Reynolds Creek Ecological Restoration (37261)  
Decision Notice and Finding of No Significant Impact  
Stanislaus National Forest  
Groveland Ranger District; Mi-Wok Ranger District  
Tuolumne County, California

Decision and Reasons for the Decision

The Forest Service prepared an Environmental Assessment (EA) for the proposed Reynolds Creek Ecological Restoration (Reynolds) project in compliance with the National Environmental Policy Act (NEPA) and other relevant laws and regulations. The EA discloses the direct, indirect and cumulative environmental impacts that would result from the alternatives. Additional documentation, including more detailed analyses of project-area resources, may be found in the project file located at the Groveland Ranger District Office in Groveland, CA.

This document contains a Decision Notice and Finding of No Significant Impact (FONSI). The Decision Notice identifies the decision and the rationale for selecting or modifying an alternative from the EA. The FONSI shows that the decision does not cause significant impacts on the human environment and explains why an environmental impact statement is not necessary.

Background

The EA (p. 1-4) explains the Purpose and Need for Action, of which the key points are:

a. **Forest Health**: Promote forest health, restoration and resiliency by: 1) increasing structural and species diversity; 2) increasing or maintaining abundance of pine and hardwoods; 3) reducing stand densities over a portion of the forested area to minimize insect and disease impacts, inter-tree competition related mortality, and to increase growth of residual trees; and 4) increase the abundance of rust-resistant sugar pine seedlings by artificial regeneration to help perpetuate the species.

b. **Prescribed Burning**: Provide for the re-introduction of fire to re-establish fuel profiles and vegetative conditions more characteristic of resilient fire regimes.

c. **Wildlife**: Improve the long-term resilience and connectivity of forested stands by reducing understory tree density while retaining mature forest characteristics such as large pines, downed logs, and snags. Affect the trajectory of forest development in the area to maintain and develop foraging, breeding, and movement habitat for mature forest species such as goshawk, spotted owl, fisher, and marten.

d. **Watershed**: Maintain and/or improve water quality to meet applicable state and federal regulations through implementation of applicable Best Management Practices (BMPs). Maintain, restore, and enhance the hydrologic, geomorphic, and biologic functioning of streams and Special Aquatic Features through active stream/meadow stabilization, conifer removal, meadow site protection, and road/trail actions (i.e., maintenance, reconstruction, closure, and decommissioning).

Alternative 1 (Proposed Action), as described in the EA (p. 7-14), includes seven specific actions:

1. Variable density thinning on 1,040 acres, including the creation of pine gaps (0.25-1.25 acres in size) and fir gaps (0.1-0.5 acres in size) in select units.

2. Aspen stand improvement/expansion involving the removal of encroaching conifers.

3. Prescribed burning on 2,324 acres.

4. Replacement/maintenance of culverts to improve aquatic passage and hydrologic function.
5. Meadow treatments, including headcut repair, fencing, removal of encroaching conifers, and planting of riparian vegetation.
6. Brush and tree thinning along high-integrity railroad grades.
7. Road work, including: maintenance, reconstruction, and decommissioning.

Decision

Based upon my review of the alternatives, the analysis in the EA, and the information contained in the planning record and input from interested parties, I decided to implement Alternative 1 (Proposed Action) as described in the EA (p. 7-14) with the modification described below. Hereafter I will refer to this decision as Modified Alternative 1.

1. **Changes to the NFTS**: existing unauthorized routes 21802B (0.46 miles), 21802F (0.18 miles), 21810D (0.29 miles), 21814N (0.13 miles), 21814R (0.07 miles) will be used for temporary access for implementing project activities with treatments as described in the EA (p. 13-14) but they will not be added to the NFTS as Maintenance Level (ML) 1 roads. There is no change in public access with this modification compared to the Proposed Action. This decision will not preclude any future consideration of these routes for designation as NFTS roads. Table 1 shows the changes to the NFTS authorized under this decision.

