Decision Notice & Finding of No Significant Impact
Stafford Fire Salvage and Restoration Project

Shasta-Trinity National Forest – South Fork Management Unit – Trinity County, California

Background
The purpose and need, proposed action, and alternatives to the proposed action for this project were identified, and analyzed, within a preliminary Environmental Assessment (EA) that was provided to the public in June 2013.

The purpose of this project is to reduce public safety hazards, reduce hazardous fuels, reestablish forest vegetation, and provide timber products. This action is needed, because of the moderate to high severity fire effects resulting from the Stafford Fire. This action responds to the goals and objectives outlined in the Shasta-Trinity National Forests Land and Resource Management Plan (Forest Plan), and helps move the project area towards desired conditions described in that plan.

The Stafford Fire was a human-caused fire that started on September 5, 2012 along Wildwood Road on the South Fork Management Unit of the Shasta-Trinity National Forest in Trinity County, California. The fire burned for two weeks and was finally contained at 4,462 acres. There are 4,171 acres of National Forest System (NFS) lands and 291 acres of private land within the fire perimeter. Within the fire perimeter, a small portion, approximately 596 acres of the fire occurred within the Wells Inventoried Roadless Area (IRA). Based on burned area reflectance classification, which is a measure of soil burn severity, approximately 54 % (2,413 acres) of the soil within the fire perimeter burned at low severity or remained unburned. The remaining 46 % (2,049 acres) burned with moderate to high soil burn severity. The Rapid Assessment of Vegetation Condition after Wildfire or RAVG data, which categorizes the effect of the fire on vegetation, indicated 41 % of the vegetation burned at high severity and 30 % at moderate severity. The remaining 29 % of vegetation burned at low severity or remained unburned.

The Project planning area is within the Hayfork Management Area (Management Area 18) as described in the Forest Plan. Other management designations in the planning area include the Hayfork Adaptive Management Area (AMA), Wells Inventoried Roadless Area (IRA), and Riparian Reserves. Management prescriptions for the planning area include Roaded Recreation and Wildlife Habitat Management. The burned area is also designated as Wildland Urban
Interface (WUI) in the Trinity County Community Wildfire Protection Plan Update 2010\(^1\). This includes 428 acres within one-quarter mile of Hayfork, California a nationally registered Community at Risk\(^2\). Reducing hazardous fuels that are located in the rural interface (WUI) as well as areas adjacent to structures, dwellings, or other amenities may become more important than other standards and guides (Forest Plan, pp. 4-61:4-66). The area is within close proximity to the community of Hayfork, and there are many rural residences along State Highway 3, Wildwood Road and Morgan Hill Road. The burned area is also within the viewshed of the community of Hayfork. These two issues have led to community interest and involvement in how the Forest Service proceeds with this project.

Fuels reduction, timber harvest, and reforestation are management practices appropriately proposed in Adaptive Management Area land allocation and in WUI.

**Decision**

Based upon my review of the Stafford Fire Salvage and Restoration Project (Stafford Project) Environmental Assessment (EA), I have decided to implement Alternative 1 (the proposed action) which would conduct salvage/fuels reduction/reforestation treatments on approximately 780 acres, to reforest 129 acres of plantations and 711 acres of natural stands, and to reduce fuels and establish 155 acres of fuelbreaks along roads (NFS roads 31N51 and 31N17) and along the NFS boundary with the private lands adjacent to the project area, as described in the EA. The proposed action was developed to accomplish the purpose and need for the Stafford Project by evaluating topography, fire burn patterns and intensities, and existing vegetative conditions.

**Decision Rationale**

Based on the analysis presented in the EA, the salvage, silvicultural, and fuels treatments in the Proposed Action Alternative are best designed to move the existing condition in the project area toward desired conditions described in the Forest Plan. The project has had a high level of local interest and support for implementing this project as soon as possible. The proximity of the project to Hayfork, a Community at Risk, and the comments received since the fire from the community of Hayfork and Trinity County raise the priority and urgency of this project.

Forest stands targeted for salvage are characterized by moderate to high severity burn from the Stafford Fire. The focus on moderate to high severity burned areas for treatment was made to balance the need for restoration and fuel reduction with the opportunity for economic benefit while limiting the impacts to northern spotted owl suitable habitat. As a part of the proposed

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\(^1\) [http://www.tcred.net/fsc/](http://www.tcred.net/fsc/)

\(^2\) Federal Register, Volume 66, No.3, January 4, 2001
action, all pines and hardwoods will be retained except for hazard trees. In order to provide
clarification corridor areas in conjunction with riparian areas have been marked for leave trees.

