DRAFT DECISION MEMO
CHIPS FIRE ROADSIDE HAZARD TREE REMOVAL PROJECT
USDA Forest Service, Plumas National Forest
Mt. Hough Ranger District
Plumas County, California

PROJECT LOCATION
The Chips Fire Roadside Hazard Tree Removal Project (Chips Fire Roadside Project) location is in Plumas County, California approximately 5 miles west of Greenville, California south of Lake Almanor in the vicinity of Canyon Dam, Butt Valley Reservoir, Seneca, and Caribou. The legal description is T25N, R7E, sections 4, 5, 8, and 17; T26N, R7E, sections 1, 13, 24, 26, 27, and 33-35; T26N, R8E, sections 3-7, 9, 10, 15-18, 20-22, 28; T27N, R8E, sections 20, 28, 29, 32, and 33; Mount Diablo Base Meridian (MDBM)(Chips Fire Roadside Hazard Tree Removal Project map).

PURPOSE AND NEED
The Chips Fire began on July 29, 2012, burned approximately 75,431 acres, and was contained by August 30, 2012. The Mt. Hough Ranger District proposes to remove hazard trees with structural defects likely to cause failure in all or part of the tree, which may fall and hit the road prism within the next three years within the Chips Fire perimeter.

As a result of the fire, many trees along National Forest System (NFS) and Plumas County roads were damaged and could fall into the roadway, posing a safety and access hazard to area residents and landowners, Forest Service personnel and contractors, special use permit holders, and the visiting public. It is not uncommon for high, gusty winds associated with winter or summer storms to suddenly blow down many hazardous trees at one time, posing an unacceptable risk to area residents, forest workers, and visitors. It is important to remove these hazardous trees in a timely, efficient, and cost-effective manner so that safe access to affected areas can be restored and normal National Forest operations can be resumed. The Forest Service is required to maintain roads for access and safety, and the agency routinely removes hazardous trees as part of road maintenance (23 CFR 500.108, 36 CFR 212.4, FSM 7700, FSH 6709.11, 27.62d, Hazard Tree Guidelines for Forest Service Facilities and Roads in the Pacific Southwest Region 2012).

Approximately six miles (up to 250 acres) of four main NFS and/or Plumas County roads have been identified for hazard tree removal. Those roads, listed in order of treatment priority are: 27N26, 27N26D, Plumas County road 306 (Seneca Road), 27N98, and 26N22 (Chips Fire Roadside Hazard Tree Removal Project map). The majority of hazard trees proposed for removal occur in high severity burned areas; however, hazard trees within mixed severity burned areas would also be included to ensure the safety of road users in all those areas where burned trees pose a genuine risk of falling into the roadway. The four roads that are to be treated provide access to the communities of Caribou and Seneca, Butt Valley Reservoir, and PG&E infrastructure. Further, these roads are main motor ways connecting the Plumas National Forest and Mt. Hough Ranger District northern boundaries to State Highway 70, and are therefore used by the recreating public.

DECISION
The decision under consideration is to remove hazard trees along approximately six miles of roads (up to 250 acres) along NFS and Plumas County roads 27N26, 27N26D, Plumas County road 306 (Seneca Road), 27N98, and 26N22. Activities proposed include felling hazard trees along the above mentioned roadways, skidding felled merchantable trees for removal from NFS lands, and possibly rearranging
non-merchantable trees utilizing lop and scatter or pile and burn. My decision would be based on a review of the project record that shows thorough consideration of the proposed action using the best available science.

Hazard trees would be treated by utilizing mechanical harvesting equipment including chainsaws, harvesters, skidders, and loaders.

The project includes the following design features to avoid the potential for significant environmental effects or extraordinary circumstances:

1. Protection for Threatened, Endangered, and Sensitive (TES) species would be provided by prohibiting the felling of trees during the times of year when such activities could disturb TES species. These Limited Operating Periods (LOPs) are as follows:
   - **Bald eagle:** No felling of any trees within ¼ mile of bald eagle nests between January 1 and August 15.
   - **California spotted owl:** No felling of any trees within ¼ mile of spotted owl activity centers between March 1 and August 15.
   - **Northern goshawk:** No felling of any trees within ¼ mile of goshawk activity centers between March 1 and September 15.

