



United States
Department of
Agriculture

Forest
Service

Pacific
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File Code: 1570-1
Appeal No.: 08-05-00-0013-A215
Date: March 3, 2008

Mr. Chad Hanson
Director
John Muir Project
P.O. Box 697
Cedar Ridge, CA 95924

CERTIFIED-RETURN
RECEIPT REQUESTED

Dear Mr. Hanson:

On January 18, 2007, you filed a Notice of Appeal (NOA) on behalf of the John Muir Project pursuant to 36 CFR 215 of the Lassen National Forest Supervisor's Decision Notice (DN) approving Alternative 9 with modifications of the Champs Project Environmental Assessment (EA) that was signed on November 28, 2007.

I have reviewed the entire appeal record, including your written Notice of Appeal (NOA), the DN, EA, and supporting documentation. I have weighed the recommendation from the Appeal Reviewing Officer and incorporated it into this decision. A copy of the Appeal Reviewing Officer's recommendation is enclosed. This letter constitutes my decision on the appeal and on the specific relief requested.

FOREST ACTION BEING APPEALED

The project involves 10,658 acres of vegetative treatments, including 6,072 acres of Defensible Fuel Profile Zones (DFPZs) created with mechanical treatment, and 3,115 acres of DFPZs created through underburning. An additional 1,210 acres of fuel treatment will be accomplished through individual tree selection (area thinning), including 676 acres using mechanized equipment, and 534 acres treated by hand thinning. Fuel treatments will be accomplished by treating surface, ladder and canopy fuels using a combination of commercial timber sales, service contracts, and Forest Service crews. The decision also includes 261 acres of group selection utilizing timber sale contracts.

This decision meets the purpose and need for the project. It implements the Herger-Feinstein Quincy Library Group Forest Recovery Act (HFQLG Act) to contribute towards meeting the objectives of constructing a network of DFPZs on 40,000 to 60,000 acres and group selection timber harvest on 8,700 acres each year on the Lassen National Forest. It implements Defensive Fuel Protection Zones (DFPZs) as a part of an extensive fuel treatment network that is effective in reducing the potential size of wildfires, and provides fire suppression personnel safe locations for taking actions in the event of a wildfire. It implements individual tree selection (area thinning) to promote forest health and provide structural diversity to forested stands on a landscape scale and group selections to achieve a desired future condition of an all-age, multi-story, fire resilient forest, while contributing to the local economy through a sustainable output of forest products. Treatments were designed to be economically efficient to reduce hazardous



fuels and to contribute to community stability. The project also allows for necessary access for the project and reduces impacts to the transportation system.

APPEAL REVIEWING OFFICER'S FINDINGS and RECOMMENDATION

The Appeal Reviewing Officer (ARO) found that the Forest Supervisor's decision was appropriate and complied with existing laws, policies, and regulations in light of all of the appeal issues raised by appellants:

The project is in compliance with the Lassen National Forest Land and Resource Management Plan (January 1993, as amended) (Forest Plan).

The purpose and need for the project were clear.

The logic and rationale of decision were clear.

ARO Alice Carlton recommended affirmation of the Forest Supervisor's decision.

DECISION

I agree with the ARO's analysis as presented in the recommendation letter. The issues in your appeal are very similar to those you raised in your comments on the preliminary EA and the record is adequate to support the Forest Supervisor's decision. All appeal issues raised have been considered. I affirm the Forest Supervisor's decision to implement Alternative 9 with modifications.

The project may be implemented on, but not before, the 15th business day following the date of this letter (36 CFR 215.9(b)).

My decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)].

Sincerely,

/s/ Beth A. Giron Pendleton
BETH G. PENDLETON
Deputy Regional Forester
Appeal Deciding Officer

Enclosure



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File Code: 1570-1

Date: February 22, 2008

Subject: Champs Project
Appeal No. 08-05-00-0013-A215
Lassen National Forest

To: Appeal Deciding Officer

I am the designated Appeal Reviewing Officer for this appeal. This is my recommendation on disposition of the appeal filed by Chad Hanson on behalf of the John Muir Project, appealing the Champs Project Decision Notice and Environmental Assessment (EA) on the Lassen National Forest. The decision was signed by the Acting Forest Supervisor on November 28, 2007 and the legal notice of the decision was published on December 4, 2007.

DECISION BEING APPEALED

The Lassen National Forest proposes silvicultural and fuel treatments within the Eagle Lake Ranger District. This project encompasses approximately 33,241 acres. Within this area 32,717 are National Forest System Land, and 524 acres are privately owned. The project area is located approximately 28 air miles northwest of Susanville, California within Lassen County and lies within portions of five Management Areas (MA's): Ebey (MA 11), Harvey (MA12), Ashurst (MA13), Eagle (MA 14), and Crater (MA 19) under the 1993 Lassen National Forest Land and Resource Management Plan as amended (Forest Plan).