The areas targeted for use as Defensible Fuel Management Zones are areas that lend themselves
to this use by their proximity to roads and boundaries between public lands and private property. Treatments in the Wells Inventoried Roadless Area (IRA) were not included as a part of this analysis due the requirement to get authorization by the Secretary of Agriculture for timber harvest and road construction and reconstruction in IRAs, which would have extended the timeframe for a decision and implementation. Other restoration and fuel reduction treatments are being considered at this time in the Wells IRA, but no project has been proposed. Any future actions in the Wells IRA would not be a connected action because treatments would not be dependent upon those included in this decision. Additionally, the moderate to high severity burned areas along Wildwood road were not included as a part of the proposed action or within this decision due to the priority and urgency that has been expressed locally and the regulatory timeframe associated with consulting with National Marine Fisheries Service. The immediate hazard tree issues were mitigated as an emergency but the fuel loading that remains will not be treated at this time.

Areas that are targeted for reforestation are areas that were burned at moderate to high
severity and are planned for planting to prevent the stand from converting to shrub fields. The high potential of brush replacing the stands that were burned creates a need for reforestation to meet the desired condition for the stands, as described in the Forest Plan. Additionally, if the stands were not treated, when the snags would begin to fall and combine with the brush fuels, potential fire behavior would be increased.

This decision also offers the potential for beneficial economic opportunity for the community of Hayfork and local lumber mills. Based on the past opportunities offered by the Forest, this is a small opportunity but the priority and urgency that has been expressed locally has led me to include this as a factor in my decision.

In making my decision, I considered how to best meet the purpose and need for action. I considered public issues and concerns raised during scoping and the preliminary EA comment period. I considered comments both in support of and in opposition to project actions. My decision to select Alternative 1 is based upon a thorough review of all alternatives and the environmental consequences presented in the EA and project record. In making my decision I considered project impacts on the human environment and consistency with the Forest Plan as well as goals and objectives of the Northwest Forest Plan (NWFP, 1994) and the Revised Recovery Plan for the Northern Spotted Owl. I considered opposing views, uncertainty and risk, and carefully evaluated both the benefits and costs of implementing the selected alternative. I believe the analysis in the EA adequately discloses the likely environmental impacts of the project. Negative project-related impacts will be relatively minor and short-term. Beneficial effects to fuels conditions, forest stand conditions, and public safety are expected.
Alternatives Considered

As described in the EA, the interdisciplinary team evaluated four alternatives in detail, including no action.

The no action alternative (Alternative 2) would not meet the Purpose and Need for Action. The burned area would remain untreated and fuels conditions would continue to deteriorate and create a public safety concern in the WUI.

Alternative 3 was referred to as the Community Protection Alternative. Alternative 3 was developed as a minimum treatment area for community protection. The fuels treatments under this alternative would have been more intensive than under Alternative 1 and would include additional treatments that are not included in Alternative 1. This Alternative would leave a higher fuel loading in the project area over time because it would not include the salvage treatments that are in Alternative 1. It was developed in response to public concerns over fuels conditions in the project area and concerns over the salvage treatments.

Alternative 4 was referred to as the Timber Salvage Alternative. Alternative 4 was developed to realize the total value that is available from removing the salvageable fire killed timber in the Stafford Fire area. Alternative 4 would not have required removal of any fire killed timber where the cost of the removal would have exceeded the value of the salvaged logs. The total value of the salvaged material represented the public's asset value of the fire killed timber and would be returned to the Federal Treasury.

In response to public input the interdisciplinary team developed two other alternatives that were eliminated from detailed study. Each was evaluated for consistency with law, regulation and policy as well as implementation feasibility and ability to meet the identified purpose and need for action. These alternatives are described in the Alternatives chapter of the EA. The rationale for elimination from detailed study is discussed for each alternative.

The Stafford Fire Salvage and Restoration Project EA documents the environmental analysis and conclusions upon which this decision is based.

Public Involvement

An article was published in the Trinity Journal on January 23, 2013 announcing public meetings for the Stafford Fire Salvage and Restoration Project. Three public meetings were held January 22, 24, and 29, 2013 to discuss post-fire rehabilitation treatment ideas with the community. The three meetings had over 50 community members present. On May 23, 2013 project leaders attended a Trinity County Fire Safe Council meeting and field trip to discuss the project.

