

National Fish and Wildlife Foundation
Pacific Southwest Fuels Management Program
Mendocino National Forest

Background:

The Mendocino National Forest experienced the Mill Fire in 2012. This fire had devastating effects on the Blue Slides Late-Successional Reserve (LSR). LSRs are areas identified in the Mendocino National Forest Land and Resource Management Plan as lands where the management objective is to protect and enhance late-successional forests to provide habitat for populations of species dependent on late-successional forest ecosystems. Loss of late successional habitat creates a need to re-forest this area so it can grow back to a state that provides late successional habitat to support sensitive or threatened species that rely on LSR habitat such as the northern spotted owl. Reforestation would accelerate these stands back into late successional habitat and prevent the encroachment of knobcone pine and other early successional species that outcompete desirable late successional tree species. Reforestation efforts (planting) occurred after the Mill Fire but were burned up during the Ranch Fire (2018).

Scope of Work:

Fuel reduction work will be accomplished through mechanical or hand treatments by cutting, piling, burning, and/or masticating vegetation. Tree planting will occur on 3,492 acres; tree planting is needed because some of these acres will struggle to regenerate naturally with conifer trees due to the lack of a seed source. Reforestation will be accomplished by planting seedlings composed of a mix of species reflecting the pre-fire stand composition. Seedlings will be grown from seed collected locally and adapted to the site. Fuel reduction and site preparation will occur on 747 acres within the project boundaries.

The project area will be monitored for establishment of natural conifer regeneration. During project activities residual green trees will be protected, late seral and black oak regeneration will be encouraged, and 15 snags (over 8" DBH) per acre will be retained. Reforested stands will be maintained by thinning mechanically or with prescribed fire ten to fifteen years after establishment to improve the resilience and development of the new stands.

Design Criteria:

- The desired condition for the LSR units is to have approximately 180 trees per acre. Natural seedlings of desired species ~6" in height and sprouting hardwood trees will be retained and where acceptable natural seedlings or sprouting hardwoods don't exist, seedlings will be planted to achieve the desired number of trees per acre. The seedlings will be planted on a wide-spaced cluster arrangement, at -30 feet x 30 feet clutter spacing, with 3 trees planted within each 8 foot radius cluster.
- The desired condition for units in the matrix is to have approximately 220 trees per acre. Natural seedlings of desired species greater than 6 inches in height and sprouting hardwood trees will be retained and where acceptable natural seedlings or sprouting hardwood trees don't exist, seedlings will be planted to achieve the desired number of seedling per acre. Seedlings will be planted on a 14 feet x 14 feet spacing.

- In all units the seedlings species will be a mix of ponderosa pine, sugar pine and Douglas fir. Hardwood species including black oak and live oak are already sprouting post fire and will be maintained in the reforestation units.
- Site preparation treatments include hand cutting dead trees less than 8" diameter at breast height to create openings for seedling planting and establishment. The cut material will be hand piled and the piles would be burned.

Environmental Documentation:

This proposal is covered by two NEPA documents, a categorical exclusion and an environmental assessment. The "Mill Fire Reforestation" categorical exclusion (attached) was signed on December 19, 2013. The "Mill Fire Salvage and Hazard Tree Removal Project" environmental assessment (attached) was signed on April 23, 2013.

DECISION MEMO

Mill Fire Reforestation

USDA Forest Service
Mendocino National Forest
Grindstone Ranger District
Colusa County, California

I. Decision to be Implemented

I have decided to implement the Mill Fire Reforestation Project which includes site preparation, tree planting, release of planted trees from competing vegetation and thinning of established cluster planted seedlings. The project area is located approximately 9 miles southwest of the community of Stonyford, CA (T16N R7W Sec. 6; T17N R7W Sec. 15,19-22, 28-32; R8W Sec. 25, 36).

A. Introduction: This document describes a proposal to reforest areas burned by the Mill Fire.

The Mill Fire started on Saturday July 7th, 2012. This fire quickly headed toward the town of Stonyford, burning along the way through part of the Blue Slides Late-Successional Reserve (LSR) and 122 miles (52%) of the 236 miles of off-highway vehicle (OHV) trails and roads open to OHV use in the Stonyford Off-Highway Vehicle Area. The fire was contained before reaching Stonyford but burned almost 30,000 acres.