The project was developed to respond to the goals and objectives in the 1998 Herger-Feinstein Quincy Library Group Forest Recovery Act (HFQLG Act), and the Lassen Forest Plan, by implementing a strategic system of defensible fuel profile zones (DFPZs), area thinnings, and group selections. The Lassen National Forest is one of three National Forests directed by the HFQLG Act to test and demonstrate the effectiveness of certain resource management activities designed to meet ecologic, social, economic, and fuel-reduction goals.

The desired condition in the Forest Plan is landscapes with high biological diversity supporting viable populations of native wildlife and plant species. Timber stands are generally even-aged with a diversity of age classes among stands. The overall goal for vegetative management is to provide vegetative diversity to maintain viable populations of plants and wildlife, and to minimize loss from wildfire. Included in this overall goal are goals to provide a sustained quantity of forest products while considering biological requirements for animal and plant species, management goals for other forest resources, and economic efficiency. In order to attain these goals preference is given to even-aged management, but application of a full range of silvicultural practices applied on an individual stand basis is available to be utilized.

Desired conditions described in the amended Forest Plan were compared with the existing conditions in the project area. The comparison indicated a need for change. These needs (purpose and need) described below provided the basis for the proposed action.



1. Implement the HFQLG Act that requires construction of a network of DFPZs, group selection timber harvest, and individual tree selection (area thinning) and meet the HFQLG Act objectives by constructing a network of DFPZs on 40,000 to 60,000 acres and group selection timber harvest on 8,700 acres annually over the “pilot project area”. The Champs Project is intended to be one increment of implementing this Congressional mandate and the Forest Plan.
2. Implement defensive DFPZs as a part of an extensive fuel treatment network that is effective in reducing the potential size of wildfires, and providing fire suppression personnel safe locations for taking actions in the event of a wildfire. This would allow firefighters the use of direct attack methods of fire suppression which will generally result in smaller fire sizes when compared to indirect attack methods.
3. Implement individual tree selection (area thinning) to promote forest health and provide structural diversity to forested stands on a landscape scale.
4. Implement group selection as directed in the HFQLG Act to achieve a desired future condition of an all-age, multi-story, fire resilient forest, while contributing to the local economy through a sustainable output of forest products.
5. Treatments are to be economically efficient to reduce hazardous fuels and to contribute to community stability.
6. Provide necessary access for the construction of the DFPZs, group selection timber harvest, and area thinning, and to reduce impacts of the transportation system.

The Lassen Acting Forest Supervisor selected Alternative 9 with modifications as analyzed in the Environmental Analysis for implementation. Modifications incorporated in the Decision Notice from Alternative 1 included:

- For those areas to be treated under Prescription G in Alternative 9 a 30 inch upper diameter limit would be used.

Alternative 9 with modifications implements 10,658 acres of fuel treatments, including 6,072 acres of DFPZ created with mechanical treatment, and 3,115 acres of DFPZs created through underburning. An additional 1,210 acres of treatment will be accomplished through individual tree selection (area thinning), including 676 acres using mechanized equipment, and 534 acres treated by hand thinning. Fuel treatments will be accomplished by treating surface, ladder and canopy fuels using a combination of commercial timber sales, service contracts, and Forest Service crews. The decision also includes 261 acres of group selection utilizing timber sale contracts.

In the selected alternative five prescriptions were developed for the DFPZ. These are:

Prescription A (4,988 ac.). Thin using an upper diameter limit of 20 inches dbh and retaining a minimum of 40% canopy in California spotted owl habitat (California Wildlife Habitat Relationships (CWHR) 4M, 4D, and 5D). Underburn the surface fuels after thinning.

Prescription B (531 ac.). Thin using an upper diameter limit of 20 inches dbh and jackpot pile and burn the surface fuels after thinning.

Prescription C (519 ac.). Thin in the Riparian Habitat Conservation Areas (RHCA) using an upper diameter limit of 30 inches dbh and underburn after thinning to stimulate understory vegetation. Monitoring would evaluate the change in the understory plant communities.

Prescription D (3,115 ac.). Underburn only.

Prescription E (34 ac.). Masticate only.

One Prescription was developed for the Group Selection treatment:

Prescription F (261 ac.). Remove trees in groups ½ acre to 2 acres with an upper diameter limit of 30 inches dbh, site prep the openings and plant using pine species. No group selection harvest units would be located in suitable California spotted owl habitat, or within eastside mixed conifer stands within the Area of Concern (AOC) for the owls.

Two prescriptions were developed for area thinning:

Prescription G (676 ac.). Area thin using individual tree selection and an upper diameter limit of 30 inches dbh; burn the surface fuels after thinning.

Prescription H (534 ac.). Area thin and plantation thin with hand thinning methods at 17 by 17 foot spacing. Cut material would be masticated and/or hand piles and burned.

The decision also implements improvements to the transportation system within the Champs Project by reconstruction of 2.3 miles of existing Forest system roads, the construction in the form of realignment of a 0.85 mile portion of Forest system and non-system road, and the classification of 1.5 miles of existing non-system roads which would be added to the Forest system roads. Approximately 8.7 miles of existing non-system roads will be used for project activities and will be maintained to provide for road surface protection and prevent erosion.

