modoc County Record. Notices of appeal must meet the specific content requirements of 36 CFR 215.14. An appeal, including attachments, must be filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the appropriate Appeal Deciding Officer (36 CFR 215.8) within 45 days following the publication date of this notice. The publication date of this notice is the exclusive means for calculating the time period to file an appeal (36 CFR 215.15(a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

Appeals must be submitted to Stan Sylva, Forest Supervisor, Modoc National Forest, 800 West 12th Street Alturas, Ca. 96101, (530) 233-8700. Appeals may be submitted by mail at the address shown above, fax at 530-233-8719, or hand-delivery to the Forest Supervisor's Office at the address shown above during normal business hours (Monday-Friday 8:00am to 4:30pm). Submit electronic appeals, in acceptable [plain text (.txt), rich text (.rtf) or Word (.doc)] formats, to appeals-pacificsouthwest-Modoc@fs.fed.us with Subject: Crowder Block Wildlife Habitat Improvement Project.

Contact Person

For further information contact: Jon Stansfield, Modoc N.F. 385 Wallace St. Cedarville, Ca. 96104, (530) 279-8332.

H.J. (Jim) Irvin II
District Ranger
Warner Mountain Ranger District
Modoc National Forest

Date

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