The Blue Slides LSR is the southern-most of the LSRs managed by the Mendocino National Forest (MNF). LSRs are areas identified in the Mendocino National Forest Land and Resource Management Plan (LRMP)¹ as lands where the management objective is to protect and enhance late-successional forests to provide habitat for populations of species dependent on late-successional forest ecosystems, including the northern spotted owl (*Strix occidentalis*).

B. Purpose and Need for the Decision

1. Reforestation in the Blue Slides LSR.

- Existing conditions threaten substantial delay in the recovery of mature and old growth forest conditions on LSR lands. Approximately 1,900 acres of mixed conifer forest land in the LSR was burned into a deforested condition. The term “deforested condition” is used to mean that the fire burned over 50% of the pre-fire basal area. It is different than the professional definition of the term deforestation, which connotes a more permanent change in land use. This project focuses on a sub-set of the deforested area (1,049 acres that had >90% of the pre-fire basal area killed) and uses the term “high mortality” to describe the areas proposed for reforestation (Mill Fire Reforestation Silviculture Report pg 3).
- Loss of late successional habitat creates a need to re-forest this area back to its previous state and help support sensitive or threatened species that rely on this type of habitat such as the northern spotted owl. Reforestation would accelerate these stands back into late successional habitat and prevent the encroachment of

¹ USDA, Forest Service, Mendocino National Forest Land and Resource Management Plan, 1995

knobcone pine and other early successional species that outcompete desirable late-successional tree species.

2. Reforestation of the matrix lands.

- Reforestation is needed to return the high mortality stands to timber producing lands and prevent the encroachment of knobcone pine and other early successional species.

The preamble for Section 3(d) of the Resources Planning Act of 1974, as amended by NFMA, states that "(i)t is the policy of Congress that all forested lands in the National Forest System (NFS) be maintained in appropriate forest cover. This section also requires the Secretary of Agriculture to annually prepare and submit to Congress a report showing the locations of all NFS lands where there is a need "to reforest areas cut-over or otherwise denuded or deforested" and "all lands with stands of trees that are not growing at their best potential rate of growth". Two reports emerged as a result of the statutory language contained in this Act: the Reforestation Needs Report and the Timber Stand Improvement Report. Section 3(d) requires the Secretary to transmit these reports annually "so as to prevent the development of a backlog of needed work larger than the needed work at the beginning of the fiscal year".

The units described here are part of the current reforestation needs of the Mendocino National Forest. These needs were included in the Reforestation Needs Report dated October 1, 2012.

The Mill Fire burned 12,975 acres of forested area. The Mill Fire Rapid Reforestation Needs Assessment, July 2012 identified the following:

- 2,507 acres needing tree planting made up of large polygons of conifer types located away from a conifer seed source. These areas are not expected to naturally regenerate with conifer trees due to the lack of a seed source.
- 670 acres that will be monitored for establishment of natural conifer regeneration located in; 1) Small and/or scattered polygons of deforested conifer stands with a mature conifer seed source present or nearby. These stands are expected to seed in naturally. 2) Hardwood and hardwood/conifers veg types, regardless of size or presence of a seed source. The hardwoods are expected to sprout returning the stands to forest cover.
- 5,039 acres that will be allowed to recover naturally with no tree planting or vegetation monitoring. These areas are made up of polygons of knobcone pine and knobcone/hardwood vegetation types. This vegetation type will return to pre-fire forest cover. No further treatments or surveys are planned for these areas.

The areas proposed for treatment in this project are part of the 2,507 acres of planting need identified in the Mill Fire Rapid Reforestation Needs Assessment.

A separate environmental analysis was previously conducted for treatments within the Mill Fire. The Mill Fire Salvage and Hazard Tree Removal Project Decision Notice was signed on April 23, 2013. That project proposed to salvage harvest dead, dying and hazard trees, and to reforest within the salvage units. This project proposes to reforest additional acres of mixed conifer stands that had high mortality. There are no overlapping areas of treatment between these two projects.