APPEAL SUMMARY

The Champs Project was listed in the Schedule of Proposed Actions October 2005. The scoping letter was mailed to approximately 45 local tribal organizations, other agencies, individuals, and groups potentially interested in or affected by the Proposed Action on January 23, 2006. Although responses to the scoping letter were requested by February 27, 2006, responses were received into March 2006. The proposed action was presented to the Pit River Tribe on March 1, 2006, on April 12, 2006, on July 5, 2006, and on July 3, 2007, and to the Susanville Indian Rancheria on February 14, 2006, and November 7, 2007. The Proposed Action was also presented to the Lassen County Fire Safe Council on February 6, 2006. A site visit of the Champs Project was offered to the public on May 21, 2007 and six members of the public attended.

The preliminary EA was sent to the public for a 30-day comment period on June 12, 2007. The legal notice of availability of the proposed action for comment was published on June 19, 2007 in the newspaper of record. The Forest received two requests for site visits. A site visit was provided to the Sierra Forest Legacy group and the Lassen Forest Preservation Group on August 22, 2007. Representatives from the timber industry were given a site tour on July 17, 2007 and eight representatives attended. Seven individuals, tribes, and/or organizations provided comments to the Proposed Action by the close of the comment period on July 19, 2007. Chad Hanson of the John Muir Project submitted timely comments and is eligible to appeal this decision.

The legal notice of decision was published December 4, 2007; the deadline for filing appeals was January 19, 2008. The appeal was filed on January 18, 2007 and is timely.

The Forest Supervisor (with staff from the Eagle Lake District and Supervisor's Office) conducted an informal appeal disposition conference call with the appellant Chad Hanson of the John Muir Project on February 7, 2008. No issues were resolved.

As relief the appellant requests the decision be reversed and an Environmental Impact Statement prepared.

ISSUES AND RESPONSES

Issue 1: The EA on page 10 states that stand density (per RO direction letter of July 14, 2004) must be reduced to a level that would reduce SDI-Max 20 years after thinning. This letter has not been analyzed through a NEPA process. This is a violation of NEPA which requires environmental analysis for policies, plans and procedures that may significantly affect the environment. (Appeal, pp. 1, 13)

In a letter dated July 14, 2004 Regional Forester Bernie Weingardt issued direction to Forest Supervisors regarding conifer forest density management for multiple objectives. The letter addressed the importance of designing thinning activities to achieve the multiple objectives of increased resistance to damage from crown fires, reduced surface/ladder fuels, reduced insect damage, and inter-tree competition, and restoration of densities more characteristic of the past under the influence of natural fire regimes. The letter further stated in order to avoid forest health risks associated with density, thinnings are to be designed to ensure that density does not exceed an upper limit of 60% of maximum Stand Density Index (SDI) and that this level will not be reached again for at least 20 years after thinning. Any proposed action designed to meet this direction must be analyzed and the effects disclosed in a site-specific NEPA document.

In this case, the direction in the letter did not compel the Forest to change any Forest Plan standards and guides and did not constrain the alternatives. The purpose and need for action for the Champs EA were developed to respond to the goals and objectives outlined in the Lassen Forest Plan as amended (EA, pg. 7). The alternatives were developed to meet the purpose and need and are consistent with the Forest Plan standards and guides. In fact, an alternative that exceeded the 60 % SDI was considered, although not analyzed in detail (EA, pp. 53-54).

Consequently, there was no need to perform a separate NEPA analysis of the contents of the July 14, 2004 letter and I find that following the direction in the letter for this project does not violate NEPA.

Issue 2: The EA fails to ensure scientific accuracy and integrity as required by NEPA because methodology to determine the existing density of live and dead trees in each size class and the SDI are not described. The EA misrepresents and overstates the existing density of live and dead trees in each size class and the SDI in the project area. (Appeal, pp. 1-7, 16-18)

Response: National Environmental Policy Act (40 CFR 1502.24), "Methodology and scientific accuracy" states "[Agencies] shall identify any methodologies used and shall make explicit

reference by footnotes to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.”

Scientific accuracy and integrity were addressed in the response to comments (comment 3-15, pg. 28). Scientific sources for using 60% maximum SDI are addressed in the response to comments (comment 3-14, pp. 26-28).

The methodology used for the density of existing live and dead trees, the density of large diameter trees, and historical basal area is described in the EA (pp. 3-7; and pg. 10), the Silviculture Report (pp. 5-11), and response to comments (comment 3-37, pg. 43). The scientific data sources and the rationale for using these data were identified in the Silviculturist Report (pg. 2; pp. 5-10).

District employees described and clarified this information to the appellant in numerous e-mails, faxes, and telephone discussions to explain the methods and data used (for example Response to Comments pp. 26-31, 40, and 43). Sources for tables and maps are identified beneath each table and map in the EA. After the Decision Notice was signed, the District continued to provide information regarding methodology to the appellant (Project Record K-6, K-8, and K-11).