Consultation letters to federally recognized tribes were sent January 23, 2013 to the Wintu Redding Rancheria. In addition, interested party letters were also sent to the non-federally recognized Nor-Rel-Muk Wintu, Trinity County Historical Society, and two Nor-Rel-Muk Wintu elders. No comment has been received from this tribe or interested parties concerning any
potential adverse effects to recorded archaeological sites. No response has also been received expressing concern how this project may affect areas of spiritual or traditional use.

A letter notifying over 380 interested and affected parties that the proposed action was available for their review and comment was sent April 23, 2013. A newspaper article was published in the Trinity Journal and Record Searchlight on April 24, 2013 announcing the start of a 15-day comment period and public meetings. A public fieldtrip was held April 27, 2013 and a public meeting was held May 1, 2013. The two meetings had around 30 people present. Comments were received from 35 parties and responses were made available on the Shasta-trinity National Forest website.

The proposal was listed in the April 1, 2013 Schedule of Proposed Actions (SOPA).

The Stafford Fire Salvage and Restoration project Environmental Assessment (EA) was made available for public comment on June 28, 2013. Notices of availability were published in the Redding Record Searchlight on June 28, 2013 and in the Trinity Journal on June 26, 2013. The EA was made available on the project website and was sent to parties who had requested a hard copy during the public scoping period. Letters explaining that the EA was available for public review were sent to interested and affected parties identified through scoping and parties who commented during the public scoping period. The EA and specialist reports were posted on the Shasta-trinity National Forest website on June 26, 2013 at http://www.fs.fed.us/nepa/nepa_project_exp.php?project=41941. Comments were received from 17 parties and responses are available on the Shasta-trinity National Forest website.

The following is a summary of the main issues that were identified during public involvement and how they were integrated into the environmental analysis presented in the EA.

**Issue 1: Minimize effects to northern spotted owls and their habitat**

All action alternatives were developed to minimize the potential effects to northern spotted owls and their habitat. As a part of the Alternatives 1, 3, and 4 there are design features to minimize impacts to northern spotted owls and their habitat: a Limited Operating Period (LOP) from February 1 through July 10 for all non-suitable habitat, a LOP from February 1 through September 15 for all suitable habitat, all pines 20 inch DBH and greater will be retained unless identified as a hazard tree, retention of all hardwood trees unless identified as a hazard tree, and at least 10 snags per acre greater then 15 inches DBH will be retained. Based on the small percentage of the larger burned landscape affected by salvage, the exclusion of salvage from all currently suitable NSO habitat, the retention of habitat elements as individual trees and clumps of trees in burned areas throughout the treatment area, and the opportunity to clearly adjust operations to result in a variable, clumpy landscape useable for northern spotted owls for post-fire foraging, with large amounts of intact habitat, and post-fire usable foraging area, we determine that the proposed project is not likely to result in changes in NSO ability to breed, feed or shelter that would be meaningfully detectable or measurable or could be meaningfully
evaluated. For these reasons, the proposed project is unlikely to adversely affect northern spotted owls or their critical habitat.

Alternative 5, which would only treat outside northern spotted owl critical habitat, was developed in response to this issue. The alternative was considered but eliminated from detailed study because Alternatives 3 analyzes the effects of treatments that would be applied outside northern spotted owl critical habitat. Much of the Stafford Fire burned in northern spotted owl Critical Habitat. Fuels reduction treatments outside of this area would have some direct effects to the fuel loading, but over time the increase in brush outside of these treatments would overwhelm the beneficial effects of the treatments on reducing fire behavior similar to Alternative 2.

**Issue 2: Economic viability of salvage operations**

Numerous comments were made regarding the size and scope of proposed salvage logging. Alternatives 1, 4, and 6 were developed to provide a range of salvage levels in response to this issue. Alternative 4 proposes to implement treatments in areas where the value of timber removed exceeds implementation costs. Potential effects to this alternative are analyzed in detail.

Alternative 6, which would treat the entire Stafford fire area, was developed but eliminated from detailed study because it did not meet the Purpose and Need for this project. The impacts from treating the entire project area to northern spotted owl and Riparian Reserves would be significant. The extended time period of analysis would then not meet the need to quickly recover the monetary value of wood through salvage and sale.

**Issue 3: Roadside hazard reduction along public road system**

Hazard trees are an emergency action that is addressed as they arise. The immediate threats have been addressed through felling of the hazard trees prior to this analysis. Even if no action were taken as a part of the Stafford Project the hazard trees would still be felled to protect the public and Forest Service staff. The long-term fuel reduction of the hazard trees is what is addressed within this analysis.