C. Description of Decision:

Table 1 Mill Fire Reforestation Unit Information

Unit #	Total Acres	Site Prep Acres	Unit Description
1	5.3	0	LSR; OHV Trail;
2	18.6	0	LSR; OHV Trail; borders private land
3	7.9	7.9	Matrix; OHV Trail; plantation burned in Mill Fire
4	9.4	0	Matrix; OHV Trail
5	81.3	50	Matrix; OHV Trail
6	16.2	16.2	Matrix; OHV Trail
7	20.4	0	LSR; OHV Trail
8	2.1	0	Matrix; OHV Trail
9	122.3	66	LSR; OHV Trail
10	142.2	75	LSR; OHV Trail
11	288.7	50	LSR (75%), Matrix (25%); OHV Trail;
12	85.5	70	LSR; (95%), Matrix (5%):
13	138.0	0	LSR; (95%), Matrix (5%); OHV Trail
14	53.2	53.2	LSR; borders private land
15	17.4	0	Matrix; OHV Trail
16	41.2	0	Matrix; OHV Trail; plantation burned in Mill Fire
Totals	1049.7 ²	388.3	

My decision incorporates the following design criteria (See Appendix A, Proposed Action for more detailed information about the Proposed Action and Design Criteria). These practices comply with current direction in the 1995 Land and Resource Management Plan for the Mendocino National Forest (Forest Plan) and other applicable laws and regulations.

- The desired condition for the LSR units is to have approximately 180 trees per acre. Natural seedlings of desired species $\geq 6''$ in height and sprouting hardwood trees will be retained and where acceptable natural seedlings or sprouting hardwoods don't exist, seedlings will be planted to achieve the desired number of trees per acre. The seedlings will be planted on a wide-spaced cluster arrangement, at $\sim 30\text{ft} \times 30\text{ft}$ cluster spacing, with 3 trees planted within each 8 foot radius cluster.
- The desired condition for units in the matrix is to have approximately 220 trees per acre. Natural seedlings of desired species $\geq 6''$ in height and sprouting hardwood trees will be retained and where acceptable natural seedlings or sprouting hardwood trees don't exist, seedlings will be planted to achieve the desired number of seedling per acre. Seedlings will be planted on a $14\text{ft} \times 14\text{ft}$ spacing.
- Adjacent to designated OHV trails in both Matrix and LSR land types, planting will be the same as the remainder of the unit. This will aid in the long-term trail management plan, helping to keep users on the designated trail network and revegetation the area directly adjacent to the trail.
- In all units the seedlings species will be a mix of ponderosa pine, sugar pine and Douglas fir. Hardwood species including black oak and live oak are already sprouting post fire and will be maintained in the reforestation units.
- Following tree planting, a release for survival will be needed to enable seedlings survival and establishment. A 5 foot radius around seedlings would be grubbed free of vegetation to increase

² The acres are best estimates based on GIS calculations. Due to the three dimensional nature of the real landscape, the measurements taken from flat-map representations can only approximate the actual acreage.

water availability for seedlings. If necessary, this could occur up to 3 times, depending on competition of grasses, forbs, and shrubs and their effect on tree growth and survival. Up to 200 trees per acre will be released during these treatments. Both natural and planted seedlings would be released.

- Site preparation is planned to occur on approximately 388 acres. Site preparation treatments include hand cutting dead trees less than 8" DBH to create openings for seedling planting and establishment. The cut material will be hand piled and the piles would be burned.
- Thinning of the clustered planted trees to 1 to 2 trees per cluster is planned in approximately 10 years, where all three of the planted seedlings have survived.

II. Reasons for Categorically Excluding the Decision

The Mill Fire burned close to 30,000 acres, of which 12,975 acres were previously forested. The fire burned at moderate to high intensities in many areas. There are currently 2,507 acres needing tree planting because they are located away from a conifer seed source, this project only consists of replanting 1,049 acres. There is great potential for knobcone pine to establish in the project area that was previously forested with ponderosa pine, sugar pine, and Douglas fir. I find it appropriate to plant in the project area, at this time, for the purpose of accelerating reforestation and recovery.

