RECORD OF DECISION

USDA Forest Service
Final Environmental Impact Statement
Herger-Feinstein Quincy Library Group Forest Recovery Act
Lassen, Plumas, and Tahoe National Forests

Introduction

The *Herger-Feinstein Quincy Library Group Forest Recovery Act Final Environmental Impact Statement* (FEIS) documents the results of an environmental analysis of alternative management strategies to demonstrate and test the effectiveness of resource management activities described in the *Herger-Feinstein Quincy Library Group Forest Recovery Act of October 21, 1998* (Act). We studied the FEIS and reviewed related materials, including comments and concerns regarding the *Herger-Feinstein Quincy Library Group Forest Recovery Act Draft Environmental Impact Statement* (DEIS) published June 11, 1999. Our decision is based on all of this information.

Background

The *Quincy Library Group Community Stability Proposal of 1993;* is an agreement developed by a coalition of representatives of fisheries groups, environmental organizations, the forest products industry, citizens, elected officials, and local communities in northern California. The intent of the *Proposal* was to develop a resource management program promoting ecological health on certain Federal lands and economic health for communities in the northern Sierra Nevada. Discussions about a pilot project began in 1992 when the Quincy Library Group formed. The *Proposal* was subsequently introduced to Congress in 1997, and was enacted as the *Herger-Feinstein Quincy Library Group Forest Recovery Act of October 21, 1998* (Act).

Proposed Action

The Forest Service proposes to establish and implement a pilot project not to exceed 5 years[1] to demonstrate and test the effectiveness of management activities described in the *Herger-Feinstein Quincy Library Group Forest Recovery Act of October 21, 1998*, by amending, as needed, management direction in the Land and Resource Management Plans for the Lassen, Plumas, and Tahoe National Forests. The total acreage on which management activities are implemented is not to exceed 70,000 acres each year.

Purpose and Need

The purpose of and need for a pilot project is to test and demonstrate the effectiveness of certain resource management activities designed to meet ecologic, economic, and fuel reduction objectives on the Lassen, Plumas, and Sierraville Ranger District of the Tahoe National Forests. The Act requires the Secretary to conduct a pilot project for a period of up to 5 years from the initiation of the pilot project (Title IV, Section 401(g)(2)). To accomplish the purpose of the Act, resource management activities that include fuelbreak construction consisting of a strategic system of

[1] Reference the Herger-Feinstein Quincy Library Group Forest Recovery Act, subsection (d).

defensible fuel profile zones, group selection and individual tree selection harvest, and a program of riparian management and riparian restoration projects are required.

In proposing the alternatives, the agency is responding in part to an underlying purpose outlined in the *Quincy Library Group Community Stability Proposal, November 1993,* as referenced in the Act (Title IV, Section 401(b)(1)) and to concerns identified by the Public as required by Law. The underlying need for the pilot project is to fulfill the Secretary of Agriculture's statutory duty under the Act, to the extent consistent with applicable Federal law.

Public Involvement

On December 21, 1998, the Forest Service published in the *Federal Register* a Notice of Intent (NOI) to prepare an environmental impact statement to disclose the impacts of a pilot project as described in the Act. In December 1998 and January 1999, potentially interested parties including individual members of the public; interest groups; and Federal, State and local government agencies were contacted and offered opportunities to provide input and comment on the proposal.

By the close of the NOI comment period on January 19, 1999, 185 letters had been received. These letters expressed a range of public concerns and suggestions that were reviewed and analyzed by the Interdisciplinary Team and the Content Analysis Enterprise Team.

News releases announcing the NOI and upcoming public meetings were sent to news agencies throughout northern California, individuals on the Lassen, Plumas, and Tahoe National Forests' mailing lists, and individuals on mailing lists comprising names and addresses submitted by the public in December 1998. Meetings were held with the Quincy Library Group, local governments, Federal and State agencies, environmental groups, and tribal representatives between January and April 1999. Public information meetings were hosted by the Lassen, Plumas, and Tahoe National Forests at Loyalton, Blairsden, Quincy, Greenville, Oroville, Chico, Burney, and Chester, California between January 4 and 16, 1999. Two scoping workshops were also held in Susanville and Quincy, California on January 16, 1999. Open houses were held in Chico, Susanville, and Quincy, California on February 24 and 25, and May 12, 1999, to review preliminary alternative design for the DEIS. Additionally, several project updates were mailed to participants in March and April.

Workshops and public meetings with interested groups continued throughout the FEIS development process. Following the release of the DEIS, copies of the document were mailed to 650 people. Public information meetings on the DEIS were hosted by the Lassen, Plumas, and Tahoe National Forests at Loyalton, Blairsden, Quincy, Susanville, Greenville, Chico, Burney, Chester, Nevada City, and Sacramento, California between June 23 and July 12, 1999. Two public roundtables were also held in Vallejo and Quincy, California on July 7 and 8, 1999.