This issue is addressed in all action alternatives through long-term fuel management. Both Alternatives 1 and 3 include defensible fuel profile management zones or fuelbreaks along the primary travel routes (31N51 and 31N17) within the project area. All hazard trees will be felled within these treatment units. Alternative 3 also adds fuel reduction along Wildwood Road within the project area.

**Issue 4: Address road maintenance backlog and reduce road densities**

Maintenance needs resulting from increased road use during fire suppression were evaluated and completed during fire suppression repair. The burned area emergency response (BAER) team further evaluated road maintenance needs and conducted repairs necessary to curb post-fire erosion. There is not a travel analysis for the National Forest System roads in the project area at this time so no road decisions were made as a part of this decision. The Forest is undertaking a
Travel Analysis Process at this time and upon completion any road management actions would occur under a separate decision.

All action alternatives were developed to meet the purpose and need without changing the maintenance level or public access of any National Forest System road. All actions would be implemented using the roads described in the EA and then roads would be restored to meet the prescribed management objective. All temporary roads needed for implementation are described in each alternative and will be rehabilitated post treatment.

**Issue 5: Controversy of salvage and reforestation treatments post fire**

The analysis of the project incorporated or directly responded to all concerns raised and literature cited. A document addressing each of the scientific articles cited in scoping comments was developed and is available on the project website: [http://www.fs.fed.us/nepa/nepa_project_exp.php?project=41941](http://www.fs.fed.us/nepa/nepa_project_exp.php?project=41941). This EA, the individual specialist reports, and the response to comments respond to the controversy around salvage and reforestation treatments post fire that has been identified.

**Issue 6: Request of an Emergency Situation Determination (ESD)**

An Emergency Situation Determination (ESD) was requested on April 8, 2013 for the implementation of the Proposed Action; due to the safety risk from hazard trees, risk to human health and safety related to fire hazard, and the substantial loss of economic value if implementation were delayed. The Chief approved an ESD for the implementation of 780 acres of salvage treatments in the Stafford fire on July 18, 2013.

**Finding of No Significant Impact**

As described in the Environmental Consequences chapter of the EA, the environmental effects of this project are limited in scope and duration. The proposed action alternative includes salvage timber harvest, fuel reduction treatments, and reforestation on approximately 1,775 acres of the Upper Hayfork Creek and Lower Hayfork Creek 5th Field Watersheds. The project would be implemented beginning this year. The project would provide wood products and employment to the local community.

**Effects Relative to 10 Significant Factors**

The following is a summary of the project analysis for significance, as defined by NEPA (40 CFR 1508.27). “Significantly” as used in NEPA requires consideration of both context and intensity of the expected project effects. Context means that the significance of an action must be analyzed in several contexts (i.e. local, regional, worldwide), and over short and long time frames. For site-specific actions, significance usually depends upon the effects in the local rather than in the world as a whole. As detailed in the EA, the effects from the proposed action are confined locally, and are generally focused in the short-term with some minor long-term impacts.
Intensity refers to the severity of the expected project impacts. The following factors were considered to evaluate intensity.

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believe that, on balance, the effect would be beneficial (40 CFR 1508.27(b)(1)).**

Consideration of the intensity of environmental effects is not biased by beneficial effects of the alternatives. For some resources both beneficial and adverse effects were identified. No adverse effects were determined to be significant and none are expected to be long term. No adverse effects exceed the thresholds set by the Forest Plan or other laws and regulations. Long term beneficial effects of the Proposed Action included reduced fuel loadings, increased resiliency to wildfire, and re-establishment of forest stands. Beneficial effects were not used to offset or compensate for potential adverse effects. Adverse effects when considered alone, that is separately from beneficial effects, are not significant. The notable short-term adverse effects of implementing the Proposed Action include:

**Threatened and Endangered Species Habitat** – Although the project may have some short term effects on northern spotted owls and their Critical Habitat, these effects do not rise to the level of adverse as defined by the Endangered Species Act. The project would not degrade, downgrade or remove any suitable habitat for the northern spotted owl. Limited Operating Periods are included in the project design features to prevent any direct impacts to northern spotted owls. Refer to the wildlife section of the Environmental Consequences chapter of the EA.