Table 1. Modified Alternative 1: Changes to the National Forest Transportation System

<table>
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<tr>
<th>Route</th>
<th>Miles</th>
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ALL=All Vehicles; ML=Maintenance Level (ML1 is assigned to roads placed in storage for over a year at a time between intermittent uses and are closed to vehicular traffic; ML2 is assigned to roads open for use by high clearance vehicles); NFSR=National Forest System Road; NFTS=National Forest Transportation System; VC=Vehicle Class. Blank entries indicate the road is not open to any motor vehicle.

In reaching this decision, I reviewed and considered the most recent information, including: the Stanislaus National Forest Land and Resource Management Plan (Forest Plan) direction; the Clavey River Watershed Action Plan (CRWAP); specialist reports included in the project file; and, input from interested parties.

Reasons for the Decision

I selected the Modified Alternative 1 for the following reasons:

1. Modified Alternative 1 is consistent with the Forest Plan (USDA 2010).
2. Modified Alternative 1 will meet goals addressed in the Forest Plan and in CRWAP by: lowering stand densities; favoring pine and hardwoods; increasing stand heterogeneity; improving the function of hydrologic features; improving road conditions; reintroducing fire; and, maintaining wildlife habitat.

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3. Modified Alternative 1 meets the Purpose and Need for Action better than Alternative 2 (No Action) or Alternative 3 (Non-Commercial Funding) by allowing the removal of encroaching conifers in meadows and aspen stands, allowing thinning intended to promote pine and oak and increase stand heterogeneity, and allowing merchantable material to be removed to meet these goals.

4. Modified Alternative 1 will improve the long-term resilience of forested stands and develop larger trees faster than the other alternatives.

5. Modified Alternative 1 will increase the abundance of blister rust-resistant sugar pine regeneration into the ecosystem to help perpetuate the species.

**Modifications to Alternative 1 (Proposed Action)**

I modified the proposed designation changes for unauthorized routes 21802B (0.46 miles), 21802F (0.18 miles), 21810D (0.29 miles), 21814N (0.13 miles), 21814R (0.07 miles). I made this modification for the following reasons:

a. These routes are needed to complete project activities, but they do not need to be designated as NFTS roads at this time.

b. Upon project completion, these routes will be decommissioned to prevent unauthorized motorized access, with the exception of 21810D which will only be blocked. Decommissioning and blocking helps protect resources by allowing natural regeneration to occur on unauthorized routes not open to public motorized use. Decommissioning routes after project completion would reduce chronic and episodic erosion and sedimentation from the road network over the long-term.

c. This modification also responds to public comments received regarding additions to the NFTS.

**Other Alternatives Considered**

In addition to the selected alternative, I considered two other alternatives described below. The EA (p. 35-37) includes a comparison of these alternatives.

**Alternative 2 (No Action)**

Alternative 2 (No Action) serves as a baseline for comparison among the Action Alternatives (73 Federal Register 143, July 24, 2008; p. 43084–43099). Under Alternative 2, forest thinning, prescribed burning, aspen and meadow restoration, railroad grade thinning, and road work would not occur. I did not select Alternative 2 because it does not respond to the Purpose and Need for Action; specifically:

1. Stand densities would remain high, increasing the occurrence of insect, disease, and competition-related mortality. Pine and oak levels would continue to decline.
2. Fire, a natural ecosystem process, would not be reintroduced in a controlled manner.
3. Hydrologic conditions would continue to degrade due to poor road conditions and continued meadow encroachment and headcut expansion.
4. Aspen stands would continue to decline due to conifer encroachment, and aquatic organism passage would continue to be inhibited.

**Alternative 3 (Non-Commercial Funding)**

I did not select Alternative 3 (Non-Commercial Funding) for the following reasons:

1. Alternative 3 would not allow sufficient removal of understory fir and cedar to increase the abundance of pine and oak and increase heterogeneity.
2. Pine gaps would not be created, and blister-rust resistant sugar pine would not be planted.
3. Encroaching conifers of meadows and aspen stands would not be removed, resulting in the continuing decline of these habitats.
4. Merchantable wood products would not be removed to meet restoration goals resulting in lower socio-economic benefits.