Consultations between the Interdisciplinary Team and groups such as the Quincy Library Group, the Sierra Nevada Forest Protection Campaign, and the Plumas Forest Project were held throughout the period leading up to the issuance of an FEIS. Information and guidance meetings were also held during this period with a Steering Committee consisting of representatives from the Pacific Southwest Research Station, the Pacific Southwest Regional Office, and the Forest Supervisors of the Lassen, Plumas, and Tahoe National Forests. Information sharing meetings were also held with

the Sierra Nevada Forest Plan Amendment (Sierra Nevada Framework Project) interdisciplinary team.

Alternatives Considered

The alternatives were developed in response to the significant issues, direction in the Act, and from comments received during the scoping process. All alternatives to the proposed action received detailed analysis in the FEIS.[2] There were no alternatives dismissed from detailed analysis.

Alternatives Considered in Detail

Alternative 1

Alternative 1 is the no action alternative required by the National Environmental Policy Act. Management in the planning area would continue under existing decisions and management direction in the Records of Decision for the Land and Resource Management Plans for the Lassen, Plumas, and Tahoe National Forests, as previously amended (Forest Plans). Resource management activities, such as fuels and timber management, would continue as identified in current Forest Plans and annual budgets. Watershed and riparian resources would be protected using streamside management zones. Roadless area management would be constrained by the interim rule temporarily suspending road construction published in the *Federal Register*[3] on February 12, 1999. Alternative 1 would not further amend the Lassen, Plumas, and Tahoe Forest Plans.

Alternative 2

Alternative 2, one of the two Forest Service preferred alternatives identified in the DEIS, establishes and conducts a pilot project not to exceed 5 years based on the resource management activities described in the Act and the *Quincy Library Group Community Stability Proposal of 1993*. Alternative 2 provides fuel reduction through the construction of a strategic system of defensible fuel profile zones, group selection harvest, individual tree selection harvest, and increases protection of riparian/aquatic ecosystems through a riparian management program, including adopting Scientific Analysis Team guidelines for riparian and watershed protection and restoration. As required in the Act, Alternative 2 provides resource management exclusions in areas labeled offbase and deferred, protected activity centers, California spotted owl habitat areas, and highly ranked late successional old growth forests (ranks 4 and 5). Roadless area management would be constrained by the interim rule temporarily suspending road construction published in the *Federal Register* on February 12, 1999. Selection of this alternative amends the Land and Resource Management Plans for the Lassen, Plumas, and Tahoe National Forests (Forest Plans).

Alternative 3

Alternative 3 establishes and conducts a pilot project not to exceed 5 years based on the resource management activities described in the Act and the *Quincy Library Group Community Stability*

[2] Reference FEIS, page 1-3.

[3] *Part III, USDA Forest Service, 36 CFR Part 212, Administration of the Forest Development Transportation System: Temporary Suspension of Road Construction and Reconstruction in Unroaded Areas; Interim Rule, Federal Register,* Volume 64, Number 29, pages 7304 through 7305, February 12, 1999.

Proposal of 1993. Alternative 3 provides fuel reduction through construction of a strategic system of defensible fuel profile zones in combination with area fuel treatements, group selection and individual tree selection harvest. Alternative 3 increases protection of riparian/aquatic ecosystems through a riparian management program, including adopting Scientific Analysis Team guidelines for riparian and watershed protection and restoration. As required in the Act, Alternative 3 provides resource management exclusions in areas labeled offbase and deferred, protected activity centers, California spotted owl habitat areas, and highly ranked late successional old growth forests (ranks 4 and 5). Alternative 3 also includes a management strategy designed to protect the abundance and distribution of suitable spotted owl habitat. Any management activities planned for spotted owl nesting habitat would not degrade that habitat out of nesting status. Any management activities planned for foraging habitat would not degrade it out of foraging habitat status. Roadless area management would be constrained by the interim rule temporarily suspending road construction published in the *Federal Register* on February 12, 1999. Selection of Alternative 3 amends the Land and Resource Management Plans for the Lassen, Plumas, and Tahoe National Forests (Forest Plans).

Alternative 4

Alternative 4, one of the two Forest Service preferred alternatives identified in the DEIS, describes a program of resource management activities comparable to current levels of management. Alternative 4 establishes a pilot project not to exceed 5 years to implement and demonstrate the effectiveness of the resource management activities described in the Act, with emphasis on the protection of old forest areas identified as areas of late successional emphasis. Alternative 4 provides fuel reduction through construction of a strategic system of defensible fuel profile zones in combination with area fuel treatements, group selection and individual tree selection harvest. Alternative 4 increases protection of riparian/aquatic ecosystems through a riparian management program, including adopting Scientific Analysis Team guidelines for riparian and watershed protection and restoration. As required in the Act, Alternative 4 provides resource management exclusions in areas labeled offbase and deferred, protected activity centers, California spotted owl habitat areas, highly ranked late successional old growth forests (ranks 4 and 5), and areas of late successional emphasis. Alternative 4 includes a management strategy designed to protect the abundance and distribution of suitable spotted owl habitat. Any management activities planned for spotted owl nesting habitat would not degrade that habitat out of nesting status. Any management activities planned for foraging habitat would not degrade it out of foraging habitat status. Roadless area management would be constrained by the interim rule temporarily suspending road construction published in the *Federal Register* on February 12, 1999. Selection of Alternative 4 amends the Land and Resource Management Plans for the Lassen, Plumas, and Tahoe National Forests).