The number of snags removed is not an issue because they will not be removed except for safety concerns (EA, pg. 67).

I find the Champs Project analysis complies with NEPA by citing methodologies used and identifying references and other scientific sources and accurately estimated numbers of dead and live trees in the project.

Issue 3: The EA fails to adequately analyze both the impacts of the Champs project on rare eastside old growth trees and the cumulative effects on eastside old growth when considered in conjunction with past, present, and reasonably foreseeable future logging.

Response: See the response to Issue 2 for an explanation of how the EA documented the methodologies used to identify and retain old trees, and properly identifies the average age of trees and the intensity of their removal.

A similar issue was raised in the appellant’s comment letter dated July 18, 2007. The Forest responded to the appellant’s concern in their response to comments #3-1 and 3-2, pages 12-15. To reiterate, the Forest explained that some larger trees (up to 30 inches dbh) would be removed in the project, which would promote later seral values in the long-term. Further, the EA contains numerous disclosures of direct, indirect, and cumulative effects analysis of Alternatives 1 and 9 that covered the scope of effects of Alternative 9 as modified.

Direct and indirect effects of Alternative 1 and 9 on old growth trees and forests can be found in the EA on pages 66-67, 74-75, 76-78, 82-83, 88-91, and 95-96, and throughout the Silviculture Report. Cumulative effects on old growth trees are analyzed on pages 70-72, 86, 92, and 97 of the EA and throughout the Silviculture Report.

In addition, individual old growth trees would be protected in this decision. No DFPZ, group selection, or area thinning treatments would occur within CWHR classes 5M, 5D, and 6, the largest trees in the area. Further, live trees 30 inches dbh or greater would be retained except to allow operability. Finally, trees less than 30 inches dbh but meet criteria to qualify as legacy trees will generally be retained (EA, pg. 41).

I find that this project adequately analyzes the direct, indirect, and cumulative effects on old growth trees and old growth forests.

Issue 4: Champs project proposes group selection in CWHR 4M, 4D, 5S and 5P. These are seral stages for which QLG FEIS recommends against group selection. The current Champs project proposal fails to demonstrate the effectiveness of group selection pursuant to the QLG Act, QLG FEIS, QLG ROD and the 2004 revised Framework FEIS and ROD. (Appeal, pp. 7-8, 13-14)

Response: Direction for the HFQLG Pilot Project Area, as included in the standards and guidelines for the 2004 Sierra Nevada Forest Plan Amendment, Final Supplemental Environmental Impact Statement ROD (2004 Framework ROD) (Table 2, 2004 Framework ROD, p. 68) state under the standards for Group Selection, “Design projects to retain all live trees \geq 30 inches dbh, except allowed for operability. Minimize impacts to \geq 30-inch trees as much as practicable.” It also states that “group selection and individual tree selection are not allowed in late successional old growth (LSOG) 4 and 5 stands (CWHR classes 5M, 5D, 6)”.

The content of page 3-58 of the HFQLG FEIS, that the appellant uses to suggest that group selection should not occur in CWHR classes 4D and 4M, is the analysis of effects to vegetation diversity. This is not direction, but analysis of the selected alternative. The analysis states that, “it is probable that stands having mid-seral size class and density attributes would be adversely impacted by group selection...” As included in the Response to Comments (pg. 12), the same page in the HFQLG FEIS also states, “Group selection employed in overstocked, even-aged stands (seral stages 2 through 4) (Plumas Forest Plan E-1) may benefit ecological type health, biodiversity, and long-term seral stage development”. The HFQLG FEIS does not require that group selections are avoided in CWHR class 4D and 4M.

The 1998 HFQLG Act requires that the pilot project will carry out group selection over an average of 0.57 percent of the pilot project land area each year (or 5.7 percent each decade). The project implements that direction and is “intended to contribute to the group selection acreage goals” (EA, pg. 13).

As stated on page 13 of the EA, under Purpose and Need #4, “...group selection units would be located in the most abundant timber strata within the project area; in this case, size class 3 stands [Region 5 size class, or CWHR size class 4]...Group selections provide conditions for the regeneration and growth of more fire tolerate pine species...Group selections provide recruitment of future overstory pine, and provide structural diversity by creating small patches of vegetation and young trees interspersed in stands of larger trees. When viewed from the landscape level, a multi-storied effect would be achieved. The response to comments (Response to comments pg. 12, comment # 3-1) included the statement, “group location in the Champs project area has been focused in both overstocked and even-aged stands, rather than in uneven-aged late seral stage stands”. Therefore, the Champs project selected alternative would fit into the category that would benefit from group selection as described on p. 3-58 of the HFQLG FEIS (1999). The Champs project meets the criteria for effective group selection under the standards and guidelines in the HFQLG ROD, and therefore there is no reason to believe it will not be effective pursuant to the HFQLG Act.