**Water Quality** – The project may result in localized brief periods of increased turbidity and sediment movement associated with salvage units, but these effects will be minimized by restricting mechanical treatments to outside of Riparian Reserves. These short-term effects are not considered to be significant because they will be localized, minor and may result in only discountable short term adverse effects to water quality. Refer to the hydrology and fisheries sections of the Environmental Consequences chapter of the EA.

**Soils** – Soils would have some slight adverse effects by the implementation activities, and also some beneficial effect. While minor amounts (below soil quality thresholds) of compaction and erosion may occur with implementation, soil cover will be increased above pre-project levels in severely burned areas due to the implementation of lop and scatter of non-commercial materials. With the implementation of project design features, all action alternatives are consistent with coarse woody debris requirements and soil quality standards described in the Forest Plan. Refer to the soils section of the Environmental Consequences chapter of the EA.

**Air Quality** - The project would have temporary air quality effects due to dust and smoke. These effects would be minimal and not significant because the emissions quickly dissipate...
under burn day restrictions, and Design Features would be implemented to minimize the amount of dust entering the air, especially in areas that could contain Naturally Occurring Asbestos (see Project Design Features in the Alternatives chapter of the EA).

2. The degree to which the proposed action affects public health and safety (40 CFR 1508.27(b)(2)).

The action alternatives would not pose a significant risk to public health and safety. The project includes improvement of public safety as part of the purpose and need because the project occurs in WUI. The proposed action alternative incorporates public health and safety in the following ways:

**Public Safety Along Forest Service System Roads** – Hazard trees along Forest Service System Roads will be felled (see Project Design Features, EA page 18).

**Fuels Reduction In WUI** – Part of the purpose and need of the Stafford Project is to reduce hazardous fuel loading conditions in the WUI to protect life and health of the community of Hayfork. The project creates Defensible Fuel Management Zones along NFS roads 31N17 and 31N15 and along the northern boundary.

During treatment the areas would have limited access to protect the public.

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 (40 CFR 1508.27(b)(3)).

Proposed actions do not significantly affect the unique characteristics of the geographic area because the project is designed to avoid, protect, or enhance these features or these features are absent. Fuel reduction treatments would reduce the risk of damage to these features from potential wildfire. The following features have been identified as “unique characteristics of the geographic area.”

**Historic and Cultural Resources** - The first site recorded for this project is a World War II Army Air Force airplane crash site found during the fire. The next four sites are hard rock mining sites dating from the 1920’s up through the 1930’s. These sites are related to the increase in gold mining during the Great Depression. The next two sites are prehistoric and are related to acorn gathering and processing. All of the sites recorded for this project and those previously recorded are acceptible for the Cope & Johnson Mine is near but outside of proposed management units. The Cope & Johnson Mine borders one proposed unit, but is not within it.

**Hydrologic Features** - Hydrologic features in the project area include Hayfork Creek and tributaries. Hayfork Creek and its tributaries would be protected from project impacts by not treating within Riparian Reserve protective buffers, except for hazard trees, as well as other
Project Design Features intended to reduce erosion and protect the stream from sedimentation.

**Inventoried Roadless Area** – Part of the Stafford Fire burned in the Wells Inventoried Roadless Area. The project does not include any units in the Wells Inventoried Roadless Area, thus it will have no impact to the roadless area.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial (40 CFR 1508.27(b)(4)).**
   Effects of the proposed actions on the quality of the human environment are not likely to be highly controversial among professional experts. Although there is some disagreement the majority of peer reviewed literature supports the activities proposed. The Stafford Project incorporates practices and procedures technically accepted by experts and commonly practiced to protect the human environment as well as natural resources (See Project Design Features, EA Alternatives chapter). Although there may be controversy related to the actions proposed, especially the salvage treatments, the effects on the quality of the human environment are not likely to be highly controversial with the majority of the interested and involved public because the proposed actions are in a National Forest where fuel reduction and silvicultural activities have occurred for the past several decades in an area compatible with those forest management activities.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique, or unknown Risks (40 CFR 1508.27(b)(5)).**
   Implementation of the proposed actions would not pose unique or unknown risks or result in highly uncertain effects on the human environment. The proposed treatments proposed by the Forest Service were designed based on existing science to achieve the desired conditions for the area and are not unusual or unique. The existing conditions have been thoroughly documented, and the likely effects of implementation on the environment are well understood and described in the Environmental Consequences chapter. No unique risks were identified and no unknown or undocumented risks are likely.