Alternative 5

Alternative 5 establishes a pilot project not to exceed 5 years designed to retain high-quality late successional old growth reserves, mimic natural disturbance events, and restore the natural functions and processes that could protect and enhance ecological values described in the *Sierra Nevada Ecosystem Project* Report.[4] This alternative emphasizes the conservation of late

[4] Centers for Water and Wildland Resources, University of California at Davis. 1996. Wildland Resources Center Report Number 37, *Sierra Nevada Ecosystem Project, Final Report to Congress: Status of the Sierra Nevada*, Volumes I, II, III, and Addendum. July 1996.

successional emphasis areas and old forests and relies on Sierra Nevada Ecosystem Project guidelines for watershed and riparian resources protection. Alternative 5 maintains at least 50 percent of each home range in habitat suitable for California spotted owl foraging and nesting. Fire would be restored as a natural disturbance process. A fuel management strategy would be implemented using strategically located fuel treatments that emphasize prescribed fire, biomass removal, and understory thinning. Roadless area management would be constrained by the interim rule temporarily suspending road construction published in the *Federal Register* on February 12, 1999, but additional protection would be extended to unroaded areas greater than or equal to 5,000 acres, areas greater than or equal to 1,000 acres adjacent to Wilderness and Wild and Scenic Rivers, and other roadless areas between 1,000 and 5,000 acres in size until completion of an evaluation. Selection of Alternative 5 amends the Land and Resource Management Plans for the Lassen, Plumas, and Tahoe National Forests.

Environmentally Preferred Alternative

Of the five alternatives evaluated in the FEIS, Alternative 3 is the environmentally preferable alternative. Alternative 3 would significantly reduce the threat of catastrophic fire by implementing a strategic system of fuelbreaks in the form of defensible fuel profile zones and area fuel treatments. Only Alternative 2 approaches the fuel reduction efficacy of Alternative 3. Alternative 3 also provides significant protection for sensitive species and their habitat, riparian areas, and old forest communities. Alternatives 4 and 5 provide equal or greater protection for such resources, but fail to significantly reduce the threat of catastrophic fire. Because Alternative 3 reduces the danger of catastrophic fire, while protecting environmentally sensitive resources, it is the environmentally preferable alternative.

Decision

We have selected Alternative 2, as presented in the FEIS,[5] as the means of implementing the pilot project. In order to reduce the risk to the California spotted owl, the following mitigation measure will be applied to all resource management activities conducted under Alternative 2, until a new spotted owl habitat management strategy for the Sierra Nevada is released:

<u>Mitigation</u>: At the site-specific project level, defensible fuel profile zones, group selection harvest areas, and individual tree selection harvest areas will be designed and implemented to completely avoid suitable California spotted owl habitat, including nesting habitat and foraging habitat.

By selecting Alternative 2, the Land and Resource Management Plans for the Lassen, Plumas and Tahoe National Forests are amended as described in the section titled “Changes in Management Direction.” The environmental analysis and disclosure of environmental impacts of the amendments are included in the environmental analysis and disclosure of environmental impacts for Alternative 2 in the FEIS. The amendments apply only to site-specific projects derived from this FEIS analysis that are implemented in the pilot project area. The amendments do not apply to the planning area as a whole, nor to National Forest System lands outside the planning area. These amendments will terminate upon conclusion of the pilot project.

[5] Reference FEIS, pages 2-6 through 2-14, and 2-19 through 2-23.

The Forest Service uses two levels of decision making when implmenting resource management activities: programmatic (strategic) and project-level (site-specific). This decision provides programmatic direction for the duration of the pilot project. All project-level decisions will be implemented after site-specific environmental analysis and review.

All practicable means of avoiding and minimizing environmental harm were adopted in selecting Alterntative 2. Alternative 2 was crafted based on the clear direction in the Act, and the mitigation measure we havc added to avoid impacting Calfornia spotted owl habitat provides a means of reducing the environmental harm that Alternative 2 could cause. It would be impracticable to implement Alternative 3, the environmentally preferrable alternative, because Alternative 3 fails to implement the resource management direction provided by Congress.

In making this decision, and with the funds made available, we shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in Alternative 2. During implementation of the resource management activities in the pilot project area, we intend to implement all requirements, amendments, mitigation, and monitoring identified for Alternative 2 in the FEIS, the Act, and the supplemental mitigation.

California Spotted Owl Habitat Management

As required by the Act, all resource management activities proposed under Alternative 2 will comply with the minimum standards set by the California spotted owl interim direction.[6] The interim direction guidelines provide protection measures for the maintenance of the old forest characteristics upon which spotted owls depend. However, the guidelines permit the manipulation, and partial degradation, of suitable owl habitat. Specifically, the interim direction guidelines permit timber harvesting that reduces the quality of suitable nesting and foraging habitat. To minimize the threat to the viability of the California spotted owl in the planning area, it is necessary to add the mitigation described above to maintain suitable owl habitat in the pilot project area.