Public Involvement

The Forest Service first listed the Reynolds project in the October 1, 2011 issue of the Stanislaus National Forest Schedule of Proposed Actions (SOPA). The Forest distributes the SOPA to about 160 parties and it is available on the internet [http://www.fs.fed.us/sopa/forest-level.php?110516].

The Forest sent a scoping letter to 37 individuals, permittees, organizations, agencies, and Tribes interested in this project on January 9, 2012. The letter requested comments on the Proposed Action between January 9 and February 9, 2012. Seven interested parties submitted letters, e-mails or verbal comments. During scoping, comments addressed protection of wildlife features, costs of project activities, prescribed burning and meadow restoration, and thinning prescription details. A scoping update was sent on May 11, 2012, describing changes to the transportation system Proposed Action and the addition of 78 acres of prescribed burning. A summary of scoping comments and responses can be found in the Project Record and are available upon request.

A legal notice, announcing the 30-day Opportunity to Comment on the EA appeared in the Union Democrat on September 12, 2012. The Forest mailed copies of the EA to those parties who previously expressed interest in the project. The 30-day comment period ended on October 12, 2012. During the comment period, five interested parties submitted comments. A Response to Comments (in the project record) contains a summary of those comments along with responses. Based on those comments, the EA includes the following change:

- Table 13 (Comparison of Alternatives: Economic) was edited to clarify that estimates of the cost of biomass removal include the cost of transporting the material to a shavings mill or powerplant.

Finding of No Significant Impact

After considering the environmental effects described in the EA (p. 39-83), I determined that these actions will not have a significant effect on the quality of the human environment, considering the context and intensity of impacts at defined at 40 CFR 1508.27. Therefore, an environmental impact statement will not be prepared. I incorporate by reference, the EA and project file, in making this determination. I base this finding on the following.

Context

The Stanislaus National Forest is comprised of about 898,000 acres in the Central Sierra Nevada of California. Project activities for the Reynolds project will be implemented on about 2,610 acres in the southwest portion of the Forest. This local, site-specific project does not have international, national, region-wide or statewide importance.

Intensity

I considered the following ten elements of impact intensity (40 CFR 1508.27b) in assessing the potential significance of project effects.

1. Impacts that may be both beneficial and adverse.

I considered both the beneficial and adverse impacts associated with Modified Alternative 1 as presented in the EA (p. 41-71). Modified Alternative 1 will increase the resilience of forested stands in the project area, and will restore key habitat features such as meadows and aspen stands. The EA (p. 41-71) discloses
potential impacts to water, soils, vegetation, wildlife, scenery, air quality, recreation, heritage resources,
and road condition. Also, this decision includes all practical means to avoid or minimize environmental
harm by adopting the Management Requirements displayed in the EA (p. 17-36). The Biological
Evaluations and specialist reports prepared for this project are contained in the project record, and unless
otherwise noted are available upon request. Combined, these documents provide the basis for the
following key determinations:

- Modified Alternative 1 will achieve watershed goals and objectives while avoiding or minimizing
  negligible and short term adverse effects to beneficial uses by implementation of Best Management
  Practices and management requirements.

- No federally listed Threatened or Endangered species occur within the project area. The project
  contains suitable habitat for the federally listed candidate species mountain yellow-legged frog
  (MYLF). Modified Alternative 1 may affect individuals, but is not likely to contribute to the need for
  Federal listing or result in loss of viability for the MYLF in the Forest Plan area.

- Forest soil quality guidelines would be met with Modified Alternative 1. Management requirements
  and Best Management Practices would mitigate hazardous effects to soil quality. Soil moisture
  regimes would be restored in meadow treatment areas.

