

Decision Notice and Finding of No Significant Impact

USDA Forest Service

Eiler Fire Salvage and Restoration Project

Hat Creek Ranger District, Lassen National Forest

Shasta County, California

Background

The Eiler Fire started on July 31, 2014, in the Thousand Lakes Wilderness and burned in a northerly direction before it was contained on October 3, 2014; the cause is still under investigation. The fire burned approximately 33,162 acres of NFS and private land. The Eiler Fire Salvage and Restoration Project (Eiler Project) is located approximately five miles southeast of Burney, California, west of State Highway 89, east of Burney Mountain, south of Brown's Butte, and north of the Thousand Lakes Wilderness. Legal locations for the Eiler Project include portions of Township (T) 33 North (N), Range (R) 3 East (E), Sections 1 and 2; R4E, Sections 16-18; T34N, R3E, Sections 10, 11, 13-15, 22-24, 26, 34-36; R4E, Sections 4, 5, 7-10, 15, 17-23, 26-28, 30-32, 35; and T35N, R4E, Section 32, in Shasta County, California. There are approximately 18,080 acres of privately owned land, and 156 acres of other federally managed land within the Project Area.

The environmental assessment (EA) for the Eiler Project documents the analysis of the proposed action alternative which includes: 1) removing hazard trees along roads and trails, 2) salvaging fire-killed conifers, 3) fuels treatments, 4) site preparation, and 5) reforestation within the perimeter of the Eiler Fire on the Hat Creek Ranger District (HCRD) of the Lassen National Forest (LNF). The EA also summarizes analysis of a No-Action Alternative (Alternative 2) and a Road Hazard Only alternative (Alternative 3).

The proposed action was developed by evaluating vegetative conditions following the Eiler Fire. The interdisciplinary team (IDT) used the LNF Eiler Fire Rapid Assessment of Vegetation Condition After Wildfire (located in the Eiler Project Record), the Burn Area Emergency Response (BAER) Report (Day, Bald, and Eiler Fires), records of burn patterns and intensities, and a review of land allocations to determine the purpose of and need for action in the project area following the fire. The IDT recognized a need to improve safety (for Forest visitors, for current and future administrative action, and for firefighters), as well as a need to follow LNF Land and Resource Management Plan (LRMP) direction to maintain forests in a forested condition and re-establish fire-resistant, shade-intolerant conifer and hardwood species. Recovery of the economic value of fire-affected timber is also important, as is protecting investment towards reforestation efforts. The environmental assessment (EA) documents the analysis of alternatives to meet these needs.

Decision

I have read the Eiler Project EA, reviewed the analysis in the project file, and considered the comments submitted during public scoping and the 36 CFR 218 legal notice and comment period for this project (comments and Forest responses are available in the project record). I fully understand the environmental effects disclosed in this analysis and have used this as the basis for my decision. My decision is also based on a thorough review of the record which displays relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information, scientific uncertainty and 'risk'. It is my decision to select Alternative 1, as fully described in the EA on pages 14-19, with one exception. My decision will not implement treatments (including reforestation) in stand 104, as this area was covered under a previous decision (Stand 104 is 2.5 acres, adjacent and east of Highway 44 near Hat Creek).

Implementing Alternative 1 will:

- Treat approximately 3,048 acres of area salvage (20% of NFS lands), 1,174 acres of roadside hazard trees (8% of NFS lands), 4,480 acres of fuels treatments (30% of NFS lands), and reforest 5,645 acres (38% of NFS lands) within the fire perimeter.
- Bring 2.4 miles of existing non-system roads (needed to implement the project for multiple entries) into the Forest road system as Maintenance Level (ML) 2 roads. These roads currently meet Forest transportation standards. Construct one-half mile of new construction that will be needed for access during project implementation and for long term management. This road will be classified as a ML 1 and thus closed to wheeled motor vehicle traffic once all project activities are complete.
- Bring one water source proposed for use in implementing the project up to best management practice (BMP) standards. The other proposed water source currently meets BMPs.

The Eiler Fire perimeter included 14,926 acres of National Forest System lands. The desired conditions for the project area are guided by the direction contained in the 1992 Lassen National Forest Land and Resource Management Plan (LRMP) and 1993 Record of Decision (ROD) as amended by the 2004 Sierra Nevada Forest Plan Amendment (SNFPA) Final Supplemental Environmental Impact Statement (FSEIS) and Record of Decision (ROD), and the 2007 SNFP Management Indicator Species Amendment. The project area is located in the Logan (MA 9), Thousand Lakes (MA 15), and Hat Creek (MA4) management areas as identified in the Lassen National Forest (LNF) Land and Resource Management Plan (LRMP). Pertinent Forest Plan land allocations within the Eiler Fire perimeter include: Inventoried Roadless Area (IRA), northern goshawk Protected Activity Centers (PACs), California spotted owl PACs, Marten Habitat Management Area, Riparian Conservation Areas (RCAs), Wildland Urban Interface (WUI), Wilderness, General Forest, and Old Forest Emphasis Areas. Other than hazard tree felling (leaving felled trees on site), no other project activities are proposed within the boundaries of the Thousand Lakes Wilderness and the Inventoried Roadless Areas.