Since the implementation of the interim direction guidelines, several demographic studies have been conducted that show declining California spotted owl populations in the Sierra Nevada, and biologists have concluded that maintaining suitable habitat may be necessary to prevent further population declines.[7] While the recent population declines in the Sierra Nevada may not be the result of habitat modification, land management actions that degrade suitable habitat can accelerate population declines. A reduction in the quality or quantity of suitable California spotted owl habitat, in combination with declining populations and unforeseeable environmental conditions (severe weather, fire, insect and disease outbreaks), may have significant adverse effects on California spotted owl viability in the planning area.

[6] Interim direction is set forth in the California Spotted Owl Sierran Province Interim Guidelines Environmental Assessment (Appendix Q).

[7] For further detail reference the *Biological Evaluation* (August 4, 1999) for the FEIS located in the planning file.

Alternative 2, as described in the DEIS and FEIS, would reduce the amount of owl nesting habitat by 7 percent over the term of the pilot project, and reduce the amount of foraging habitat by 8.5 percent, despite the protection provided by the interim direction guidelines. Such reductions in suitable habitat would decrease the number of California spotted owl home ranges with more than 50 percent suitable habitat by 11 percent over the term of the pilot project.[8] In light of the recent demographic studies[9] showing declining California spotted owl populations, such impacts to California spotted owl habitat could pose a serious risk to the viability of the California spotted owl in the planning area, thereby making the implementation of Alternative 2 inconsistent with the National Forest Management Act and its implementing regulations.[10] Providing additional protection for suitable California spotted owl habitat will greatly reduce the threat to California spotted owl viability in the planning area from Alternative 2, while still permitting the implementation of the resource management direction provided in the Act.

If a new California spotted owl habitat management strategy for the Sierra Nevada is not released in the near future, or if one is released that implements an approach similar to the mitigation described above, implementation of the selected alternative may result in fewer acres being treated than specified in the Act. Such a potential shortfall was acknowledged by Congress (Senate Report 105-138, 105th Congress, page 9).

Impact of Mitigation

By applying the supplemental mitigation, no resource management activities, except riparian restoration, will be permitted in suitable California spotted owl habitat unless and until a new California spotted owl strategy for the Sierra Nevada is released that allows such activity. Consequently, the threat to California spotted owl long-term viability in the planning area caused by the pilot project's resource management activities will be significantly reduced, if not eliminated. Without the additional mitigation, Alternative 2 would reduce suitable nesting habitat by 7 percent, and suitable foraging habitat by 8.5 percent. With the additional mitigation, there would be neither loss nor degradation of any nesting or foraging habitat.[11]

The supplemental mitigation should not interfere with implementing the resource management direction provided by Congress, especially given that a new California spotted owl habitat management strategy for the Sierra Nevada will likely be issued in the near future. Of the approximately 213,000 acres of defensible fuel profile zones to be constructed over the term of the pilot project, only 61,939 acres of suitable California spotted owl habitat are expected to be entered. Consequently, 71 percent of the projected defensible fuel profile zone acreage can be constructed

[8] Alternative 2 also rated the lowest among the alternatives in minimizing habitat fragmentation and impacting spotted owl Areas of Concern.

[9] Steger, G.N., T.E. Munton, G.P. Elberlein, and K.D. Johnson. 1998. Annual Progress Report 1998. *A Study of Spotted Owl Demographics in the Sierra National Forest and Kings Canyon National Parks*. Pacific Southwest Research Station, Fresno, California. November 1998.
Blakesley, J. and Dr. B. R. Noon. 1999. *Demographic Parameters of the California Spotted Owl on the Lassen National Forest; Preliminary Results (1990-1998)*. February 1999.
Gutierrez, R.J., M.E. Seaman, M.Z. Peery, 1999. *Population Ecology of the California Spotted Owl in the Central Sierra Nevada; Annual Results 1998*. March 1998.

[10] The National Forest Management Act and its implementing regulations require that the national forests be managed so as to "provide for diversity of plant and animal communities . . . ," 16 U.S.C §1604(g)(3)(B), and "to maintain viable populations of existing native and desired non-native vertebrate species in the planning area." 36 C.F.R. §219.19.

[11] Providing additional protection to suitable owl habitat within the westside and transition zones will also provide habitat benefits for three other sensitive species that depend on late seral, closed-canopied forests: goshawks, American marten, and Pacific fisher.

without entering suitable California spotted owl habitat, before the new California spotted owl strategy is likely implemented. Of the 43,500 acres of group selection harvest, approximately half of the acreage will be located in eastside pine. Eastside pine is not suitable habitat for the owl. Consequently, during the beginning year(s) of the pilot project, the Forest Service should be able to fully implement the resource management direction provided in Alternative 2 and the Act, without impacting any suitable California spotted owl habitat.

This California spotted owl habitat protection strategy is not projected to last for the duration of the pilot project. When a new California spotted owl habitat management strategy is implemented, it will take the place of the approach described above, and apply to the Plumas, Lassen, and Tahoe National Forests for the remainder of the pilot project period.

