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Forest
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Date: June 21, 2012

Subject: Sierra National Forest Greys Mountain Ecological Restoration Project
Appeal No. 12-05-00-0011-A215
Sierra 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 Benton Cavin, appealing the Sierra National Forest Supervisor, Scott G. Armentrout's, Record of Decision (ROD) for the Sierra National Forest Greys Mountain Ecological Restoration Project Final Environmental Impact Statement (FEIS). The decision was signed on March 20, 2012 and the legal notice of the decision was published on March 31, 2012.

DECISION BEING APPEALED

The Sierra National Forest proposes silvicultural and fuel treatments within the Willow Creek and Fresno River watersheds, in the Southern Sierra Nevada. The project is immediately north of the community of Bass Lake, California and south of Soquel Meadow, east of Nelder Grove Historical Area and west of Graham Mountain. The project was developed to achieve ecological restoration objectives and protect communities in the Wildland Urban Interface (WUI) from wildfire. The ecological restoration goals of the Greys Mountain project is multi-faceted and includes the following: (1) increase forest resilience to insects, disease, and drought through prescribed fire and mechanical thinning treatments, (2) promote heterogeneity in forest structure for improving wildlife habitat, (3) decrease the occurrence of uncharacteristically severe wildfires and their impacts to ecosystems and watersheds, (4) promote native biodiversity, (5) restore degraded montane meadows, (6) improve habitat quality and connectivity for sensitive wildlife species, (7) decrease impacts of invasive species, (8) decommission and restore unneeded user defined vehicle trails, and (9) provide sustainable delivery of ecosystem services such as clean water and carbon sequestration, in an era of changing climate.

Current forest conditions in Greys Mountain Project Area, due to past management activities (including railroad and other harvesting operations, fire exclusion/suppression, housing development, etc.) have been changed from one of more open, drought resistant, pine dominated stands where fires were of frequent, low/moderate intensity to infrequent, high intensity to even aged young growth, more fir and incense cedar dominated, fire excluded stands. Owing to these changes, forest stands have become less diverse, more homogenous, and more susceptible to uncharacteristically severe wildfire and drought. Current forest stands are typified by an overabundance of shade-tolerant conifer species. Other areas have converted from forested stands to brush/shrub species. This overstocking of conifers has led to a decline in forest health and high susceptibility of loss from insects, disease, wildland fire, and climate change.



Under the amended (Sierra Nevada Forest Plan Amendment (SNFPA), Record of Decision (ROD), USDA-FS 2004) Sierra National Forest Land and Resource Management Plan (SNF LRMP), an ecosystem approach to project development and planning is recommended. Where there are significant departures from the desired condition or potential for a loss in key ecosystem functions, opportunities for management actions to address this departure are developed. Of particular concern is the Willow Creek watershed with its highly departed ecological condition and its importance in providing valuable ecosystem services and community benefits to meet the ecological, social, and economic needs of the public.

To address this issue, the Greys Mountain Project proposes several restoration objectives aimed at promoting native biodiversity and ecosystem resilience. The Project would restore the ecological processes and forest heterogeneity through a series of prescribed fire and thinning treatments aimed at reducing ladder fuels and dead and down fuel loads. Another objective is to create a network of landscape area treatments and defensible fuels profiles near key transportation corridors to reduce the intensity and rate of spread of wildfires across the landscape and near communities. A third objective is to improve stand resistance to drought, insects, and disease by reducing inter-tree competition and improving tree vigor.

Desired conditions described in the 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:

- Protect human communities from moderate/high intensity wild fires as well as minimize the spread of wildfires that might originate in urban areas into the forested lands created by unnaturally high levels of fuel ladders and dead and downed fuels.
- Improve resiliency in stands that are currently overstocked and are becoming more susceptible to attack from insects, diseases, drought conditions, and/or wildfire.
- Restore hydrologic function in five meadows that have vertically and laterally unstable stream systems and changed soil moisture conditions has resulted in conifer encroachment beyond the range of natural variability.
- Improve the quality and quantity of culturally significant vegetation which has deteriorated due to the absence and suppression of fire.
- Reduce the potential for undesirable damage from high intensity fire behavior to historical sites which are over grown with dense conifers and high fuels loads.
- Reduce resource damage caused by user-created vehicle routes in undeveloped recreation sites causing offsite movement of soil into streams and riparian areas that is reducing water quality for downstream users.
- Improve forest health conditions in developed recreation sites which are in a distressed state with mortality occurring and threatening public safety.
- Improve the integrity and characteristics that make cultural resources eligible for the NRHP by reducing fuels within cultural resource sites through hand thinning and piling with follow up burning, prescribed under burning, and mechanical treatments in an effort to reduce damage to the sites from the threat of intense forest fires, to decrease the potential for slope failure along railroad grades and stream channels, and to restore setting where setting is a key aspect of a site's integrity.