No group selection would occur in CWHR 5S and 5P in the Champs project selected alternative (Response to comments, pg. 12; EA, pg. 175; BE, pg. 16).

The Forest analyzed an alternative (Alternative 3) that did not propose any group selections in CWHR class 4D or 4M strata.

I find that this decision implements the HFQLG Act and appropriately uses group selection harvest.

Issue 5: The project proposes to remove the most fire-tolerant species (ponderosa pine and Jeffrey pine) including pine trees described as being “large on the eastside (>21”DBH), this is inconsistent with the desired condition described in the QLG FEIS. The current Champs project proposal fails to demonstrate the effectiveness of DFPZs under the QLG Act, QLG FEIS, QLG ROD, and the 2004 revised Framework FEIS and ROD. (Appeal, pp. 8-9)

Response: Although components of all species present would be retained, shade intolerant species (mainly pines) would be favored to be retained over shade tolerant species (EA, pg. 40). Proposed treatments within DFPZs have been designed to move these areas towards desired conditions identified in the HFQLG FEIS by reducing surface fuel loading, raising crown base height by reducing ladder fuels, reducing crown fuels, and reintroducing fires (EA, pg. 8).

It is not within the scope of this project to demonstrate the effectiveness of DFPZs as approved under both the HFQLG ROD and 2004 Framework, only to ensure treatments as prescribed will be effective. For an effective DFPZ, surface fuel loads in size classes under 11 inch diameter range need to be less than five tons per acre (EA, pg. 8). The proposed action is intended to contribute to an extensive fuel treatment network, which will move the area toward the desired conditions in the Forest Plan as amended. Effectiveness of treatment would be measured by criteria as stated in Purpose and Need statement #2 (EA pp. 7-12). The effectiveness of the HFQLG Act will be demonstrated at the multiple-Forest scale.

I find prescriptions to implement DFPZs in this EA are consistent with the Forest Plan as amended by the HFQLG FSEIS ROD and the 2004 SNFPA ROD; and the stated project Purpose and Need objectives.

Issue 6: Because this project will log within biological home ranges, there is the potential of significant impacts on goshawks and spotted owls; therefore an EIS must be prepared. (Appeal, pg. 9)

Response: Integrated Design Features (IDFs) for the project have been developed as protection measures for spotted owls and goshawks (EA, pp. 40-42). The Selected Alternative (Alternative 9 as modified) was designed to further reduce impacts to suitable spotted owl habitat (Decision Notice, pg. 8).

On page 9 of the Decision Notice, the Responsible Official has determined that project activities will not have a significant effect on the quality of the human environment considering the context and intensity of impacts as stated in the regulations for implementing NEPA, 40 CFR Parts 1500-1508. These regulations include a definition of “significantly” as used in NEPA. Significance as used in NEPA requires considerations of both Context and ten elements of

Intensity. Element 9 (Decision Notice, pg. 14), is the degree to which the project action may adversely affect an endangered or threatened species or critical habitat. All elements were analyzed and it was determined that an EIS is not necessary for the Champs project; an EA will suffice.

In the Decision Notice pages 14-15, the Responsible Official determined that the selected alternative (Alternative 9 as modified) will have no significant adverse effect to federally listed Threatened or Endangered Species, or Forest Service Region 5 Sensitive species. In addition, the Responsible Official determined this action may affect individual California spotted owls and Northern goshawks, but is not likely to result in a trend towards listing or loss of species viability.

Direct and Indirect effects to the California spotted owl was analyzed at three scales: 300 acre Protected Activity Centers (PAC) polygons; 1,062 acre circles that represent 90 percent of owl use areas; and 2,400 acre Home Range Core Areas (HRCA) (EA, pp. 59-63). No project activities will be occurring in any of these important owl habitat areas, therefore, the function of the three 2,400 acre HRCAs to provide an area of concentrated use area within owl's home range would not be directly affected by the project (EA, pg. 63). There are no Spotted Owl Habitat Areas (SOHAs) within the project boundary.

Although there would be approximately 78 acres loss of existing spotted owl habitat within the Champs project area, as stated by the USFWS "...fuels reduction activities can have short-term adverse effects, but they can also reduce the greater risk of catastrophic wildfire" (EA, pg. 86).

Effects to goshawks were addressed at four scales: 200 acre PAC; Post-Fledgling Areas (PFA); the 33, 241 acre Champs project area; and the 36,760 acre cumulative effects analysis area (EA, pg. 201). No proposed actions would take place within any of the 7 PACs within the project area. Therefore, Champs would not directly affect these existing PACs (BE, pg. 61). With the proposed management activities, the standard and guidelines of the Sierra Nevada Framework are applied (2004 SNFPA ROD, pg. 68) in the EA. The post-treatment changes reflected in Table 23 (BE, pg. 63) indicate there would be little change to PFA status resulting from the project. There would be no change to three of the nine PFA's (BE, pg. 62). Six PFA's show a post-harvest reduction in CWHR 4M and 4D due to canopy cover reduction associated with DFPZ thinning. However, in no case would post-treatment strata values be reduced below the desired level of 40% as recommended by the model, and three would remain well above this level (BE, pg. 62).