Changes in Management Direction

Wildlife

Alternative 2 changes wildlife management direction in the Land and Resource Management Plans for the Lassen, Plumas, and Tahoe National Forests in the following ways:

- The Lassen, Plumas, and Tahoe Forest Plans are amended to require early consultation with the USDI Fish and Wildlife Service regarding Federally listed animal species.[12]
- The Lassen, Plumas, and Tahoe Forest Plans are amended to require completion of bald eagle management plans in consultation with the USDI Fish and Wildlife Service.[13]
- The Lassen, Plumas, and Tahoe Land and Resource Management Plans are amended to establish or revise limited operating periods for certain wildlife species.[14]

Forest Service policy regarding the management of threatened, endangered, and sensitive species, and other species for which viability is a concern would continue to be implemented, including:

1. Surveying areas of suitable habitat, using protocols based on the best available science, to determine information relevant to implementation of site-specific resource management activities.
2. Limited operating periods would be applied to unsurveyed habitat considered to be suitable for threatened, endangered, or sensitive species; and to habitat considered suitable for any species for which viability may be a concern.
3. Habitat connectivity, including hydrologic connectivity, would be maintained to allow movement of old forest or aquatic/riparian-dependent species between areas of suitable habitat.
4. Over the course of the pilot project, suitable habitat for old forest-dependent species and aquatic/riparian-dependent species (including amphibians) shall not be reduced by more than 10 percent below 1999 levels.

Should landscape management strategies for any plant or wildlife species for which viability may be a concern be developed based on viability determinations through the efforts of the Sierra Nevada Framework for Conservation and Collaboration, the Land and Resource Management Plans for the Lassen, Plumas, and Tahoe National Forests (Forest Plans) will be amended, as appropriate to include them as direction. In the event that the above-mentioned viability determinations are not

[12] Reference FEIS, page 2-6 and Table 2.1.

[13] Reference FEIS, page 2-6 and Table 2.2 and 2.3.

[14] Reference FEIS, page 2.8

issued within 18 months, the viability determinations presented in the document, *Biological Assessment and Evaluation of the Herger-Feinstein Quincy Library Group Forest Recovery Act (August 14, 1999),* will be revisited.

The FEIS is a programmatic analysis. No site-specific decisions are made in this decision. When site-specific project-level analysis occurs the Forest Service will coordinate with biologists from other agencies (such as the USDI Fish and Wildlife Service and California Department of Fish and Game) during project specific environmental planning to facilitate addressing conservation of sensitive species and species of concern.

Vegetation

Alternative 2 changes the vegetation management direction in the Land and Resource Management Plans for the Lassen, Plumas, and Tahoe National Forests in the following ways:

- The Lassen, Plumas, and Tahoe Forest Plans are amended to add standards and guidelines to address management of noxious and invasive exotic weeds. [15]
- The Lassen, Plumas, and Tahoe Forest Plans are amended to specify direction for oak management.[16]

Riparian

Alternative 2 changes the riparian management direction in the Land and Resource Management Plans for the Lassen, Plumas, and Tahoe National Forests according to the Scientific Analysis Team guidelines[17] in the following ways:

- The Lassen, Plumas, and Tahoe Forest Plans are amended to apply the minimum protection riparian buffer widths prescribed by the Scientific Analysis Team guidelines.[18]
- The Lassen, Plumas, and Tahoe Forest Plans are amended to prohibit scheduled timber harvest in riparian habitat conservation areas, except for salvage harvest, as described below, or to meet Scientific Analysis Team guidelines for resource management objectives.[19]
- The Lassen, Plumas, and Tahoe Forest Plans are amended to allow unscheduled timber harvest salvage in Riparian Habitat Conservation Areas only when riparian management objectives are met or a prescription is needed to obtain riparian management objectives.[20]
- The Lassen, Plumas, and Tahoe Forest Plans are amended to include provisions for accommodating at least a 100-year flow, including associated bedload and debris, at new stream crossings and existing crossings where resources are degraded.[21]

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[15] Reference FEIS, page 2-9 and Table 2.4

[16] Reference FEIS, page 2.9 and Table 2.5

[17] USDA Forest Service, 1993, *Viability Assessments and Management Considerations for Species Associated with Late Successional and Old Growth Forests of the Pacific Northwest: The Report of the Scientific Analysis Team*. March 1993. Appendix 5-K, Component 2, pages 443 through 454.

[18] Reference FEIS, page 2.10 and Table 2.6.

[19] Reference FEIS, page 2.10 and Table 2.7.

[20] Reference FEIS, page 2.10 and Table 2.7.

[21] Reference FEIS, page 2.10 and Table 2.8.