Time is of the essence since the Eiler Fire started nearly a year ago, and the trees killed by the fire have already lost substantial economic value. With every passing day, the deterioration process continues. The winter of 2014/2015 was abnormally warm, which accelerated the deterioration processes. There is an urgency to implement this project as soon as possible to improve public and Forest Service (FS) personnel safety and to recover economic value of the fire affected timber. Therefore, it is imperative to begin implementing the project in the upcoming weeks and months to maximize the amount of work that can be achieved. Any delay jeopardizes the agency's ability to offer economically viable contracts; without viable contracts, the Eiler Project will not be implemented. This means public and worker safety would be threatened for years to come, critical environmental restoration work would not occur, and the area would be at heightened risk of yet another high-intensity fire like the Eiler Fire.

If the project is not implemented quickly, hazard trees will continue to pose a threat to users of the road and trail systems, trail-heads, and employees as they proceed with their daily management activities. Timely removal of fire-affected trees that pose a danger to public safety along high-use roads is an important part of this decision. These roads are used by the public to access National Forest System lands, by adjacent private land owners to access their lands, by contractors and by Service employees in the course of their administrative duties. A substantial majority of the public has shown interest in moving this project forward in a timely manner.

A delay in implementation would also jeopardize restoration and recovery objectives, such as fuels reduction and site preparation/reforestation. Project design features that avoid or minimize environmental harm are included in the integrated design features (IDFs) specific to botany, cultural resources, recreation, silviculture, fuels, watershed, wildlife, soils, transportation, and air quality. These can be found within the Eiler EA (EA pages 20-28).

An Emergency Situation Determination (ESD) was requested from the Chief of the FS and granted on May 13, 2015 for the Eiler Project. The ESD letter and relevant information document are located in the project record.

Non-Significant, Site-Specific Forest Plan Amendment

My decision includes this non-significant Forest Plan Amendment (FPA) allowing post-fire activities (salvage, fuels treatments, and reforestation) proposed in the Eiler Project to occur in the Eiler Gulch subwatershed where the equivalent roaded acre (ERA) value is currently above the threshold of concern (TOC). This FPA is specific to post-fire treatments in units/subwatersheds for the Eiler Project only and will not change management prescription for any other areas included in the LNF LRMP.

Current Direction: Chapter 4 of the LNF LRMP, as amended, provides Standards and Guidelines for the protection and maintenance of water and riparian areas on the Forest. The Lassen LRMP directs the Forest to adjust project impacts and/or timing to keep disturbance below the appropriate TOC in all affected subbasins and watersheds (LNF LRMP, pg. 4-32 (22b (4))). This FPA is consistent with plan amendment direction found in the 2012 Planning Rule at 36 CFR 219.5 (a)(2)(ii) and 219.13 (a)(b).

Background: The Eiler Project proposes actions within the Eiler Gulch subwatershed, which is currently over the TOC due to the large patch size of moderate-to-high soil burn severity resulting from the Eiler Fire in 2014 and subsequent post-wildfire actions completed or proposed on private lands following the wildfire event. Additionally, past, present, and reasonably foreseeable management activities on private and public lands influence ERAs for project-affected subwatersheds.

The Lassen LRMP directs the Forest to adjust project impacts and/or timing to keep disturbance below the TOC in affected watersheds (LRMP, page 4-32). Modifying the timing of the activities included in Alternative 1 is not a viable option due to the urgent nature of the situation. Salvage activities need to begin immediately to improve public and Forest Service (FS) personnel safety and to recover economic value of the fire-affected timber. Loss of viable timber sales jeopardizes restoration and recovery objectives, such as fuels reduction and site preparation/reforestation.

This FPA deviates from the current LRMP by allowing management activities in the Eiler Gulch subwatershed. Analysis determined the ERA value in the Eiler Gulch subwatershed to be above the 18 percent TOC. For this subwatershed, the pre-fire ERA was 7 percent. A large proportion of the subwatershed was affected by the fire, where of the more than 18,000 acres that burned within the subwatershed, almost half burned at moderate-to-high soil burn severity. The effects of the fire raised the ERA 14 percent resulting in post-fire ERA of 21 percent. Alternative 1 is expected to increase the ERA for the Eiler Gulch subwatershed by an additional 4.9 percent in the short term. However, within five years the ERA is projected to drop to 17.9 percent, and to 8.2 percent after 10 years (EA, pages 62 through 64).

The Eiler Gulch subwatershed is the only subwatershed within the project area that is over the TOC. This watershed has minimal drainage development and lacks surface connectivity to downstream perennial waterbodies, including Hat Creek. Surface flow in this subwatershed, when it exists, is ephemeral in nature, and ends in either brush fields or basalt lava flows. The project would aid in protecting resources by implementing BMPs and project-specific IDFs.

Alternative 1 is consistent with all other LRMP management direction concerning soils, fisheries, and hydrology.

A significant proportion of the Eiler Fire burned within the Eiler Gulch subwatershed. There is a substantial need to permit management activities within the watershed due to the significant loss of forest cover from the fire and presence of hazards to the public along roadways. While the actions proposed under Alternative 1 would not in themselves reduce subwatershed ERA values, they would assist post-fire recovery within the subwatershed by accelerating the development of forest cover and help to restore riparian vegetation. Implementing reforestation actions within the subwatershed prior to brush establishment will prevent increased ground and soil disturbance that may result from postponing site preparation. Increasing ground cover within treatment units would help reduce erosion in these areas within the first few years following a fire when it is most likely to occur.