- A. **Category of Exclusion:** This action is categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement, pursuant 36 CFR §220.6(e)(5), Regeneration of an area to native tree species, including site preparation which does not involve the use of herbicides or result in vegetation type conversion and 36 CFR §220.6(e)(6), Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction. Pursuant to 36 CFR §220.6(b), I have determined that no extraordinary circumstances exist regarding the following resource conditions.
- B. **Relationship to Extraordinary Circumstances:** There are no conditions that would constitute a significant effect on an extraordinary circumstance related to the proposed project. This conclusion is based on evaluation of the following items.
1. *Federally listed Threatened, Endangered, Proposed and Forest Service Sensitive Species or their Critical Habitat (Endangered Species Act: Section 7):* The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as Threatened or Endangered, or result in adverse modification to such species' designated critical habitat.

The Biological Assessment, Biological Evaluation, and Specialist Report analyzed the effects on the original estimation of acres in the Draft Decision Memo released for comment on August 29, 2013. The Final Decision Memo has reduced the amount of proposed acres to be treated based on a mapping error. Due to the fact that the final proposed acres treated will be less than that shown in these biological documents, effects to the species addressed would be less than originally determined. Therefore these documents will not require a re-analysis.

Potential effects of the proposed action on wildlife, fish, and rare plant species were analyzed in various documents. Threatened wildlife species were analyzed in a Wildlife Biological Assessment dated December 10, 2013. Sensitive wildlife species were analyzed in the Biological Evaluation dated December 12, 2013. Threatened, endangered and Sensitive

(TES) fish species were analyzed in a Fisheries BE/BA dated August 12, 2013. Threatened, Endangered, and Sensitive plant species were analyzed in a Botany BA/BE, dated December 12, 2013.

The Mill Reforestation Project may affect, but is not likely to adversely affect, northern spotted owls, their habitat, or their prey based on the following:

- No northern spotted owl habitat (nesting/roosting, foraging, or dispersal habitat) occurs within the 16 project units (BA p. 21).
- One northern spotted owl home range (number 3019) occurs within the action area and three project units are located in the outer ring of that home range (BA pp. 19, 22).
- No direct effects to nesting northern spotted owls are expected from noise or smoke due to sufficient distance between project units and nesting/roosting habitat (greater than 0.5 mile) and adequate weather prescriptions for pile burning (BA pp. 19-20).
- No suitable habitat within the home range of owl 3019 will be treated by the Project (BA pp. 23-24).
- All large snags and coarse woody debris will be left on site (barring any potential hazard) to provide structure for foraging habitat that develops in the future (BA p. 24).
- Effects to northern spotted owl prey (such as woodrats) from ground disturbance and planting would be insignificant (BA p. 25).
- Only the minimum amount of dead woody stems (less than eight inches in diameter) will be removed to create openings for planting and seedling establishment (BA p. 24, Appendix A p. 2).

Based on the above rationale, implementation of the proposed action may affect, but is not likely to adversely affect the northern spotted owl. (Mill Fire Reforestation Project, Biological Assessment.)

The Mill Fire Reforestation Project will not adversely affect critical habitat because the primary constituent elements, as defined in the 2012 critical habitat rule, no longer exist in the treatment units.

The Mill Fire Reforestation Project will have no effect on the California red-legged frog. None of the streams within the Action area are considered red-legged frog breeding or dispersal habitat. The nearest potential habitat is over two miles from any proposed unit. The proposed action is not expected to have hydrologic or aquatic habitat impacts that are discernible from the conditions under the no action alternative, either locally or downstream.

The Mill Fire Reforestation Project Biological Assessments determined that:

- 1) Vernal pools do not exist within the action area; as a result there will be No Effect to the vernal pool fairy shrimp. (Wildlife BA)
- 2) Only five acres within two treatment units are within riparian areas located at or below 3,000 feet in elevation. Per Design Standards, elderberry would not be cut or damaged as part of this project. As a result there will be No Effect to the valley elderberry longhorn beetle. (Wildlife BA)
- 3) The elevation, soils, and vegetation of the project area bear no resemblance to what is required by Keck's checker-mallow, and there is no possibility that it would occur in the vicinity of the project. As a result there will be No Effect to Keck's checker-mallow. (Botany BE/BA)
- 4) The project would have no effect on water howellia, Water howellia is a small aquatic annual, listed as Threatened (Federal Register, 1994). It occurs in the

seasonal draw-down zone of small ponds shaded by forest vegetation. It is currently known on the Mendocino NF from seven occurrences on the Covelo Ranger District. There are no occurrences of water howellia in the Mill Fire Reforestation proposed treatment units, nor is there any suitable habitat. (Botany BE/BA)