The Sierra Forest Supervisor selected Alternative 2 which was the Proposed Action in the Final Environmental Impact Statement (FEIS). Alternative 2 includes the following activities:

- Commercial thinning on about 1535 acres
- Mechanical Fuels and Vegetation Treatments on about 882 acres
- Handwork Fuels and Vegetation Treatments on about 124 acres
- Mechanical Fuels and Vegetation Treatments on about 318 acres
- Fuel Break Construction and Reconstruction on about 325 acres
- Reforestation on about 50 acres
- Meadow Restoration (Conifer Removal) on about 13 acres
- Meadow Restoration (Watershed Improvement Need Site Work) on about 36 acres
- Developed Recreation Sites (Hazard Tree and Thinning) on about 31 acres
- Cultural/Historical Site Restoration on about 100 acres
- Noxious Weed Management on about 10 acres
- Wildlife Habitat Restoration on about 3607 acres

APPEAL SUMMARY

The Greys Mountain Ecological Restoration Project was listed in the Schedule of Proposed Actions April 1, 2011. The Notice of Intent (NOI) to prepare an EIS was published in the Federal Register on July 15, 2011. The scoping letter was mailed to approximately 212 local tribal organizations, other agencies, individuals, and groups potentially interested in or affected by the Proposed Action on June 6, 2011. A public field trip was held on June 25, 2011.

The Draft Environmental Impact Statement (DEIS) was published on December 23, 2011. The Notice of Availability was published in the Federal Register on December 16, 2011. Copies of the DEIS were sent to 51 individuals, organizations, tribes, and government agencies. The DEIS/Proposed Action was also placed on the Sierra National Forest web page. There were seven commenters and 135 comments received by the close of the comment period on January 31, 2012. Benton Cavin submitted timely comments and is eligible to appeal this decision.

The legal notice of decision was published March 31, 2012; the deadline for filing appeals was May 15, 2012. The current appeal was filed on May 15, 2012 and is timely.

The Forest Supervisor had a meeting with the appellant, Benton Cavin, on June 1, 2012. In an email dated June 18, 2012, the appellant withdrew three of his five issues on the condition that the proper errata sheets were included in the record.

As relief, the appellant requests that the Forest Service:

- 1) Correct the project location listed in the ROD to include Sections 9, 10, 11, and 20 Township 6S Range 22E;
- 2) Provide adequate and prudent buffer between Cavin and Slevcove properties and prescribed burn treatment in area T-38;
- 3) Delete reconstruction of Road 6S10A;

- 4) Modify Figure 2 of the ROD, Figure 1 of the FEIS and any other erroneous project maps to exclude Cavin property from the limits of Greys Mountain Ecological Restoration Project; and
- 5) Modify the documents to add significant discussion of the problem of White Pine Blister Rust and indicate a plan for a permanent solution to this problem.

ISSUES AND RESPONSES

Issue 1: The ROD at page 1 lists the project location by section, township and range. So far as Township 6S Range 22E is concerned, Sections 9, 10, 11 and 20 are not listed as included in the project; however, the project maps show portions of these sections are included. Appellant's property is located in Section 10, Township 6S, Range 22E.

Response: The appellant withdrew this issue.

Issue 2: Map 4 shows burning with thinning along my south and east boundaries on the South side of Willow Creek and also along neighbor Jim Slevcove's property line. Prescribed burns do get away, I ask for a specific and adequate buffer against my property line and Mr. Slevcove's property line where there will be no burning. I have discussed this with Mr. Slevcove and he strongly agrees.