Evaluation of Significance

Non-Significant changes

Under the Directives for the 2012 Planning Rule (FSM 1926.51), changes to the land management plan that are not significant can result from:

Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management

The activities authorized by this FPA would not result in significant, long-term increases in cumulative watershed effects above the existing condition. The change in standards and guidelines applies to treatment in units of the Eiler Gulch subwatershed for the Eiler Project only and would not be considered long-term.

Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management

This FPA does not adjust management area boundaries or management prescriptions.

Minor changes in standards and guidelines

As stated above, LRMP directs the Forest to adjust project impacts and/or timing to keep disturbance below the TOC in affected watersheds. Modifying the timing of the activities included in Alternative 1 is not a viable option due to the urgent nature of the situation, and a minor change to the standard and guidelines is required for implementation.

Opportunities for additional projects or activities that will contribute to achievement of the management prescription

The activities authorized by this FPA would aid in protecting watershed resources as they would increase existing ground cover and reduce soil disturbance related to delayed site preparation. Riparian hand planting where needed would locally help trend riparian areas towards reforestation. While these actions would not in themselves reduce subwatershed ERA values, they would assist post-fire recovery within the subwatershed by increasing ground cover and helping restore riparian vegetation.

Circumstances that may cause a significant change:

Under the Directives for the 2012 Planning Rule (FSM 1926.52), changes to the land management plan that are not significant can result from:

Changes that would significantly alter the long-term relationship between levels of multiple-use goods and services originally projected

This FPA does not alter long-term levels of goods and services originally projected from the LRMP. The elevation in TOC would affect one subwatershed in the Eiler Project area for a short duration. The FPA and the activities it allows will not cause further impacts to those subwatersheds over the TOC.

Changes that may have an important effect on the entire land management plan or affect land and resources throughout a large portion of the planning area during the planning period

Implementing with this FPA will not affect a large portion of the planning area. See discussions in significance and background section above. There will be no important effects to the entire LRMP. Land allocations or management direction will not be changed for the LRMP with this FPA.

Conclusion

As discussed in the Evaluation of Significance above, the Forest Plan Amendment included in this decision:

- does not significantly alter, or cause significant changes to the multiple-use goals and objectives for long-term land and resource management
- represents a minor change in standards and guidelines and is a site-specific amendment that applies only to the Eiler Project units
- provides opportunities for additional management practices that contribute to achievement of the management prescription
- does not alter the long-term relationships between the levels of goods and services projected in the Forest Plan
- does not change land allocations or management direction for other elements of the LRMP
- is short in duration, only for implementation in the proposed units for the Eiler Project.

Based on consideration of the factors above and the analysis contained in Eiler Project EA, I determine that the Forest Plan Amendment for allowing post-fire activities proposed in the Eiler Project to occur in the subwatershed where the ERA value is currently above TOC is not significant in the context of the National Forest Management Act (NFMA). I hereby amend the Lassen LRMP with the non-significant amendment described above.

Reasons for the Decision

My rationale for choosing Alternative 1 is described below.

Response to Purpose and Need

Alternative 1 responds to the five Purpose and Need (P&N) elements for this project in the following ways (when compared to the no-action alternative):

Reduce safety hazards in high use areas including along portions of National Forest System roads, trails, trailheads, and recreation sites

With this decision, the LNF will fall and remove or fall and leave in place fire-affected hazard trees along ML 2 and higher roads and trails within the Eiler Fire perimeter in the LNF. The selected alternative best

provides for public and Forest Service personnel safety by removing hazard trees along roads and trails. Approximately 7.4 miles of roads in the project area are ML 3 and higher. The remaining 24.6 miles are ML 2 roads. These ML 2 roads are open to the public for recreation and wood gathering, and provide access to the private timberland in the fire perimeter. Failure to remove hazard trees in the project could affect the safety of forest visitors, access to the project area, and the quality of recreation activity in the long term. The felling of hazard trees will also improve the opportunity for current and future fire management options along the roads and trails. Active management of the transportation system will improve public access and firefighter safety, as well as minimize adverse environmental effects and reduce future maintenance costs (EA pages 8, 30, 37-38, 69, and 70-71).

Recover the economic value of fire-killed trees

The selected alternative best provides for recovery of the economic value from timber lost to the Eiler Fire with the inclusion of 4,222 acres of area salvage (roadside hazard trees, ground based and helicopter based salvage). The estimated volume of trees available for harvest is 117,916 green tons, with a value of \$117,916 (EA page 34). If harvest is delayed, there will be a 42 percent reduction in volume by October, 2015 (Relevant Information Document, Eiler Project Record). My decision to implement Alternative 1 will also result in a positive effects on local industries that depend on service contracts or a steady supply of forest products and have a positive effect on maintaining local infrastructure that is imperative to implementing future fuels reduction projects, as well as counties that use timber yield taxes to fund county programs (EA pages 34-36).