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 (CFR 1508.27(b)(6)).**
   Implementation of the actions would not establish a precedent for future actions. The project does not imply approval of other future projects. Future proposals will be evaluated for effects to the environment prior to approval and implementation.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)).**
   According to the Council on Environmental Quality (NEPA) regulations “cumulative impact” is the impact on the environment which results from the incremental impact of the action when
added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions (40 CFR 1508.7).

The relevant boundaries and projects assessed for cumulative effects vary by resource based upon the area over which that resource may be affected by this project. Each resource cumulative effect area can be different and possibly larger or smaller. Relevant cumulative effects are discussed for each resource in the Environmental Consequences chapter of the EA. Each cumulative effects analysis for each environmental component or resource area is guided by and consistent with the Council on Environmental Quality letter “Guidance on the Consideration of Past Actions in Cumulative Effects Analysis” of June 24, 2005. A listing of relevant related past, present and future management activities in the assessment area is provided in Appendix C of the EA. No cumulatively significant effects were identified for any resource.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources (CFR 1508.27(b)(3) and (b)(8)).

None of the action alternatives analyzed in detail would cause the loss or destruction of significant scientific, cultural, or historical resources. Clearance for Section 106 of the National Historic Preservation Act has been accomplished under the Regional Programmatic Agreement (USDA 2013). The assessment area has been surveyed for cultural and historical resources and sites have been identified in and adjacent to treatment areas. Treatment units have been designed to avoid sites containing resources (Refer to Cultural Resources section in the Environmental Consequences chapter of the EA).

Resource protection measures would be implemented to protect heritage resources. Project activities would not be permitted within site boundaries.

Archaeological sites, or buried cultural materials not evident on the surface may be discovered during project operations. If this occurs, all work must cease immediately and the appropriate unit archaeologist consulted before project activities resume. No significant effects to heritage or cultural resources are expected from project implementation.

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 (40 CFR 1508.27(b)(9)).

Effects to Threatened and Endangered Wildlife Species are discussed in the wildlife section of the Environmental Consequences chapter of the EA. A Biological Assessment (BA) for the Stafford Project was prepared to evaluate any threatened or endangered wildlife species that may be affected by this project. The BA addressed only the species and designated critical habitat known to occur and/or have suitable habitat in the area, the northern spotted owl and its designated Critical Habitat.
The analysis in the BA of direct, indirect and cumulative effects of the Stafford Project (specifically Alternative 1) on the northern spotted owl, and its designated Critical Habitat, yielded a determination that the project may affect but is not likely to adversely affect the northern spotted owl or its designated critical habitat. On August 23, 2013, the US Fish and Wildlife Service (USFWS) Yreka field office issued a letter of concurrence (LOC) for this determination.

The Stafford project area is not within the current range and/or does not provide habitat for threatened or endangered plant species; the botanical Biological Evaluation concludes that no species are present so there is a No Effect determination for listed plants.

Effects to Threatened and Endangered Fish Species are discussed in the fisheries section of the Environmental Consequences chapter of the EA. A BA for the Stafford Project was prepared to evaluate any threatened or endangered fish species that may be affected by this project. The BA addressed only the species and designated critical habitat known to occur and/or have suitable habitat in the area, the Southern Oregon/Northern California Coast coho salmon (SONCC coho salmon) and its designated Critical Habitat.

The analysis in the BA of direct, indirect and cumulative effects of the Stafford Project (specifically Alternative 1) on the SONCC coho salmon and its designated Critical Habitat yielded a determination that the project would have no effect on the SONCC coho salmon, and may affect but is not likely to adversely affect unoccupied coho salmon Critical Habitat. Informal consultation was initiated with NOAA’s National Marine Fisheries Service (NMFS) on June 21, 2013 for federally threatened Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*) and their designated critical habitat. Additionally, consultation on essential fish habitat (EFH) for species managed under the Pacific Coast Salmon Fishery Management Plan (FMP) was initiated on June 21, 2013. On August 6, 2013 NMFS issued a Letter of Concurrence for the determination that the proposed action may affect, but is not likely to adversely affect federally threatened SONCC coho salmon or its designated critical habitat. Additionally, NMFS concludes that the project may adversely affect EFH for Chinook salmon and coho salmon. However, the anticipated adverse effects are so minimal in nature that no EFH Conservation Recommendations are necessary to avoid, minimize, mitigate, or otherwise offset the adverse effects to EFH.