- Modified Alternative 1 may affect individuals and/or habitat but would not result in a loss of viability
  or a trend toward federal listing for the California spotted owl, great gray owl, northern goshawk,
  Pacific fisher, American marten, California wolverine, Sierra Nevada red fox, pallid bat, Townsend's
  big-eared bat, or western red bat.

2. The degree to which the proposed action affects public health or safety.

Implementation of Modified Alternative 1 would not cause significant effects on public health and safety.
As documented in the EA, the use of borax in the control of Heterobasidion root disease does not
present a significant risk to humans under most conditions of normal use, even under the highest
application rate.

Implementation of Modified Alternative 1 would be governed by standard public health and safety
contract clauses. Standard precautionary measures such as dust abatement, signing of roads during log
and biomass hauling, safely securing truckloads, and maintaining the haul route, would be used.

Short-term adverse effects on public health related to air quality from prescribed burning are a possibility
and management requirements mitigate these effects. These potential short-term effects are of limited
scope and duration and have been minimized to the extent possible through timing of burning. Regional
air quality standards would be met in a manner consistent with the Clean Air Act.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources,
park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

While numerous cultural resources are located within the area, the location and treatments described
herein will not affect cultural resources. This project does not contain nor would it adversely affect any
parklands or prime farmlands. Ecologically critical areas include mature forest habitat for spotted owls,
northern goshawks, fisher, and marten, and areas inhabited by sensitive plant and animal species. The
project is within the Clavey watershed, which is a Critical Aquatic Refuge. Project design and
management requirements have been developed to protect or enhance these critical habitats. The project
area does not contain rivers designated as wild and scenic. Analysis provided within the EA indicates that,
through project design and incorporation of best management practices, impacts to streams and wetlands
can be minimized or eliminated.
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

Public scoping generated a total of seven comment letters. Comments and relevant issues identified in these letters were used to develop the issues and alternatives discussed in the EA. Five interested parties, submitted comments during the 30-day comment period.

While there may be some disagreement about aspects of Modified Alternative 1 due to the fact that it proposes the harvest of trees, the effects of the treatments described in the Alternative and the determinations of Forest Service resource specialists are not considered to be highly controversial.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The effects on the human environment from Modified Alternative 1 are not uncertain and do not involve unique or unknown risks. Approved activities are routine in nature, have been implemented in the past on similar forest conditions, employ standard practices and protection measures, and their effects are known.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

The action is not likely to establish a precedent for future actions with significant effects because it conforms to all existing Forest Plan direction and is applicable only to the project area. Future projects would be considered, evaluated and analyzed separately on their own merits.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

This analysis relies on current environmental conditions as a proxy for the impacts of past actions. Existing conditions reflect the aggregate impact of all prior human actions and natural events that affected the environment and might contribute to cumulative effects. In addition, the Council on Environmental Quality issued an interpretive memorandum on June 24, 2005 regarding analysis of past actions, which states, “agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of each individual past action.” The cumulative effects analysis in this environmental assessment is also consistent with Forest Service National Environmental Policy Act Regulations (36 CFR 220.4[f]) (July 24, 2008).

The cumulative effects analysis in the EA is consistent with Forest Service NEPA Regulations (36 CFR 220.4[f]) (July 24, 2008). The cumulative impacts are not significant. The effects of past, present and reasonably foreseeable future actions were assessed along with those of the Action Alternatives to determine whether cumulative effects would occur. Each resource specialist identified the appropriate cumulative effects analysis area specific to their resource.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

Approved project elements will not adversely affect or cause the loss or destruction of significant districts, sites, highways, structures, or objects listed in, or eligible for listing in the National Register of Historic Places. Heritage resources were considered in all aspects of this project. The entire area was surveyed, and while numerous cultural resources are located within the area, the location and treatments approved in Modified Alternative 1 will not affect cultural resources.
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

The BEs, which were completed for this project to analyze and disclose effects to threatened or endangered species or its habitat, determined that there are no known federally listed threatened or endangered species present within the project area that would be impacted by the proposed project.