Reduce surface fuel loads to levels which facilitate site preparation for planting, minimize the danger and difficulty of suppressing future wildfires, and enhance future forest resiliency

With this decision, the post-fire concentration of fuels will be reduced to decrease the potential for and severity of a reburn (EA pages 30, 37-38) through removal, mastication, felling and lopping, piling, or prescribe burning (EA page 16-17). Treatments would also facilitate artificial and natural regeneration efforts and help protect plantations, which are both an investment of money and resources, once they become established. Seedlings and saplings would be at high risk from any wildfire event in early stages of growth due to low crown heights and heavy shrub growth. Reducing existing and future heavy fuel loading prior to planting will help to protect young plantations should wildfire occur in the future (EA page 30). Reduced fuels will increase worker safety, including for firefighters and reforestation crews (EA, pages 10 and 30). Reducing fuel loads will also increase future stand resiliency of Baker cypress (EA, page 10).

Implement reforestation with considerations for vegetative diversity while providing for wildlife habitat diversity in burned forest stands.

Artificial regeneration with native conifer seedlings would allow for the return of forested cover in a much shorter time period than natural recovery would allow. Artificial regeneration would also affect

future stand composition and structure. This could speed the recovery of habitat for forest dependent wildlife species. The selected alternative will reforest approximately 5,645 acres on sites prepared by salvage harvest and fuels treatment. In addition, other site preparation such as treatment of sprouting competing vegetation and spreading of windrows may also occur prior to reforestation to ensure planted tree establishment (EA, pages 17-18). Planting trees as soon as possible following a fire ensures the best possible survival rate, especially without use of herbicides to release planted seedlings from vegetative competition. Deferring reforestation treatments until 2018 would result in the need for even more ground disturbing activities to achieve any reforestation results (EA, page 31).

Reforestation strategies include considerations for vegetative diversity where it exists within the project area, especially to encourage Baker cypress and hardwoods and to enhance meadow and riparian function. Shrubs, forbs, and grasses will become a component of planted areas and maintain vegetation diversity. Approximately 50 percent of the project area will be montane chaparral, consisting of unburned and low fire severity chaparral and untreated burned/ barren areas that would become dominated by shrubs. Additional areas in proposed units would not be treated (like snag retention leave islands) to retain patches of standing dead trees and intact green vegetation, avoid riparian habitat, and leave dense areas of oak vegetation untouched (EA, page 31).

Maintain road infrastructure for project implementation.

The selected alternative will use existing Forest System roads where ever possible. Road maintenance, including surface protection and erosion control will be performed on portions of the system as needed for project implementation. A dust abatement plan would be included to control wind-caused erosion from road use. National Forest System roads and non-paved County roads used for haul would receive pre-, during-, and post-haul maintenance.

Approximately 2.4 miles of existing non-system roads within the project area would be needed for project implementation, including salvage and fuels treatments, reforestation, and maintenance, due to the changed condition caused by the fire. These non-system roads will be added to the Forest transportation system as ML2 roads. Approximately one mile of new construction will occur to implement proposed actions. This road will also be added to the Forest transportation system as ML1 roads. Approximately one mile of temporary roads may be constructed to access proposed treatment areas. Following project implementation, these temporary roads would be decommissioned.

All water sources proposed for use in this project for dust abatement would be brought up to best management practice standards, if they currently do not meet those standards.

Comments from the public have highlighted contrasting concerns over the management and treatment of the Eiler area and a need to consider areas of action and no-action. Selecting Alternative 1 allows me to consider and balance the concerns expressed against standards and guidelines in the LRMP. Strategic placement of area salvage, fuels and reforestation units in portions of the Eiler Fire retains the unique habitat created by the fire as part of the landscape. Some sparsely treed areas and burned areas with no living trees will be planted and will move the project area toward structural heterogeneity more quickly as

reforested areas mature. Other areas will not be reforested, but will progress through succession as brush fields before becoming forested with conifers and hardwoods. The identification and selection of specific areas for treatment encourages a mosaic of habitat in the area, rather than large blocks of a single habitat type.

I am satisfied the EA appropriately details and adopts all practical means to avoid or minimize environmental harm. Concerns raised by the interdisciplinary team during proposal development were addressed through project design features (EA pages 20-28). Public comments received during scoping and issue disposition are summarized in the Eiler Project Public Scoping Comment Analysis and Alternative Development document which is included in the project record. Comments on the EA and Forest Service response are documented in the Response to Comments, also located in the project record.

No significant issues were identified for the Eiler Project during the scoping process. I believe the EA presents an objective and well-documented analysis of environmental effects expected to result from implementation of the Selected Alternative. The analysis shows that the Selected Alternative will eliminate roadside hazard trees for public and worker safety, recover economic value, and maintain the forest in a forested condition through reforestation while resulting in a Finding of No Significant Impact, as described later in this document. After considering both the Finding of No Significant Impact and EA, I determine these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared. My conclusion is based on a thorough review of relevant scientific information contained in the project record, a consideration of opposing views, acknowledgment of incomplete or unavailable information, scientific integrity, and risk.

Alternative 1 is in compliance with applicable laws, regulations, and polices (refer to the Finding of No Significant Impact (FONSI) section of this decision document).