The Mill Fire Reforestation Wildlife Biological Evaluation determined:

- 1) Suitable habitat does not exist within the units. Nesting habitat does not exist within ¼ mile of any unit boundary. As a result there will be No Effect to northern goshawk.
- 2) Suitable habitat does not exist within the units. Denning habitat does not exist within ¼ mile of any unit boundary. As a result there will be No Effect to the American marten.
- 3) Suitable habitat does not exist within the units. Denning habitat does not exist within ¼ mile of any unit boundary. As a result there will be No Effect to the Pacific fisher.
- 4) Wintering habitat does not exist ¼ mile of the proposed units. As a result there will be No Effect to the California wolverine.
- 5) Nesting habitat does not exist within the proposed units. Foraging habitat would not be affected by planting. As a result there will be No Effect to the peregrine falcon.
- 6) Suitable maternity habitat does not exist within the units. As a result there will be No Effect to the Townsend's big-eared bat.
- 7) Suitable habitat would not be affected by this project. As a result there will be No Effect to the western red bat.
- 8) Suitable habitat would not be affected by this project as sedimentation would not be created. As a result there will be No Effect to the foothill yellow-legged frog.
- 9) Suitable habitat would not be affected by this project as sedimentation would not be created. As a result there will be No Effect to the western pond turtle.
- 10) The Action area does not contain suitable nesting or foraging habitat. As a result there will be No Effect to the bald eagle.
- 11) The Action area does not contain suitable nesting or foraging habitat. As a result there will be No Effect to the Swainson's hawk.
- 12) The Action area does not contain suitable nesting or foraging habitat. As a result there will be No Effect to the willow flycatcher.
- 13) The Action area does not contain suitable aquatic habitat. As a result there will be No Effect to the southern torrent salamander.
- 14) This project is outside the range of this species. As a result there will be No Effect to the northern red-legged frog.
- 15) The Mill Fire Reforestation project may affect individuals, but is not likely to result in a trend toward Federal listing or loss of viability for the pallid bat or fringed myotis. This is based on the potential effects to roosting bats and habitat, the abundance of snags and foraging habitat both within and outside the treatment units, the ability of the treatment units to provide roosting and foraging habitat after treatment, the lack of effects to prey species, and the viability assessment completed under the Northwest Forest Plan.

The Mill Fire Reforestation Fish BE/BA determined that the Mill Fire Reforestation Project would not affect any threatened or endangered fish or their critical habitat. There are no threatened or endangered fish species or Critical Habitat proximal to the project.

The Mill Fire Reforestation Botany BE/BA found there are no recorded observations or potentially suitable habitat for any sensitive plant species within the Mill Fire Reforestation project. The proposed Mill Fire Reforestation project would have no effect on any Forest Service Sensitive plants or fungi.

2. *Floodplains, Wetlands and Municipal Watersheds*: The Mill Reforestation project takes place on upland slopes and along AA type stream channels with high gradients. There are no wetlands, floodplains or watersheds used for municipal withdrawals and purposes in the project area.
3. *Congressionally Designated Areas*: None of the reforestation units are located within congressionally designated Wilderness Areas or Wild and Scenic Rivers.
4. *Inventoried Roadless Areas and Research Natural Areas*: The project area is not within any inventoried roadless areas or Research Natural Areas (RNA).
5. *Native American Religious or Cultural Sites, Archaeological Sites, or Historic Properties or Areas*: This project has two archaeological sites; one previously recorded site within the project area and one newly identified site on the project boundary. All appropriate forms and documentation have been completed, and the site boundaries have been flagged for avoidance by all proposed project activities. With these processes and finding of no extraordinary circumstances the proposed project will have “no effect” on archaeological sites that are potentially eligible for inclusion or nomination to the National Register of Historic Places (Heritage Resource Clearance Letter).