- The Lassen, Plumas, and Tahoe Forest Plans are amended by adding a standard and guideline to provide for development and implementation of a road management plan for meeting resource management objectives.[22]
- The Lassen, Plumas, and Tahoe Forest Plan are amended to provide specific direction for management of fire and fuel treatment to meet resource management objectives and minimize disturbance of riparian ground cover and vegetation.[23]
- The Lassen, Plumas, and Tahoe Forest Plan are amended to provide direction for design of prescribed burn project identifying objectives and risks.[24]
- The Tahoe and Lassen Forest Plans re amended to require a watershed analysis before implementing riparian restoration projects.[25] The Lassen, Plumas, and Tahoe Forest Plan are amended to require habitat assessments and surveys for California red-legged frogs in elevations below 5,500 feet.[26]

National Forest Management Act Significance Determination

Selection of Alternative 2 amends the Land and Resource Management Plans for the Lassen, Plumas, and Tahoe National Forests (Forest Plans). The amendments as described above and in the FEIS were analyzed for National Forest Management Act significance according to the significance criteria in Forest Service Handbook 1909.12, Section 5.32(3)(a-d). Four criteria must be addressed to determine the significance of amendments to Land and Resource Management Plans. The criteria are: (1) timing, (2) location and size, (3) goals, outputs, and objectives, and (4) management prescriptions.

Timing – The first decade of the planning period for the Lassen Forest Plan ends on January 11, 2003; the first decade of the planning period for the Plumas Forest Plan ended on August 26, 1998; and the first decade of the planning period for the Tahoe Forest Plan ends on June 14, 2000. The amendments described above are expected to become effective by September 1999 (based on projected implementation dates for this Record of Decision). Because these amendments will be implemented late in the planning period or outside the planning period for the Lassen, Plumas, and Tahoe Forest Plans, the amendments are determined to be non-significant. Additionally, the pilot project will last for a maximum of 5 years, so the amendments are only temporary.

Location and Size –The Act limits the total acreage affected by resource management activities to not more than 70,000 acres annually, or 350,000 for the maximum (5-year) term of the pilot project. Therefore, at most 11 percent of the total landbase administered by the Lassen, Plumas, and Tahoe National Forests will be affected. Because a small percentage of the total landbase is affected by the amendments, the amendments are determined to be non-significant.

Goals, Outputs, and Objectives – Implementation of the pilot project will not change long-term relationships between goals, objectives, and outputs disclosed in the Records of Decision, Forest

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[22] Reference FEIS, page 2.10 and Table 2.8.

[23] Reference FEIS, page 2-10 and Table 2.9.

[24] Reference FEIS, page 2-10 and Table 2.9.

[25] Reference FEIS, page 2-11 and Table 2.10.

[26] Reference FEIS, page 2-11 and Table 2.9.

Plans, and associated environmental documentation for the Lassen, Plumas, and Tahoe National Forests. Because the amendments only change short-term outputs, not long-term relationships, the opportunity to achieve outputs disclosed in the Forest Plans is not forgone. Therefore, the amendments are determined to be non-significant.

Management Prescription – The amendments do not change management prescriptions discussed in the Lassen, Plumas, and Tahoe Forest Plans. All of the resource management activities mandated by the Act are permitted under the current Lassen, Plumas, and Tahoe Forest Plans. Further, the amendments are temporary in nature, and limited in the applications to the pilot project activities – they do not affect actions in the Lassen, Plumas, and Tahoe National Forests unrelated to the pilot project. Therefore, the amendments are determined to be non-significant.

Reasons for Our Decision

Alternative 2 was selected because it will implement the direction provided by Congress in the Act. Alternative 2, therefore, best meets the purpose and need for action.[27] As described above, we believe that additional mitigation must be applied to Alternative 2 in order to provide sufficient protection to the California spotted owl.[28] We believe that without such mitigation, the resource management activities proposed in Alternative 2 would pose a significant risk to the long-term viability of the California spotted owl, and therefore be inconsistent with the National Forest Management Act implementing regulations at 36 CFR 219.19. Alternatives 1, 3, 4, and 5 were not selected because they fail to implement the resource management direction provided by Congress, and therefore fail to fully achieve the purpose and need of the pilot project.

Alternative 1, the no action alternative, was not selected because it fails to implement the resource management direction provided by Congress, and would not promote the goals of the pilot project. The Act directs the Forest Service to implement a strategic system of defensible fuel profile zones, use the uneven-age silvicultural systems known as group selection harvest and individual tree harvest, and institute a program of riparian management. Alternative 1 proposes neither a strategic system of defensible fuel profile zones, nor significant group selection treatments, nor the riparian management program described in the Act. The Act states that resource management activities shall not be conducted on lands classified as offbase or deferred; Alternative 1 permits resource activities on such lands. The Act states that the Scientific Analysis Team guidelines shall apply to all resource management activities; Alternative 1 does not adopt the Scientific Analysis Team guidelines. Because it would not implement the resource management direction provided in the Act, Alternative 1 would not advance the ecological and economic goals promoted in the Act and the *Quincy Library Group Community Stability Proposal*. Consequently, Alternative 1 was not selected.

Alternative 3 was not selected because it fails to implement the resource management direction provided by Congress. Alternative 3 closely matches Alternative 2 and the resource direction provided in the Act, but adopts a slightly different fuel management strategy. The Act directs the Forest Service to construct 40,000 to 60,000 acres of defensible fuel profile zones each year.[29]

[27] Reference FEIS, page 1-3.