Alternatives Considered

Alternative 1: Proposed Action

Alternative 1, the Proposed Action, will implement activities within the Eiler Fire perimeter and responds fully to the purpose and need for this project. Alternative 1 will salvage harvest fire-killed and fire-injured trees on 4,222 acres, including hazard trees along 32 miles of Forest System roads that pose a safety threat for forest users and workers. Fuels will be treated on 4,119 acres and reforestation will occur on 5,645 acres. Approximately 2.4 miles of existing non-system roads within the project area needed for project implementation will be added to the Forest transportation system as ML 2 roads. In addition, approximately one mile of new construction will occur and will be added as ML1. One mile of temporary roads may be used.

Alternative 2: No Action

Under the No Action alternative, current management plans would continue to guide the management of the Project area. Hazard tree felling could occur along roads currently open to the public, trails, and

developed recreation sites. These hazard trees could be felled and left in place as part of road maintenance as per LRMP direction. The No Action alternative would not preclude activities already approved in this area or activities planned as separate projects. No fuels treatments, site preparation, or reforestation would occur. This alternative does not meet the purpose and need and was not selected because:

- 1) Roads where hazard trees are not removed immediately would continue to present a risk for members of the visiting public as well as Forest Service employees, contractors, and adjacent private landowners in those areas.
- 2) There would be no economic timber value recovered (EA page 32).
- 3) Surface fuel loads would remain high into the future increasing the potential for a high severity reburn and high severity fire effects. In the event of a wildfire, this would create serious control problems, high suppression costs, and high volumes of smoke emissions (EA page 39).
- 4) No reforestation would occur. Re-establishment of forest cover would rely on natural regeneration and could take decades or longer. High severity burn areas (69% of the project area) would recover primarily with shrubs, resulting in a continued loss of forest habitat (EA page 32). Forest Plan direction to maintain forest cover at certain levels (EA page 31) would not be met.

Alternative 3: Road Hazard Only

To respond to concerns raised during public scoping, a hazard tree only alternative was analyzed that limited treatment to hazard tree removal along approximately 32 miles of roads. Commercial sized hazards would be felled and removed along ML 2 and higher roads. Sub-merchantable hazards would be felled and left in place or piled and burned. No other site preparation or reforestation would occur along these roads. No other management activities (besides those previously authorized) would occur. The total footprint of treatments on National Forest lands under Alternative 3 would be approximately 1,095 acres. Existing roads used under this alternative would be repaired and maintained. While this alternative meets the need to remove hazards along roads for the visiting public and administrative use, and recovers some economic value, it was not selected because it does not meet the need to reduce fuels or meet LRMP direction to maintain forests in a forested condition (as discussed above for Alternative 2).

Public Involvement

The following list outlines the public involvement process for the Eiler Project:

- The Rapid Assessment was presented and discussed with the Collaborative Forest Landscape Restoration Group (CFLR).
- The Rapid Assessment was presented and discussed at the annual meeting with the American Forest Resource Council (AFRC).
- Tribal Consultation meetings were held with the Pit River Tribe and the Susanville Indian Rancheria.

- Pre-Scoping News Releases were published with a brief description of the projects and project-lead contact information in the Lassen County Times on December 9, 2014; the Inter-Mountain News on December 3, 2014; and the Mountain Echo on December 16, 2014.
- The project was listed in the Lassen National Forest Schedule of Proposed Actions (SOPA) in January and April 2015.
- The project was presented and discussed to the Lassen County Board of Supervisors meeting in January 2015.

Scoping for this project was initiated on December 19, 2014. Scoping information packets were made available to the public. Letters were sent to adjacent landowners, the Shasta County Board of Supervisors, the Hat Creek Fire Safe Council, the Central Valley Regional Water Quality Control Board, and the Natural Resource Conservation Service. The Pit River Tribe also received this information packet. Scoping information was published on the Lassen National Forest web site.

Twelve individuals/organizations responded in writing or verbally. A majority of the respondents were for the proposed action, while others had concerns about retaining burned habitat. All suggested changes to elements of the proposed action received from the public were considered. The analysis of the public scoping comments is contained in the document titled *Eiler Project Public Scoping Issue Analysis and Alternative Development* (located in the Eiler Project Record).

The Eiler project EA was made available for legal notice and comment (LN&C) period which began on April 14, 2015 and ended on May 14, 2015. Five individuals/organizations responded in writing. Two respondents were for the proposed action, and 3 had concerns regarding salvage logging and burned habitat. The analysis of the public comments is contained in the document titled *Eiler Fire Salvage and Restoration Project Legal Notice and Comment Analysis* (located in the Eiler Project Record).

Finding of No Significant Impact

After careful consideration of the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts as defined in the regulations for implementing NEPA, 40 CFR Parts 1500-1508. Significance as used in NEPA requires considerations for both context and ten elements of intensity. These eleven elements taken together are critical to reducing paperwork through use of a Finding of No Significant Impact when an action would not have a significant effect on the human environment. In a local context, the site-specific actions of the selected alternative (Alternative 1), both short-and long-term, are not significant. Therefore, an environmental impact statement will not be prepared. This determination is based on the following intensity factors.

(a) Context:

The local context of the proposed action is limited to a portion of the LNF near the Thousand Lakes Wilderness. Specific locations are described on page 1 of this document. Proposed treatments focus on

removing fire-killed and fire-affected trees along ML 2 roads and in area salvage units. Fuels treatments would then occur in preparation for reforestation with native conifers appropriate for the site. This active management will help speed the recovery of the fire affected stands proposed for treatment, helping to develop the desired qualities and characteristics of fire resistant, shade-intolerant conifer species (EA page 31).