**10. Whether the action threatens to violate Federal, State, or local laws or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).**

The Proposed Action is consistent with all Federal, State and local laws or requirements imposed for protection of the environment. The Proposed Action and alternatives are consistent with the Forest Plan, and alternatives were specifically developed to comply with the following laws, regulations and executive orders:
National Forest Management Act (NFMA) - Forest Plans are promulgated in compliance with the various statutory and regulatory directions including NFMA. The NFMA requires that projects are consistent with Forest Plans (36 CFR 219.10). Consistency with the Forest Plan is noted in each specialist report for individual resources, and achieved in the following ways:

- **Desired conditions and objectives** - Timber salvage and reforestation would achieve, be compatible with, and contribute to the achievement of desired conditions and resource management objectives in the Forest Plan. Desired conditions are described in the Purpose and Need section of the EA.

- **Standards and Guidelines** – Forest Plan standards and guidelines are adhered to through project design. The project would not retard or prevent attainment of any Aquatic Conservation Strategy Objectives (see EA Fisheries Section in the Environmental Consequences chapter). The project is in compliance with the Survey and Manage species in the 2001 Survey and Manage Record of Decision (See Survey and Manage sections in the botany and wildlife sections of the Environmental Consequences chapter of the EA). The Forest Plan management indicator monitoring requirement has been met and implementation of the proposed action is not likely to result in any meaningful change to population trends and habitat availability (see Management Indicator Assemblages section in the wildlife section of the Environmental Consequences chapter of the EA, and Management Indicator Species section of the fisheries section of the Environmental Consequences chapter of the EA). Vegetation diversity was addressed in the vegetation section of the Environmental Consequences chapter of the EA, and the proposed action is consistent with vegetative diversity standards.

As described in the Forest Plan, “on rare occasions the adopted Visual Quality Objectives (VQOs) may not meet management’s objectives (i.e. catastrophic events)” (pg. 4-27). The Stafford Fire meets the definition of a catastrophic event, and due to the fire the VQOs are not met in the project area. Based on this, I determine that this decision is consistent with the Forest Plan. The Proposed Action would meet the Forest Plan requirement of for Visual Quality Objectives upon project completion and based on the catastrophic event of the Stafford Fire will comply with the Forest Plan during implementation. (see Visual Quality section of the Environmental Consequences chapter of the EA).

- **Suitability of areas** – The Proposed Action is consistent with the general suitability identified in the Forest Plan.
- **Watershed** - Soil, slope, or other watershed conditions would not be irreversibly damaged. (see soils and hydrology sections in the Environmental Consequences chapter of the EA)

**Endangered Species Act** - The analysis in the BA of direct, indirect and cumulative effects of the Stafford Project (specifically Alternative 1) on the northern spotted owl, and its designated Critical Habitat, yielded a determination that the project may affect but is not likely to adversely affect the northern spotted owl or its designated critical habitat. On August 23, 2013, the US Fish and Wildlife Service (USFWS) Yreka field office issued a letter of concurrence (LOC) for this determination.

The analysis in the BA of direct, indirect and cumulative effects of the Stafford Project (specifically Alternative 1) on the SONCC coho salmon, and its designated Critical Habitat, yielded a determination that the project would have no effect on the SONCC coho salmon, and may affect but is not likely to adversely affect unoccupied coho salmon Critical Habitat. On August 6, 2013, the National Marine Fisheries Service Eureka field office issued a LOC for this determination.

**Clean Water Act** - Pursuant to Section 208 of the Clean Water Act, all agencies responsible for carrying out any portion of a State Water Quality Management Plan must be designated as a Water Quality Management Agency (WQMA). The State Water Resources Control Board designated the Forest Service as a WQMA. The Forest Service employs Best Management Practices (BMPs) as the primary tool for managing for water quality on NFS lands. Applicable BMPs were considered and used to develop project design features to ensure that potential impacts to water quality would be prevented or effectively mitigated. Refer to the design features section of the Alternatives chapter of the EA. Project IDT members toured the project area on June 5, 2013 with a representative from the North Coast Water Quality Control Board (NCWQCB). Implementation of proposed action alternative will require application under the new waiver agreement. The state representative was supportive and IDT members anticipate assistance from the board in meeting regulatory requirements for the project prior to implementation.

**Federal Clean Air Act, As Amended, State Clean Air Act and other Air Quality Regulations** - Refer to the Air Quality section in Environmental Consequences chapter of the EA. Conformity under the Federal Clean Air Act is not required as there are no criteria pollutants in federal nonattainment status. The Forest Service voluntarily follows the guidelines assigned by the California Air Resource Board to limit state-wide exposure on a cumulative basis, in compliance with the Clean Air Act. All burning under the proposed action will be consistent with the provisions of the North Coast Unified Air Quality Management District rules and regulations through the permit process. Naturally occurring asbestos may be present in the project area, and appropriate design features have been incorporated to prevent exposure of workers during project implementation. A smoke
management plan and burn permit issued by the North Coast Air Quality Management District would be required prior to any burning.