2. Protection measures for known heritage resources would be implemented per the PNF LRMP, and according to standard protection measures outlined in II (A) of the First Amended Programmatic Agreement among the USDA Forest Service, Pacific Southwest Region, the Advisory Council on Historic Preservation, and the California State Historic Preservation Officer, Regarding the Process for Compliance with Section 106 of the National Historic Preservation Act for Undertaking on the National Forests of the Pacific Southwest Region (Region 5 Programmatic Agreement 2001). All known sites would be recorded and flagged for avoidance prior to project implementation. In the event that a hazard tree must be felled within the boundaries of an archaeological site, the sale administrator would work with District Archaeologist(s) to review removal options and/or application of protection measures under the PA. Hazard trees or portions thereof felled within the road prism and not within an archeological site may be removed without further approval. In the event that new heritage resources are observed during project implementation, operations would cease immediately and District Archaeologist(s) would determine the appropriate course of action.

3. Hazard trees would be felled within treatment units that overlap with Region 5 Forest Service sensitive, special interest, and/or rare plant species occurrences; however these areas would not be used for landings, nor would skidders or other heavy equipment be allowed in the occurrence area.

4. Hazard trees would be felled in known noxious weed locations and the areas would be flagged in order to prevent inadvertent spread of weed seed to uninfected areas. These areas would not be used for landings, nor would skidders or other heavy equipment be allowed in these sites. Standard contract provisions (such as equipment washing) would also be used to prevent the spread of noxious weeds.

5. Mechanical equipment would not operate on slopes greater than 35 percent and wet weather operations would be restricted based on soil moisture.
Protection of watershed resources, including Riparian Conservation Areas (RCAs), as outlined in the PNF LRMP and Standard Best Management Practices (BMPs) (USDA 2000) would be employed to protect water quality.

Slash would be treated by lop and scatter or piled and burned in a manner that does not create a hazardous fuel load.

Hazard trees proposed for felling have been identified using the Hazard Tree Guidelines for Forest Service Facilities and Roads in the Pacific Southwest Region (USDA 2012).

Determinations of trees killed by the Chips Fire have been identified using fire mortality guidelines incorporating the latest version of “Marking Guidelines for Fire-Injured Trees in California” (Smith and Cluck 2011). Due the needs of roadside safety and hazards, a 70% probability of mortality (Pm) will be used to determine which trees will be dead within three years.

These actions are categorically excluded from documentation in an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) because they meet requirements Category 4, “Repair and maintenance of roads, trails, and landline boundaries” (36 CFR 220.6(d)(4)). The road maintenance activities for this project include hazard tree removal for safe travel. The use of this category is based on the need to eliminate the hazards as quickly as possible along roads within the fire area.

This Project is categorically excluded because it falls within the scope of the road maintenance category (36 CFR 220.6(d)(4) and because the initial assessment of the project area reveals no extraordinary circumstances related to the proposed action that would warrant further analysis and documentation in an Environmental Assessment or Environmental Impact Statement. The 30 day scoping and comment period will validate the initial assessment prior to a decision. To make the initial determination that no extraordinary circumstances exist, the resource conditions identified in 36 CFR 220.6(b) have been considered. The discussion below briefly explains why there are no extraordinary circumstances associated with these resource conditions:

a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, and Forest Service sensitive species:
   • There are no known threatened or endangered wildlife species within the project area. There is no critical habitat, and no species or habitat proposed for federal listing within the project area.
   • There are five Forest Service sensitive wildlife species that are present or likely to be present within the project area: bald eagle, California spotted owl, Northern goshawk, pallid bat, and western red bat. Habitat for these sensitive species may be affected within the project area, but there would be no significant impacts to these species due to the small scale and intensity of the project and because project design features (identified earlier) would avoid significant adverse impacts.
   • There are no known threatened or endangered plant species in the project area. There are two R5 Forest Service sensitive and special interest plant species among 13 occurrences, totaling approximately 0.5 acre. The project includes project design features to protect Region 5 Forest Service sensitive, special interest, and/or rare plant species. Habitat for these plant species may be affected within the project area, but there would be no significant impacts to these species due to the small scale and intensity of the project and because project design features (identified earlier) will avoid significant adverse impacts.

b. Flood plains, wetlands, or municipal watersheds:
No municipal watersheds exist within the project area. Therefore, there would be no effect upon municipal watersheds. Riparian Conservations Areas (RCAs), which include floodplains and wetlands, would be protected by utilizing Best Management Practices and RCA design features (identified earlier) to minimize impacts to hydrologic function, water quality, sediment regimes, and riparian habitat. No more than 67 acres of RCAs would be treated.

c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas:

The project is not within or adjacent to any congressionally designated areas. Therefore, there will be no effect upon such areas.

d. Inventoried roadless areas:

The project is not within or adjacent to any inventoried roadless areas. Therefore, there will be no effect upon such areas.

e. Research natural areas:

The project is not within any research natural areas. Therefore, there will be no effect upon such areas.

f. American Indian religious or cultural sites:

Consultation was initiated with the following Tribes: the Concow Maidu Tribe of Mooretown Rancheria, the Susanville Indian Rancheria, the Tyme Maidu Tribe of Berry Creek Rancheria, the Greenville Indian Rancheria, the Estom Yumeka Maidu Tribe of Enterprise Rancheria, the Mechoopda Indian Tribe of Chico, and the Maidu Summit Consortium. At this time, there are no known religious sites or cultural sites in the project area. Therefore, there will be no effect upon such areas. To the extent that archeological/historic sites or areas are identified during project analysis or implementation, project design features discussed above would ensure that heritage resources are protected and significant effects are avoided.

g. Archaeological sites, or historic properties or areas:

The proposed activities would not disturb any known archaeological sites or historic properties or areas. Therefore, there should be no effect upon such areas. To the extent that archeological/historic sites or areas are identified during project analysis or implementation, project design features discussed above would ensure that heritage resources are protected and significant effects are avoided.

PUBLIC INVOLVEMENT

This project is listed in the Schedule of Proposed Actions beginning October 1, 2012. A legal notice initiating scoping and the 30-day comment period for this project was published in the Feather River Bulletin on October 3, 2012. In addition, a draft decision memo was sent to interested and affected parties that include Tribes, federal, state, and local agencies, adjacent land owners, and miners.

Comments would be accepted for 30 calendar days following publication of this notice in the Feather River Bulletin. This comment period is being provided pursuant to the March 19, 2012 order issued by the U. S. District Court for the Eastern District of California in Case No. CV F11-679LJO DLB. Only those who provide comments during this comment period would be eligible to appeal the decision pursuant to 36 CFR 215. Any individual or representative from an organization submitting comments must either sign the comments or verify identity upon request in order to maintain appeal eligibility.
Provide comments by mail, fax, email, or in-person to the responsible official, Earl Ford, Forest Supervisor, c/o Katherine Carpenter, Project Leader and District NEPA Coordinator, at the Mt. Hough Ranger District, 39696 Highway 70; email address: kacarpenter@fs.fed.us; fax number: (530) 283-1821; phone number: (530) 283-7619. Comments can also be electronically mailed to comments-pacificsouthwest-plumas-mtthough@fs.fed.us. Please indicate the name “Chips Fire Roadside Hazard Tree Removal Project” on the subject line of your email. Acceptable formats for electronic submissions include email message, plain text (.txt), rich text format (.rtf), Word (.doc or .docx) or portable document file (.pdf). Submit hand-delivered comments during business hours Monday through Friday, 8:00am-4:30pm.

FINDINGS REQUIRED BY OTHER LAWS

This action is in accordance with NEPA Implementation Regulations, 40 CFR 1501.2 and with the goals, objectives, and management direction of the Plumas National Forest Land and Resource Management Plan.

This project would be conducted in accordance with requirements of the California Central Valley Regional Water Quality Control Board to ensure compliance with California Water Code and the Federal Clean Water Act.

This project meets the requirements of the National Historic Preservation Act of 1966, as amended, and implementing procedures outlined in the Region 5 Programmatic Agreement (see project design features for this project, page 2).

The project does not effect any threatened, endangered or candidate species and thereby complies with the Endangered Species Act of 1973.

IMPLEMENTATION DATE

Removing hazard trees is critical to achieve safe access to the project area. Several land owners, residents, and special use permit holders need access to the area, specifically utilizing the above mentioned roadways. Implementation is planned for as early as winter 2012, weather conditions permitting.

ADMINISTRATIVE APPEAL AND REVIEW OPPORTUNITIES

This decision is subject to appeal by individuals or organizations that submitted comments or expressed interest during the 30-day comment period. Appeals must be filed within 45 days from the date of the published notice of this decision in the Feather River Bulletin. Appeals must be submitted to the Appeal Deciding Officer: Randy Moore, Regional Forester, USDA Forest Service, Regional Office R5, 1323 Club Drive, Vallejo, CA 94592. Appeals may be submitted by FAX (707) 562-9229 or hand delivered at the address shown above during normal business hours (Monday – Friday 8:00 am to 4:00 pm). Electronic appeals in plain text, rich text, or Microsoft Word formats may be submitted to appeals-pacificsouthwest-regional-office@fs.fed.us [Subject: Chips Fire Roadside Hazard Tree Removal Project]. In cases where no identifiable name is attached to an electronic message, a verification of identity would be required.
CONTACT PERSON
Katherine Carpenter, Project Leader and NEPA Coordinator, can be contacted at the Mt. Hough Ranger District, 39696 Highway 70, Quincy, CA 95971; 530 283-7619; kacarpenter@fs.fed.us.

Earl W. Ford
Forest Supervisor

Attachments:
Chips Fire Roadside Hazard Tree Removal Project Map

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