Proposed area salvage and hazard tree treatments will take place as quickly as feasible to recover the economic loss of timber value and to decrease the safety concerns raised with the presence of hazard trees along the roadways. Fuels treatments and reforestation will take place as soon as feasible to take advantage of the decreased vegetation competition and reduce the need to mechanically remove shrubs. Delay would allow time for shrubs to fully occupy reforestation sites. Removal of shrubs after they are established will increase related ground disturbance, increase expense, and increase potential impacts to watersheds, specifically, and increase the ERA values used to assess sensitivity of watersheds. Even in the context of seasonality and duration of activities, analysis prepared in support of the EA (Biological Evaluations, Management Indicator Species Assessment, Invasive Plant Risk Assessment, and Cumulative Effects Analysis, hereby incorporated by reference), indicate that these actions would not pose significant short- or long-term effects.

(b) Intensity

(1) Impacts both beneficial and adverse.

Effects determinations are summarized in the Environmental Effects section of the Eiler EA (pages 29 through 76) and supporting analysis. Both beneficial and adverse effects have been taken into consideration when making the determination of significance. Beneficial effects have not, however, been used to offset or compensate for potential significant adverse effects.

The impacts of the Eiler Fire to the Eiler Project area are the reason for the project actions, and those fire impacts can make it difficult to differentiate the fire effects from those of the project. Evaluating impacts of a project by changes in the California Wildlife Habitat Relationship (CWHR) system rating does not work efficiently for displaying how these changes were caused by the fire, not the project itself. In the short-term, salvage, hazard tree, and fuels treatments will remove dead and dying trees from the forest landscape, reducing snags in burned forest habitat that is a result of the Eiler Fire. Indirectly, this will reduce the fuels in the project area and increase safety for wildland firefighters and other forest workers as they operate in both day-to-day administrative operations and emergency situations. In the long-term, reforestation of these areas will promote the re-establishment of fire-resistant, shade-intolerant conifer species that could speed recovery of this habitat for the forest dependent wildlife species. With this decision, approximately 38 percent of the project area will consist of young, reforested areas and approximately 62 percent of the project area will proceed with natural regeneration. In the short-term, the shrub component will persist in planted areas and may dominate where tree mortality is high. In other sparsely forested areas, conifers will regenerate and develop a multi-storied forest with a component of understory vegetation (EA pages 31 through 32).

Watershed: Overall, the change in condition of the watersheds from the project would be negligible, not measurable, and there would be no effects to downstream beneficial uses due to integrated design features (IDF), best management practices, overall lack of drainages, lack of connectivity to downstream perennial waterbodies, and natural recovery of watershed processes (EA pages 59 through 61 and 63).

(2) Public health or safety.

Public health and safety are not adversely affected by the proposed action. Implementation of the Eiler activities is governed by standard public health and safety guidelines, Forest Service direction, and other applicable laws and guidelines.

The removal of hazard trees along ML2 and higher roads and trails will improve visitor safety for travel through the project area (EA pages 70 through 71). Road maintenance activities will improve both administrative and public access, and firefighter safety (EA page 69). Standard contract provisions will provide traffic control measures to limit effects to the safety of the public and employees using roads and trails during project implementation (EA page 69).

(3) Unique characteristics of the geographic area.

This project will not adversely affect unique characteristics of the geographic area. Nor will the actions adversely affect or change the character of the project area. There are no park lands, prime farmlands, wetlands, or designated wild and scenic rivers that would be affected by the project.

I have considered the visual resources (EA pages 71 through 72) and location of the project relative to the Thousand Lakes Wilderness trailheads, and the Hat Creek Recreation Area. I do not anticipate the effects of the project to adversely affect access by recreation users.

Cultural resources will be protected through integrated design features and contract requirements. All National Register of Historic Properties (NHRP) eligible or potentially eligible properties will be protected (EA pages 22 through 23, 67 through 68).

There will be no significant effects on unique characteristics of the area. The Eiler Fire burned through portions of two Inventoried Roadless Areas. There will be no activities taking place in these IRAs, except for roadside hazard tree removal on a small section of road. No salvage, fuels treatments, or reforestation will take place.

(4) Highly controversial

Legitimate controversy must be based on credible scientific evidence. Comments submitted during the legal notice and comment period were generally split down the middle as to whether effects on the quality of human environment with implementation of this project would be beneficial or controversial, including controversy over implementing more salvage of burned acres vs. less salvage of potential snag habitat acres. The Eiler analysis does not identify any science-based, high controversy for this project.

Environmental effects for the Eiler project are summarized in the Environmental Assessment (pages 29 through 76). No significant issues were identified during Public involvement efforts (Eiler Project Public Scoping Issue Analysis and Alternative Development, pages 138-140, Eiler Project Record). Resource protection measures, or Integrated Design Features, are found beginning on page 20 of the EA.

Hazard tree and salvage harvest, fuels treatments, and reforestation are standard practices in forest management. A measure of controversy over these standard practices exists, however opposing science from commenters has been addressed in the Response to Comments summary (hereby incorporated by reference), resource specialist reports for the project and effects of project actions summarized in the EA (pages 29 through 76).