In the FEIS Appendix G, Response to Public Comments, it is said that "a prescribed fire burn plan will be completed prior to ignition." Neighbor Jim Slevcove and I think it prudent and necessary to include the details of the plan in the FEIS. I ask for a specific and adequate buffer against my property line and Mr. Slevcove's property line where there will be no burning.

Response: The appellant withdrew this issue.

Issue 3: In the FEIS Appendix G, Response to Public Comments, reconstruction of 6S10A is said to be needed to provide access to treatment area T-29. However, the present road is adequate for project needs.

Response: The appellant suggests that the existing National Forest System roads are sufficient to complete the project and requests proposed road reconstruction on Forest Service lands not be performed because the improved roads would allow easier access for members of the public to trespass onto his private property.

Road 6S10A is necessary for accessing treatment area T-29 of the project area (FEIS, Appendix G, pg. 433). Upon completion of the project, this road will be closed to the public. Maintenance of Forest Service roads to standards is discussed in the Forest Service Handbook 7709.58, which requires the Forest Service to perform road maintenance, reconstruction, and new road construction activities to support project access needs. Desired conditions for Bass Lake Ranger District road management are safety for the traveling public and employees and improvement and restoration of roads with resource or access needs.

I find that the road reconstruction was determined to be necessary for this project and follows agency guidelines.

Issue 4: Figure 2 of the ROD, page 7, and Figure 1, FEIS, page 20, still erroneously show a portion of my property included in the project. Correct these two maps and any other erroneous project maps to exclude Cavin property from the limits of Greys Mountain Ecological Restoration Project.

Response: The appellant withdrew this issue.

Issue 5: White Pine Blister Rust is known to cause a major effect on the forest in the project area and is only slightly discussed in the project documents. The documents need to be modified to include significant discussion of the problem of White Pine Blister Rust and indicate a plan for a permanent solution for this problem.

Response: 40 CFR 1501.7(2), requires the Forest to “determine the scope and the significant issues to be analyzed in depth in the environmental impact statement.”

The Forest directly responded to the appellant on the subject of White Pine Blister Rust in the Response to Public Comments:

A new trial area of 40 acres where the gooseberries are eliminated to reduce blister rust is outside the scope of this project and is not needed to achieve the purposes and needs established for this project. The Sierra’s mission is to manage the Forest using the best available science and typically the Forest itself does not initiate research projects. The Pacific Southwest Research Station is research arm of the Forest Service in this area and it may prove fruitful to make your proposal to that agency. (FEIS, Appendix G, pg. 433)

I find that the Forest appropriately determined that this issue is outside of the scope of the Greys Mountain Ecological Restoration Project.

FINDINGS

Clarity of the Decision and Rationale - The Forest Supervisor’s decision and supporting rationale are clearly presented in the Record of Decision. His reasons for selecting Alternative 2, are logical and responsive and consistent with direction contained in the Sierra National Forest Land and Resource Management Plan as amended by the Sierra Nevada Forest Plan Amendment Record of Decision (February, 2004).

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

Consistency of the Decision with Policy, Direction, and Supporting Information - The decision is consistent with direction contained in the Sierra National Forest Land and Resource Management Plan as amended by the Sierra Nevada Forest Plan Amendment Record of Decision (February, 2004).

Effectiveness of Public Participation Activities and Use of Comments - Public participation was adequate and well documented. A Notice of Intent and Notice of Availability of the DEIS were published in the Federal Register. The project was added to the quarterly Schedule of Proposed Actions. The Forest mailed scoping letters, hosted public meetings, and distributed draft and final EISs to interested groups and individuals. The Sierra National Forest has maintained current information on planning and activities on its web page. Responses to the comments received are detailed and included as part of the EIS. The decision of the Forest Supervisor indicates he considered and responded to public input.

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 Forest Supervisor used this information, the appellant's objections and recommended changes.

Based on my review of the record, I recommend the Forest Supervisor's decision be affirmed on all issues. I recommend that the Appellant's requested relief be denied on all issues.

A handwritten signature in cursive script that reads "Earl W. Ford". The signature is written in black ink and is positioned above the printed name.

Earl W. Ford
Appeal Reviewing Officer
Forest Supervisor, Plumas National Forest