I find that the selected alternative has no significant impacts on California spotted owls and Northern goshawks and therefore an EIS is not required.

Issue 7: Many group selection units are located on non-productive sites where group selection is not appropriate. Low site productivity and low seedling survival rates could mean permanent or very long-term loss of forests. No evidence was provided to show that these sites can be reforested.

Response: Based on District reforestation records the Forest did show that nearby plantations have been successful in the form of survival and stocking exams (Response to Comments, pg. 20, comment 3-6).

The Forest previously responded to a similar comment from the appellant in response to the appellant's letter dated July 18, 2007. This response can be found in the document, "Public Comments and Forest Service Responses", December 2007, response to comment #3-6 and #3-7, pages 18-21. This response reiterates that response to comments.

The Silviculture analysis of Alternative 1 in the EA discusses regeneration expectations of group selection under Group Selection Prescription F. Prescription F is the same under the selected alternative and Alternative 1 except that under the selected alternative, no group selection units would be located in suitable California spotted owl habitat, or within eastside mixed conifer stands within the Area of Concern (AOC) for California spotted owls (EA, pg. 34). That analysis states, "Group selections were located in forested stands where soils are plantable and capable of supporting conifer regeneration. There has been little or no difficulty in establishing plantations on these soil types. Experience with plantations on the District, resulting from wildfires and timber harvest, in these particular soil families indicate that survival and stocking levels are acceptable, ranging from 74 to 96 percent for survival and 100 percent for stocking. These plantations are very healthy and vigorous, distribution is good, and trees are growing extremely well. These plantations are on track for pre-commercial and commercial thinning as needed for timber stand improvement purposes" (EA, pg. 155).

The EA also states, "four percent of map units containing proposed groups are identified as having a very low rating for seedling survival potential in one soil type and low or moderate in another. Approximately 74 percent of proposed groups are identified as having a low to moderate rating for seedling survival potential, and approximately 22 percent are identified as having a moderate rating for seedling survival potential" (Response to Comments, comment #3-6, pp. 19-20). These results are expected to result in mimicking historic conditions as described in the EA (pp. 3-4).

I find that the project record shows that reforestation on these sites is adequate and would not mean permanent or long-term loss of forests.

Issue 8: The EA fails to acknowledge that several scientific papers indicate that severe fires can be effectively mitigated by felling only very small trees, followed by prescribed fire or mastication or explain why these studies do not apply. (Appeal, pp. 10-12)

Response: The Forest Service did acknowledge that severe fires can be effectively mitigated by felling only small trees if followed by surface fuels treatment (Project Record G-56, Response to Comments, pp. 21). The diameter limits for the Champs project are based on other concerns, not just fire behavior.

This proposed action responds to goals and objective outlined in the HFQLG Act and Forest Plan as amended by the 2004 Framework. These include treating fuels to reduce fireline intensity and rate of spread which contributes to more effective fire suppression and less acres burned, restoring fire-adapted ecosystems (moving acres towards Condition Class 1), and treating hazardous fuels in a cost-efficient manner (2004 SNFPA ROD, pg. 34). Limiting this project to an upper diameter limit of 10 inches as suggested by the appellant will not meet objectives stated in the Purpose and Need (EA, pp. 7-14).

I find the Forest has adequately considered and made citations of numerous references showing the effectiveness of potential treatments.

Issue 9: The EA fails to divulge or explain that, while you propose a 30” dbh limit for mechanical thinning in the context of fire/fuels management, no peer-reviewed scientific publication recommends such a prescription. The EA fails to adequately divulge unknown risks and uncertainty of this treatment. (Appeal, pg. 12)

Response: This issue was previously responded to during the 30-day Notice and Comment period for the Champs Project (Project Record G-56, Response to Comments, pg. 25, Comment 3-12). Diameter limits for the Champs Project are not based upon a fire and fuels proposal. The 30 inch upper diameter limit is based upon silvicultural reasons for individual tree health and carrying capacity. The 2004 SNFPA ROD and HFQLG FEIS ROD provide direction which allows for an upper diameter limit of 30 inch diameter at breast height trees to be removed. Proposed thinning treatments will generally retain the largest trees (EA, pg. 40).

This decision was made considering the analysis, best science available, and comments submitted. The analysis considered the impacts of harvesting trees up to 30 inches dbh in Alternative 1 (Decision Notice, pg. 7).

I find the Forest Supervisor adequately analyzed and disclosed effects of the proposed actions.

Issue 10: The EA fails to adequately analyze the issue of cost offsets, and fails to provide adequate analysis to determine whether the proposed removal of large, old growth trees makes the project more economically efficient. (Appeal, pg. 12).