Analysis for the Eiler Project identified a combined 7,057 acres (21 percent) of the fire perimeter (33,162 acres) as being suitable habitat for the black-backed woodpecker (BBWO), the management indicator species (MIS) for snags in burned forest habitat. Due to salvage harvest, it was assumed that about 2,203 acres of this habitat on non-USFS lands would be lost. On USFS lands, tractor harvest would cause a loss of 1,505 acres. Helicopter harvest would affect 320 acres, but these would still provide habitat post-harvest. Thus, actions across ownerships within the fire perimeter would cause approximately 3,708 acres of the 7,057 (about 52 percent) to be lost, leaving approximately 3,349 acres available as burned forest habitat for the BBWO (EA page 44).

While there is an effect in decreasing snags in burned forest habitat with the Eiler Project, my decision will not alter the existing trend in the ecosystem component, or lead to a change in the distribution of black-backed woodpecker across the Sierra Nevada bioregion. This reduction of less than 4,000 acres of burned forest black-backed woodpecker habitat would not alter the existing trend in this ecosystem component, nor would it lead to a change in the distribution of black-backed woodpecker across the Sierra Nevada bioregion, given that from 2006 to 2013 wildfires created an estimated 168,761 acres of burned forest, black-backed woodpecker habitat (EA page 45).

Some of the controversy with reforestation standard practices involves reforestation versus natural revegetation (shrubs). Prior to the Eiler Fire, 70 percent of the Project area was forested and 30 percent was non-forested (18 percent of that found in shrubs) (Silviculture report, page 12). For analysis, it was assumed that shrub and forested stands subject to high fire severity that became barren and are proposed for planting will become forested. Shrub and forested stands subject to high fire severity that became barren, and which are not proposed for planting, like in the wilderness and IRA areas, are expected to become shrub dominated. Post-fire conditions were 20 percent forested and 80 non-forested. With the chosen alternative, half of the area becomes forested (EA page 31). The effects of reforestation in the Eiler Project have been analyzed and summarized in the EA, pages 29 through 76.

(5) Degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The possible effects of the proposed action are neither highly uncertain nor would they represent unique or unknown risks. The proposed action would implement basic forest vegetation management practices that have been used for decades in the Hat Creek Ranger District and the Lassen National Forest. They are routine in nature and employ site-specific protection measures and their effects are well known. The known consequences of these actions are described in each resource report. The possible effects are summarized in the EA on pages 29 through 76.

(6) Precedent for future actions with significant effects or decisions in principle about future considerations.

The actions proposed in the Eiler Project are routine in nature. Implementation of project actions will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.

(7) Relationship to other actions with individually insignificant but cumulatively significant impacts.

A cumulative effects analysis was completed for each resource area (see EA pages 29 through 76). The geographic scope of the cumulative effects analysis area varied among resource areas and this scope of cumulative effects areas is also discussed in the analysis in the EA and in the resource reports. No potential for significant adverse cumulative effects with the Eiler Project was identified in the specialist's analyses. The Past, Present, and Reasonably Foreseeable Future Actions (PORFA) - List of Cumulative Actions is located in the Eiler Project Record.

Watershed: The Equivalent Roaded Acre (ERA) method for determining cumulative watershed effects, calculates the existing condition of one fire-affected subwatershed (including past activities, fire effects and private land activities) to be above the Threshold of Concern. Implementation of the Eiler Project will slightly increase ERAs in the short term; however, it was determined that project actions will not result in measureable increases in cumulative watershed effects above the existing conditions (EA pages 62 through 64).

(8) Adverse effects on properties listed or eligible for National Register of Historic Places, or loss of significant scientific/cultural/historic resources.

The Eiler actions will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP). All NRHP eligible or potentially eligible properties will be protected (see EA pages 67 to 68). This Decision only implements actions in those units for which Heritage surveys are complete to current standards and Section 106 compliant. The actions will not cause loss or destruction of significant scientific, cultural, or historical resources. All historic properties will be protected from project-related impacts with implementation of protection measures included in the project design (EA pages 22 to 23).

(9) The degree to which this action may adversely affect an endangered or threatened species or critical habitat

The following specialist reports, located in the project record, are hereby incorporated by reference: Biological Evaluation for the Eiler Project, Biological Evaluation and Assessment for RS Forest Service Sensitive and Federally Listed Plant Species – Eiler Project.

The actions will not affect any Federally or Proposed listed Threatened or Endangered species and/or habitat determined to be critical under the Endangered Species Act (ESA) of 1973 (EA page 45).

(10) Whether the action threatens a violation of Federal, State, or local law or requirement imposed for the protection of the environment

The actions will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered as demonstrated throughout the EA, in referenced supporting documents, and as noted above and below.

Lassen Land and Resource Management Plan (LRMP) & National Forest Management Act of 1976 (NFMA; Public Law 94-588):

This decision is consistent with the 1992 Lassen National Forest Land and Resource Management Plan (LRMP) and 1993 Record of Decision (ROD) as amended by the Sierra Nevada Forest Plan Amendment (SNFPA) FSEIS and ROD (2004), and the Sierra Nevada Forests Management Indicator Species (SNF MIS) Amendment FEIS and ROD (2007). The LNF LRMP guides management of all National Forest System lands and resources within the project area and Eiler Project actions are consistent with the LRMP, as amended. The LRMP includes direction for forest management, goals and objectives, standards and guidelines, area management direction, MIS, and the anticipated outputs of forest products. Resource protection, vegetative manipulation, silvicultural practices, even-aged management, riparian areas, soil and water, and diversity have all been addressed in the EA for the Eiler Project.