III. Other Resource Considerations

- A. **Invasive Species**: The Mill Fire Reforestation project has a low risk of introducing, establishing, or spreading invasive plant species. Weed surveys and control are being conducted in the project area, and are showing that current weed infestations are negligible. The proposed project does include design features that will reduce the amount of weed propagules introduced from outside the project area and that require monitoring and evaluating the need for future weed control. See Appendix A Proposed Action. (Mill Fire Reforestation Project - Invasive Plant Species Risk Assessment, August 26, 2013).
- B. **Survey & Manage (S&M) Species**: There is no late-successional or old-growth forest habitat in the proposed Mill Fire Reforestation planting units; therefore the proposed action would not cause any habitat disturbance. No surveys for any Survey and Manage species are required. *Known sites* of species in categories A – E must be protected during implementation of any project. There are no known sites of any Survey and Manage species in the vicinity of the proposed Mill Fire Reforestation project. (Mill Fire Reforestation Project - Northwest Forest Plan Survey and Manage (S&M) Compliance Report, August 25, 2013).
- C. **Management Indicator Species (MIS)**: MIS for the Mendocino NF are identified in the LMP. The Management Indicator Species report determined:
 - (1) The Proposed Action would not negatively affect pileated woodpecker or acorn woodpecker habitat, based on the following:

- i. Although snags numbers may be slightly reduced within the units, an average of 27 snags per acre would exist outside the treatment units.
- ii. Treatment units are within high severity burned stands. The resulting stand conditions now fall under low capability for these species. Treatments would not further reduce the capability level.
- iii. The Action Alternative would maintain, across the forested landscape, the average number of snags required to meet High capability for both species.

(2) The Action Alternative would not negatively affect California thrasher or black-tailed deer habitat, based on the increase of suitable chaparral habitat in the action area even after treatment.

- i. Regardless of the reduction of its growth in the units, there will still be an increase in chaparral habitat, from pre fire amounts, as a result of the fire.
- ii. Habitat for thrasher would be increased from the original footprint existing prior to the fire, however, chaparral within the fire boundary will not be of sufficient age/size suitable for thrasher for several years. Habitat for thrasher did not exist within the proposed units prior to the fire.
- iii. Habitat Capability for thrasher is predicted to be at a High level after treatment, once chaparral is of sufficient size and age.
- iv. Habitat Capability for deer will remain at a Moderate level after treatment.
- v. Based upon this, we can conclude without further analysis that the Action Alternative would not prevent or retard the achievement of desirable arrangement of chaparral habitat for California thrasher and black-tailed deer.

The proposed action would have minor effects on the habitat for these MIS; and the proposed action complies with the standards in the Forest Plan regarding site specific evaluations for Management Indicator Species.

D. Watershed and Soils: Project Direct Impacts are limited to very minor soil disturbance in small localized locations (usually less than 1 foot in diameter) during planting and none to negligible soil disturbance during seedling release and site preparation. Most planting and other treatments will be in upland areas where there are no direct hydrologic impacts. Planting will occur along numerous temporary streams and along perennial upper Mill Creek to restore native conifer species into these areas. There are expected to be no increased cumulative impacts from the Mill Fire Reforestation Project. The regeneration of planted trees will reduce watershed effects in the longer term improving watershed recover time post fire. (Mill Fire Reforestation Project Hydrology Report, December 19, 2013)

IV. Public Involvement

The Mill Fire Reforestation Project was listed in the Mendocino National Forest's 4th Quarter 2013 Schedule of Proposed Actions (SOPA) dated July 1, 2013. No responses or requests for additional information regarding this project were received from the SOPA.

A letter regarding the proposed project was sent to three local tribes on August 29, 2013. A notice was published in the Chico Enterprise Record on April 29, 2013 inviting comments on the Proposed Action. Letters were mailed to interested parties from the SOPA list on August 29, 2013 inviting comments on the project. One response to the notice was received from Conservation Congress (CC). These comments were reviewed and did not identify any extraordinary circumstances or likely significant effects. See Appendix D for comments and findings of no likely significant effects.