Response: Economic analysis is summarized in the EA (pp. 112-114). A summary of the estimated revenues, costs, net value and benefit-cost ratio for Alternatives 1, 2, 3, and 9 is also in the EA (pg. 113). The Silviculture Report contains a more detailed economic analysis (pp. 101-108). An addendum to the economic section of the Silviculture Report (pg. 108) contains the economic calculations completed in support of the Champs Decision Notice for the modification of Alternative 9. That analysis demonstrates that while the costs would not change, the estimated revenues and benefit/cost ratio would increase relative to Alternative 9. The decision, which incorporates a 30-inch upper diameter limit for area thinning within eastside pine rather than a 20-inch upper limit as would have occurred under Alternative 1 (Decision Notice, pg.2) and therefore cuts more trees up to a 30 inch diameter, would have a greater revenue return.

The decision to select Alternative 9 with modifications was made to better meet the project’s purpose and need, to promote forest health and provide structural diversity to forested stands, relative to Alternative 9 alone. However, the decision maker also noted that incorporating the removal of trees up to 29.9 inches, “adds a slightly greater economic value to this decision”.

Purpose and Need #5 (EA, pp. 13-14) requires that the treatments need to be designed utilizing factors of economic efficiency, as required by the HFQLG Act, including: 1) neutral or positive benefit/cost ratios which include factors such as revenues generated in the implementation of fuel reductions of group selection treatments, compared to the costs of implementing those treatments, and 2) equipment operability within timbered stands during the implementation of thinning treatments.

This project would have a positive benefit/cost ratio of an estimated 1.36/1, and allows for equipment operability, and therefore meets Purpose and Need #5. One of the stated reasons for the decision is that it will, “5) Implement economically efficient treatments to reduce hazardous fuels and to contribute to community stability” (Decision Notice, pg. 3).

The appellant requested individual cost estimates for administrative costs pertaining to analysis and appeals, costs of sale preparation and administration, per acre costs of slash piling and burning, per acre costs of brush maintenance, and administrative costs pertaining to analysis and planning for the slash clean-up. The administrative costs for analysis is included in Table 1 of the Silviculture Report (pg. 103). The administrative costs for appeals are not included. Costs of sale preparation and administration are included in Table 1. Per acre costs of slash piling and burning was not included. The cost of project maintenance of the DFPZs was included in the cumulative effects to economics (Silviculture Report, pg. 107).

The same comment was submitted in the appellant’s comment letter submitted on July 18, 2007. To reiterate the response to that comment (response to comments, pp. 25-26), the economic analysis provided sufficient information for the Responsible Official to make an informed decision. Although the estimated future DFPZ maintenance costs were included in the cumulative effects economic analysis (Silviculture Report, pg. 107), as stated in the response to comments, any future action will be analyzed in a separate NEPA document when appropriate (response to comments, pg. 26).

I find that the EA adequately analyzes the economic effects of the project.

Issue 11: Your decision to restrict the alternatives to be fully considered to ones that meet your criteria of having stands that will be less than 60% of SDI-Max for at least 20 years is arbitrary and has no basis whatsoever in ecological science. The EA failed to analyze a reasonable range of alternatives. (Appeal, pg. 13-15)

Response: Council on Environmental Quality regulations implementing the National Environmental Policy Act (40 CFR Parts 1501.2(c)) directs the agency to study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.

Forest Service policy for consideration of alternatives is found in Forest Service Handbook (FSH) 1905.15 part 14. Reasonable alternatives address significant issues while meeting the purpose and need of the project. The Forest Service is required to objectively evaluate a reasonable range of alternatives. It also allows for alternatives to be eliminated from detailed study with a brief discussion of the reasons for eliminating them.

The purpose and need for action for the Champs EA were developed to respond to the goals and objectives outlined in the Forest Plan as amended (EA, pg. 7). The EA further describes, in purpose and need items 1 and 2, the conditions that have led to overly dense stands within the project area and the need to reduce health risks associated with density. As stands exceed 60 percent of maximum SDI, they grow at increasingly slower rates as trees are stressed for resources (EA, pp. 10, 12). The Silviculture Report (pg. 14) also discusses these conditions and states that stands that exceed 70% of maximum SDI are considered in the zone of imminent

mortality. Stands may persist at the levels for years; however, they are prone to large-scale insect and disease outbreaks, and stand replacing events because of their stressed condition and density (Oliver, 1995; Ferrel, 1986). Healthy stand densities typically range between 35 and 50 percent of maximum SDI. These density levels represent stocked stands with available growing space and resources such that inter-tree competition does not immediately affect stand growth. At these initial densities, inter-tree competition does not severely impact stand growth for a period of generally 20 years or more (Silviculture Report, pg. 17).

Four alternatives were considered in detail in the EA. These included the Proposed Action (Alternative 1), No Action (Alternative 2), Alternative 3, which was developed based on significant issues identified during the public scoping period, and Alternative 9, which was developed to address concerns presented during the thirty-day public comment period.