**National Historic Preservation Act Section 106** (including the Region 5 Heritage Programmatic Agreement) - Refer to the Cultural Resources section of Environmental Consequences chapter of the EA. The requirements of Section 106 of NHPA have been met. The Stafford project would have no adverse effect on eligible historic properties and is in full compliance with Section 106 of the NHPA, and meets the requirements of the Regional Programmatic Agreement. Under the PA the Forest will also not need to consult with SHPO if the Forest follows the stipulations for site protection, which result in no adverse impacts, and approved archaeological survey methods.

Consultation letters to federally recognized tribes were sent to the Wintu Redding Rancheria. In addition, interested party letters were also sent to the non-federally recognized Nor-Rel-Muk Wintu, Trinity County Historical Society, and two Nor-Rel-Muk Wintu elders. No comment has been received from this tribe or interested parties concerning any potential adverse effects to recorded archaeological sites. No response has also been received expressing concern how this project may effect areas of spiritual or traditional use.

**Migratory Bird Treaty Act** - The project is compliant with the Migratory Bird Treaty Act. Refer to the Migratory Landbird Conservation section in the wildlife section of Environmental Consequences chapter of the EA.

**Executive Order 13112 amended by Executive Order 13286 Invasive Species** - The project is compliant with Executive Order 13112. Refer to the Non-Native Invasive Plants section in Environmental Consequences chapter of the EA. There are high priority invasive weed species in the Stafford assessment area at the present time, including spotted knapweed. With protection measures in place, the risk of a new introduction of high priority invasive weed species would be reduced.

**Findings Required by Other Laws and Regulations**
This action is consistent with Federal, State, and local laws and policies as discussed in the Final EA and earlier in this document. Consultation with the appropriate agencies has been conducted and documented for this project.

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

**Administrative Review (Appeal) Opportunities**
This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Appeals, including attachments, must be filed within 45 days following the publication date of the legal notice of this decision in the Record Searchlight, Redding, CA. Appeals and Attachments...
received after the 45-day appeal period will not be considered. The publication date in the Record Searchlight, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations that provided comments or otherwise expressed interest in the proposal by close of the comment period are eligible to appeal the decision pursuant to 36 CFR 215.13. It is the appellant’s responsibility to provide sufficient project-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

The appeal must be filed (regular mail, fax, e-mail, hand delivery or express delivery) with the Appeal Deciding Officer, Regional Forester Randy Moore, at:

ATTN: APPEALS
Randy Moore, Regional Forester
USDA Forest Service, Pacific Southwest Region
1323 Club Drive
Vallejo, CA 94592

Appeals can also be sent via email to: appeals-pacificsouthwest-regional-office@fs.fed.us (subject: Stafford Project). An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in plain text (.txt), rich text format (.rtf), Word (.doc or .docx) or searchable PDF (.pdf) format. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification. Appeals may be submitted by fax to 707-562-9229. The office business hours for those submitting hand-delivered appeals are: 8:00 am to 4:00 pm Monday through Friday, excluding holidays.

**Implementation Date**

An Emergency Situation Determination (ESD) was requested on April 8, 2013 for the implementation of the Proposed Action; due to the safety risk from hazard trees, risk to human health and safety related to fire hazard, and the substantial loss of economic value if implementation were delayed. The Chief approved an ESD for the implementation of 780 acres of salvage logging, and implementation of this part of the project may begin immediately following this decision.

If no appeals are filed within the 45-day time period, implementation of the remaining parts of the decision that were not authorized by the ESD may occur on, but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation of the remaining parts of the decision that were not authorized by the ESD may occur on, but not before, the 15th business day following the date of the last appeal disposition.
Contact

For additional information concerning the Stafford Fire Salvage and Restoration Project and this decision, contact Ken Boucher, Shasta-Trinity National Forest, South Fork Management Unit, P.O. Box 159, Hayfork, CA, 96041, telephone (530) 628-1206. Electronic copies of the Decision Notice, EA, and resource reports are available at:
http://www.fs.fed.us/nepa/nepa_project_exp.php?project=41941

David Myers
Forest Supervisor
Shasta-Trinity National Forest

Date