[28] Beyond the input from Forest Service biologists, the Forest Service received extensive comments from the public and Federal agencies, such as the USDI Fish and Wildlife Service, recommending that additional protection be given to California spotted owl habitat.

[29] Reference the Act, subsection (d)(1).

Alternative 3 proposes constructing only 14,000 to 20,000 acres of defensible fuel profile zones each year. The remaining annual fuel treatments (26,000 to 40,000 acres) would be area fuel treatments, which are not proposed in the Act.[30] Due to this difference, Alternative 3 was not selected.

Alternative 4 was not selected because it fails to implement the resource management direction provided by Congress and would not promote the goals of the pilot project. The Act directs the Forest Service to construct 40,000 to 60,000 acres of defensible fuel profile zones.[31] Alternative 4 only proposes 12,000 acres of defensible fuel profile zones, and 13,000 acres of area fuel treatments, for a total of 25,000 acres per year of area fuel treatments.[32] The proposed level of fuel treatments does not reduce the threat of catastrophic fire to the levels desired in Congressional direction and the *Quincy Library Group Community Stability Proposal*. Furthermore, such reduced treatment levels would likely detract from the economic health of the communities in and near the planning area, which would interfere with one of the goals of the Act. Because Alternative 4 fails to implement Congressional direction, it was not chosen.

Alternative 5 was not selected because it fails to implement the resource management direction provided by Congress and would not promote the goals of the pilot project. The Act directs the Forest Service to implement a strategic system of defensible fuel profile zones, and use the uneven-age silvicultural systems known as group selection and individual tree selection harvest. Specifically, the Act directs the Forest Service to construct 40,000 to 60,000 acres of defensible fuel profile zones each year, and approximately 8,700 acres of group selection treatments each year.[33] Alternative 5 proposes neither a strategic system of defensible fuel profile zones, nor significant amounts of group selection treatments. Alternative 5 proposes a fuel management program that emphasizes the use of prescribed fire and is developed based on landscape-level watershed analysis. The number of acres to be treated in a given year, would depend on results of the watershed analysis. Group selection harvest, although not emphasized, could be implemented to enhance desired vegetative characteristics. Such levels of vegetation treatments do not conform to the levels set in the Act and will not reduce the threat of catastrophic to the levels desired in Congressional direction and the *Quincy Library Group Community Stability Proposal*. Furthermore, such reduced treatment levels would likely detract from the economic health of the communities in and near the planning area, which would interfere with one of the goals of the Act. Because Alternative 5 fails to implement Congressional direction, it was not chosen.

Monitoring Requirements

The monitoring strategy[34] was developed to meet several objectives. First, to accomplish the reporting and monitoring requirements as set forth in the Act. Second, to gather information to aid the work of the Scientific Review Team (required by the Act) that will be appointed by the Secretary of Agriculture. The Scientific Review Team will assess the success of implemented

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[30] Reference FEIS, page 2-3 and Table 2.25.

[31] Reference FEIS, page 2-3 and Table 2.25.

[32] Reference FEIS, page 2-7 and Table 2.25.

[33] Reference the Act, subsection (d)(1).

[34] Reference FEIS, Chapter 6.

actions in meeting the objectives outlined in the Act. Third, to assess the degree of implementation and effectiveness of the selected alternative in meeting objectives outlined in FEIS. Monitoring and evaluation are essential components of managing natural resources on public lands. The monitoring strategy will:

- Provide information useful to managers applying the principles of adaptive management.
- Assist the public in gauging the success of implementing the resource management activities as designed.
- Assess the effectiveness of the resource management activities in achieving resource objectives.

The pilot project described in Alternative 2 will be monitored according to the monitoring strategy described in Chapter 6 of the FEIS. The monitoring strategy is comprised of three parts.

Part I (Annual Status Reports) lists project activity reporting requirements set forth in the Act. The purpose of the annual status reports is to track expenditures, outputs, and projections related to activities authorized by the Record of Decision and specifically required by the Act. Part II (Implementation Monitoring) assesses the degree to which actions were implemented according to management direction contained in the FEIS; the Lassen, Plumas, and Tahoe Forest Plans; or in site-specific direction. Implementation monitoring determines the degree and extent to which application of management direction (standards and guidelines) and mitigation measures meet specified direction and intent. Implementation monitoring should evaluate performance in carrying out actions described in the Record of Decision. Tracking and reporting implementation of the resource management activities provides a record of accomplishment. Part III (Effectiveness Monitoring) assesses the degree to which implemented resource management activities meet resource objectives and changes in social or economic indicators from communities within the planning area. The purpose of effectiveness monitoring is to determine the degree to which implemented resource management activities met objectives.