10. **Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

Modified Alternative 1 is consistent with applicable management direction contained in the Forest Plan. The Selected Alternative does not violate any Federal, State, or local laws or requirements imposed for the protection of the environment (i.e., Endangered Species Act, National Historic Preservation Act, Federal Clean Water Act, Executive Order 11988 for Floodplain Management, or the Clean Air Act).

**Findings Required by Other Laws and Regulations**

This decision to approve Modified Alternative 1 is consistent with the long term goals and objectives of the Forest Plan (USDA 2010, p. 5-16). I determined that Modified Alternative 1 is consistent with the Forest Plan goals and objectives and forestwide and Management Area standards and guidelines, and therefore this project complies with the National Forest Management Planning Act of 1976.

At this time, there is uncertainty whether a National Pollution Discharge Elimination System (NPDES) permit would be required for storm water discharges from logging roads. Currently, the Environmental Protection Agency is not requiring agencies to obtain NPDES permits for storm water discharges from logging roads and on September 4, 2012, the EPA proposed revisions to its Phase I storm water regulations to clarify that storm water discharges from logging roads do not constitute storm water discharges associated with industrial activity and that a NPDES permit is not required (Federal Register/Vol. 77, No. 171, p. 53834-53838). Pending the outcome of this rulemaking and any associated legal challenges, a NPDES could be required at a later date.

A timber harvest waiver will be obtained through the California Regional Water Quality Control Board prior to implementation.

In addition, implementation and effects of this decision will be consistent with the following relevant acts and executive orders:

- Americans with Disabilities Act (ADA) of 1990
- Archaeological Resource Protection Act of 1978
- Clean Air Act of 1955, as amended
- Clean Water Act of 1948, as amended
- Endangered Species Act of 1973, as amended
- Fish and Wildlife Coordination Act of 1934, as amended
- Forest and Rangeland Renewable Resources Planning Act of 1974
- Multiple-Use Sustained Yield Act of 1960
- National Environmental Policy Act of 1969, as amended
- National Historic Preservation Act (NHPA) of 1966, as amended
- Organic Administration Act of 1897
- Protection of Wetlands Executive Order 11990
Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, the 5th business day following the close of the appeal filing period [36 CFR 215.9(a)]. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition. In the event of multiple appeals, the implementation date is controlled by the date of the last appeal disposition [36 CFR 215.9(b)].

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR 215. In accordance with the April 24, 2006 order issued by the U. S. District Court for the Missoula Division of the District of Montana in Case No. CV 03-119-M-DWM, only those individuals and organizations who provided comments during the comment period are eligible to appeal [36 CFR 215.11(a), 1993 version]. Appeals must be filed within 45 days from the publication date of the legal notice in the Union Democrat. Notices of appeal must meet the specific content requirements of 36 CFR 215.14. An appeal, including attachments, must be filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the appropriate Appeal Deciding Officer [36 CFR 215.8] within 45 days following the publication date of the legal notice. The publication date of the legal notice is the exclusive means for calculating the time period to file an appeal [36 CFR 215.15(a)]. Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

Appeals must be submitted to Regional Forester; Attn: Reynolds; USDA Forest Service; 1323 Club Drive; Vallejo, CA 94592; (707) 562-8737. Appeals may be submitted by FAX (707) 562-9091 or by hand-delivery to the Regional Office, at the address shown above, during normal business hours (M-F 8:00am to 4:00pm). Electronic appeals, in common (.doc, .pdf, .rtf, .txt, etc.) formats, may be submitted to: appeals-pacificsouthwest-regional-office@fs.fed.us with Subject: Reynolds.

Contact Person

For additional information concerning this decision contact: Johanna Nosal, Groveland Ranger District; 24545 Highway 120; Groveland, CA 95321; or, call (209) 962-7825 ext. 563.

Signature and Date

SUSAN SKALSKI
Forest Supervisor
Stanislaus National Forest

10/19/2012
Date