Analysis of effects to Forest Service Sensitive Species as listed in the Regional Foresters RS Sensitive Species List is included in the Eiler Project Biological Evaluation, and Biological Evaluation and Assessment for Forest Service Sensitive and Federally Listed Plant Species. These reports are included in the Eiler Project Record.

The Decision Notice for the Eiler Project amends the Lassen's LRMP with a non-significant, site specific Forest Plant Amendment as described in the Decision above.

Endangered Species Act of 1973 (Public Law 93-205)

Section VII of the Endangered Species Act requires federal agencies to consult with the United States Department of the Interior Fish and Wildlife Service (USFWS) and/or the United States Department of Commerce National Marine Fisheries Service (NMFS), whichever is appropriate, during project planning when Federally listed Threatened or Endangered species, and/or their designated critical habitat, may be affected by a project. Consultation was not required for the Eiler Project.

Migratory Bird Treaty Act of 1918 as amended (16 USC 703-712)

At the project scale, pertinent standards and guidelines will be implemented to maintain habitat diversity. Habitat modification would not cause a measurable negative effect to migratory bird populations. This is due to the small amount of acreage where project activities would occur during the breeding season relative to the large amount of migratory bird habitat across the Lassen National Forest. The Eiler Project will comply with Terms and Conditions for the protection of migratory birds as provided by the United States Fish & Wildlife Service (USFWS) see the Migratory Landbird Conservation on the Lassen National Forest, Eiler Project Assessment report located in the Eiler Project Record.

Executive Order 13112 Invasive Species 64 FR 6183 (February 8, 1999)

Consistent with this order, the Eiler Project has incorporated feasible and prudent mitigation measures in Alternative 1 to minimize risk of harm caused by invasive plant species (EA pages 21 to 22, Eiler Project Invasive Plant Risk Assessment pages 6 to 7). Anticipated weed response to the Eiler Project is moderate to high risk for potential spread (Eiler Project Invasive Plant Risk Assessment page 7).

Clean Water Act (as amended in 1972 (Public Law 92-500) and 1997 (Public Law 95-217))

The Eiler Project is consistent with the laws and regulations contained within the Clean Water Act. There are no 303(d) waterbodies or streams within the project area. The segment of the Pit River from the confluence of the north and south forks to Shasta Lake is 303(d) listed for nutrients, organic enrichment/low dissolved oxygen, and water temperature (all potential sources are agriculture and/or agriculture-grazing). The confluence of Hat Creek with the aforementioned section of the Pit River is roughly 18 miles downstream from the reach of Hat Creek that burned in the Eiler Fire (Hydrology Report page 4). Analysis is included in the Hydrology Report for the Eiler Project, and it was determined that implementation of the project would not result in increases in these parameters within waters listed under the 303(d) listing.

Clean Air Act (as amended)

The Eiler Project is compliant with the provisions of the Clean Air Act. All burning implemented under the Eiler Project will be completed under approved burn and smoke management plans. Particulate concentrations are regulated through compliance with the local air quality management district (AQMD) and California Air Resource Board (CARB) (EA pages 40 to 41).

Administrative Review or Objection Opportunities

The Chief of the US Forest Service has granted an Emergency Situation Determination for the Eiler Project in order to facilitate immediate implementation. Pursuant to the Code of Regulations (CFR), an emergency situation is defined as *a situation on National Forest System lands for which immediate implementation of a decision is necessary to achieve one or more of the following: relief from hazards threatening human health and safety; mitigation of threats to natural resources on National Forest*

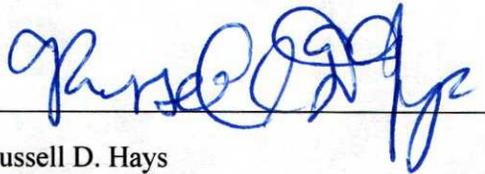
System or adjacent lands; avoiding a loss of commodity value sufficient to jeopardize the agency's ability to accomplish project objectives directly related to resource protection or restoration (36 CFR 218.21(b)). The determination that an emergency situation exists is not subject to administrative review (36 CFR 218.21(c)), and with an ESD granted, this project and the site specific FPA approved in this decision are not subject to the pre-decisional objection process (36 CFR 218.21(d) & FSH 1909.12(21.31)).

Implementation

The Chief of the Forest Service has determined an emergency situation exists with the Eiler Project. With an ESD (Decision Memo from Thomas L. Tidwell, Chief - Emergency Situation Determination, May 13, 2015 Eiler Project, Lassen NF located in the Eiler Project Record), implementation of the decision may begin immediately.

Contact Person

For additional information concerning this decision, contact: Matthew Boisseau, District Ranger, Eagle Lake Ranger District, 530-257-4188.



Russell D. Hays
Forest Supervisor
Lassen National Forest

Date: 6/19/15