The monitoring strategy also addresses other monitoring and evaluation needs identified during the analysis for the FEIS. Eight additional items will be monitored, evaluated, and reported:

- A description of economic benefits to local communities that could be achieved by implementation of the pilot project.
- A description of adverse environmental impacts of the pilot project. Questions stemming from the FEIS issues are intended to address this monitoring requirement.
- An assessment of ecological health and adverse environmental impacts.
- An assessment of community stability.
- The collection of watershed monitoring data with priority on timing of water releases, water quality changes, and water yield changes over the short-term and long-term in the pilot project area.
- Noxious weeds
- Sensitive Plants
- Threatened, endangered and sensitive wildlife species

Permits, Licenses, and Grants Required for Implementation

The following permits will be needed or used for projects implementing this decision:

- County road use permits, as appropriate
- Air Quality Management District Burn permits
- US Army Corps of Engineers - Wetland and Riparian Restoration permits (Section 404 of the Clean Water Act)
- State Water Quality Control Board permits
- County Agricultural permits

Findings Required by Other Laws

The Forest Service is complying with Section 106 of the National Historic Preservation Act, as stipulated in the agreement entitled *Programmatic Agreement between the USDA Forest Service - Pacific Southwest Region, California State Historic Preservation Officer, and the Advisory Council on Historic Preservation*.[35] Consultation with the State Historic Preservation Office is not required at this time. If and when effects on cultural heritage resources are identified, consultation will be required outside the programmatic agreement.

Section 7 of the Endangered Species Act requires Federal agencies to pursue consultation with the USDI Fish and Wildlife Service and the U.S. Department of Commerce, National Marine Fisheries Service, whichever is appropriate, during the planning phase for site-specific projects. To date, informal consultation has occurred with both agencies regarding Federally proposed, threatened, or endangered species that are expected to occur within the planning area for this proposal. In a letter dated August 17, 1999, the USDI Fish and Wildlife Service concurred with the Forest Service's conclusion that implementation of Alternative 2, as modified by supplemental mitigation, would not adversely affect any species listed under the Endangered Species Act.[36] Consequently, no further consultation is necessary.

All Federal agencies must comply with the provisions of the Clean Water Act. This proposal meets the terms of the Clean Water Act for non-point sources of pollution, primarily erosion and sedimentation. For purposes of the selected alternative (Alternative 2) and the analysis in the FEIS, compliance is accomplished through implementation of *Best Management Practices for National Forests in California* (USDA Forest Service, 1979).

This pilot project conforms with the Clean Air Act and complies with the General Conformity Rule recently promulgated by the Environmental Protection Agency[37]. Activities will be coordinated with permitting requirements of the California Air Resources Board and the Air Quality Management Districts will be met.

[35] Reference FEIS, page 1-8.

[36] In the same letter, the USDI Fish and Wildlife Service stated that it was in agreement with the Forest Service's approach to maintaining the viability of old forest-associated species of concern (California spotted owl, northern goshawk, great gray owl, Pacific fisher, and American marten), as well as aquatic and riparian-dependent species (mountain yellow-legged frog, foothill yellow-legged frog, Cascade frog, and northern leopard frog).

[37] Reference FEIS, Appendix X.

Administrative Review

Because this is a programmatic decision and will not implement any site-specific projects, this decision is subject to administrative review pursuant to 36 CFR 217. Any appeal of this decision must be fully consistent with 36 CFR 217.9, and be filed in duplicate with:

Regional Forester
USDA Forest Service – RS
1323 Club Drive
Vallejo, CA 94592

within 45 days of the date of the published legal notice. Any notice of appeal must include at a minimum:

1. A statement that the document is a Notice of Appeal filed pursuant to 36 CFR 217;
2. The name, address, and telephone number of the appellant;
3. Identification of the decision about which the objection is being made;
4. Identification of the document in which the decision is contained, by title and subject, date of the decision, and name and title of the Deciding Officer;
5. Identification of the specific portion of the decisions to which the objection is made;
6. Reasons for objection, including issues of fact, law, regulation, or policy, and if applicable, specifically how the decision violates law, regulation, or policy; and
7. Identification of the specific change(s) in the decision that the appellant seeks.

To request a stay of implementation, an appellant must:

1. File a written request with the Reviewing Officer;
2. Simultaneously send a copy of the stay request to any other appellant(s), intervenor(s), and to the Deciding Officer; and
3. Provide a written justification of the need for a stay, which at a minimum includes the following:
   (a) A description of the specific project(s), activity(ies), or action(s) to be stopped.
   (b) Specific reasons why the stay should be granted in sufficient detail to permit the Reviewing Officer to evaluate and rule upon the stay request, including at a minimum:
   - The specific adverse effect(s) upon the requester;
   - Harmful site-specific impacts or effects on resources in the area affected by the activity(ies) to be stopped; and
   - How the cited effects and impacts would prevent a meaningful decision on the merits.

Implementation

Pursuant 36 CFR 217.10(a), this decision will be implemented 7 calendar days following publication of the legal notice of the decision unless a stay request is granted.

Contact Person

David Peters
Project Manager
Herger-Feinstein Quincy Library Group Forest Recovery Act
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Quincy, California 95971

(530) 283-2050

Signatures and Date

Kathryn J. Silverman, Acting Forest Supervisor, Lassen National Forest	Date
Mark J. Madrid, Forest Supervisor, Plumas National Forest	Date
Steven T. Eubanks, Forest Supervisor, Tahoe National Forest	Date