The public provided comments and suggestions during the public scoping period that generated an additional five alternatives (Alternatives 4 through 8) to the Proposed Action. These alternatives were eliminated from detailed study for reasons established by the Responsible Official or for not meeting the Purpose and Need for the project (EA, pp. 26-27). The alternatives the appellant suggested were considered in Alternative 6: 8-12 inch upper diameter limit, and Alternative 7: No group selections on Dunning site 4 thru 6, and in CWHR Classes 4M, 4D, 5P, 5S, 5M, 5D, and 6.

The appellant's concern regarding stand densities in the alternative design was addressed in the Response to Comments, specifically Comment 3-15 on page 28. Alternatives that were developed in the Champs Project EA were developed based on significant issues, and meet Purpose and Need. This is in keeping with FSH direction as stated above.

I find that the Acting Forest Supervisor was not arbitrary and did appropriately consider a range of reasonable alternatives as required by the National Environmental Policy Act.

Issue 12: This project would harm some MIS and SAR species (Olive-sided flycatcher, Swainson's thrush, black bear, pileated woodpecker, red-breasted sapsucker, and Williamson's sapsucker) for which annual population monitoring is required by Appendix E of the 2001 Framework, but for which no such monitoring has been conducted. As such, the project cannot proceed unless either the required monitoring is conducted, or it is substantially redesigned to not affect these species. (Appeal, pp. 15-16)

Response: Species at Risk (SAR) is a term used in the 2000 Planning Rule (CFR 219.36) that was never implemented. The Forest Service has no legal requirement to monitor species at risk. The rest of this response focuses on Management Indicator Species (MIS).

Of the MIS the appellant claims will be harmed by the Champs project, only black bear and pileated woodpecker are MIS for the Lassen National Forest (EA, pg. 241). The MIS Report for Wildlife and Aquatic Species (Project Record, I-22, pp. 1-10, and 52-82) fully described the monitoring requirements for these species. Monitoring of population and/or habitat trends of Forest MIS is conducted at the Forest or bioregional scale (Project Record, I-22, pg. 1).

The Lassen LRMP MIS monitoring plan for black bear (LRMP pg. 5-29) states that the objectives of monitoring is to assess changes in habitat capability in Management Areas where management for black bear is an emphasis. The management areas in which the Champs project is located do not list black bear as an emphasis species, therefore the Champs project is outside the scope of the LRMP's MIS habitat monitoring plan (MIS Report, Project Record, I-22, pg. 10).

Pileated woodpeckers were an "emphasis" MIS in all of the management areas in which the Champs project is located (MIS Report, Project Record, I-22, pg. 10). Appendix E of the 2001 Sierra Nevada FEIS calls for distribution population monitoring for pileated woodpecker. Distribution population monitoring for pileated woodpeckers on the Lassen National Forest is accomplished using: 1) results of songbird monitoring conducted by in collaboration with PRBO Conservation Science (formally Point Reyes Bird Observatory), presence data collected across the forest, and 3) Breeding Bird Survey (BBS) data, including data collected on 8 BBS routes located on the Lassen NF.

The potential effects to MIS and their habitats are disclosed in the EA (pp. 215-235).

I find that the Champs project record adequately analyzed and discloses effects to MIS and their habitat following direction in the Forest Plan.

FINDINGS

Clarity of the Decision and Rationale - The Acting Forest Supervisor's decision and supporting rationale are clearly presented in the Decision Notice. His reasons for selecting Alternative 9 with modifications are logical and responsive and consistent with direction contained in the Lassen National Forest Land and Resource Management Plan as amended by the Sierra Nevada Forest Plan Amendment Record of Decision (February, 2004), and the Herger-Feinstein Quincy Library Group EIS Record of Decision (1999).

Comprehension of the Benefits and Purpose of the Proposal - The purpose of the proposal as stated above is clear and the benefits are displayed.

Effectiveness of Public Participation Activities and Use of Comments - Public participation was outstanding and well documented. An availability of the EA was published in the newspaper of record. The project was added to the quarterly Schedule of Proposed Actions. The Forest mailed scoping letters, hosted public meetings and several field trips, and distributed the Proposed Action and EA interested groups and individuals. Responses to the comments received are detailed and included as part of the EA and additional field trips were held by public request. The decision of the Acting Forest Supervisor indicates he considered and responded to public input by addition of one alternative designed from an issue identified from scoping, and an additional alternative from the response to the 30-day comment period.

RECOMMENDATION

My review was conducted pursuant to and in accordance with 36 CFR 215.19 to ensure the analysis and decision is in compliance with applicable laws, regulations, policy, and orders. I

reviewed the appeal record, including the comments received during the comment period and how the Acting Forest Supervisor used this information, the appellant's objections and recommended changes.

Based on my review of the record, I recommend the Acting Forest Supervisor's decision be affirmed on all issues.

/s/ Alice B. Carlton

ALICE B. CARLTON

Appeal Reviewing Officer

Forest Supervisor, Plumas National Forest