V. Findings Required by and/or Relating to Other Laws and Regulations

I have determined that this action will comply with all applicable laws and regulations. Summarized below are the pertinent laws and regulations:

National Forest Management Act (NFMA) and Forest Plan Consistency: This decision is consistent with the Forest Plan as required by National Forest Management Act. The Forest Plan has been reviewed in consideration of this project. See Appendix L, Forest Plan Consistency Checklist.

This decision will reforest 1,049 acres of land that was burned into a high mortality condition in the Mill Fire. It will return these acres to a forested condition as required by the NFMA by planting conifer trees in areas located away from a conifer seed source. These areas were not expected to naturally regenerate with conifer trees due to the lack of a seed source.

Endangered Species Act: See Section II, Item B1 of this document.

Sensitive Species (Forest Service Manual 2670): See Section II, Item B1 and Section III Item B. This project complies with this Forest Service Manual direction. Forest biologists determined that the project is not likely to result in a trend toward listing or loss of viability of Mendocino National Forest Sensitive Species in the project area (Botany BA/BE, Fish BE/BA, and Wildlife BA/BE).

Clean Water Act: Forest management activities must be consistent with the Federal Clean Water Act and the California Porter-Cologne Water Quality Act, as given addressed in the Water Quality Control Plan for the Central Valley Region. This Plan contains water quality standards that include water quality objectives and protection of applicable beneficial uses. Best Management Practices will be implemented in the Project (Watershed Report; see project file).

Wetlands (Executive Order 11990): See Section II, Item B2 of this document.

Floodplains (Executive Order 11988): See Section II, Item B2 of this document.

National Historic Preservation Act: This decision complies with the National Historic Preservation Act and the Programmatic Agreement with State Historic Preservation Office (project file). See Section II, Item B5 of this document.

Archaeological Resources Protection Act: See Section II, Item B5 of this document.

National Environmental Policy Act: This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

VI. Appeal Opportunities and Implementation Date

My decision is subject to appeal [in accordance with the March 19, 2012, order issued by the U.S. District Court for the Eastern District of California in Case No. CV FII-670UO Page 6 of 8 DLB, and the 24 April 2006 order of the United States District Court in Montana in Case No. CV 03-119-M-DWM]. One organization expressed interest in the proposal by the close of the 30-day comment period. Refer to Appendix D for a summary of comments received during the comment period that ended September 30,

2013. Appendix D also documents the determination of the substantive comments and how they were considered, pursuant to 36 CFR §215.2. Persons or non-federal organizations may appeal if they have expressed interest in the proposal by the close of the 30-day comment period.

Notices of appeal must meet the content requirements set forth in 36 CFR §215.14. Pursuant to 36 CFR §215.15, written appeals, including any attachments, must be filed with the Appeal Deciding Officer (Forest Supervisor), within 45 days following the publication date of the legal notice of this decision in Chico Enterprise Record. Appeals may be filed by any of the following means:

By mail or hand delivery to: Forest Supervisor, Mendocino National Forest, 825 North Humboldt Avenue, Willows, CA 95988. Business hours are 8:00AM to 4:30PM, Monday through Friday, except federal holidays.

By fax to: Forest Supervisor, (530) 934-7384.

By email to: appeals-pacificsouthwest-mendocino@fs.fed.us

Pursuant to 36 CFR §215.9, implementation of this proposal may occur on, but not before, the 5th business day following the close of the appeal filing period if no appeals are filed. If one or more appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

VII. Contact Person

For further information contact: Victoria Stoll, Mendocino National Forest, Grindstone Ranger District, 825 N. Humboldt Ave, Willows, CA 95988 (530) 934-1148.



12-19-2013

Eduardo Olmedo
District Ranger

Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Decision Notice & Finding of No Significant Impact

Mill Fire Salvage and Hazard Tree Removal Project

USDA Forest Service

Grindstone Ranger District, Mendocino National Forest

Colusa County, California

I. Decision and Reasons for the Decision

A. Background

The Mill Fire started on Saturday July 7th, 2012. This fire quickly headed toward the town of Stonyford, burning along the way through part of the Blue Slides Late-Successional Reserve (LSR) and 122 miles of off-highway vehicle (OHV) trails and roads open to OHV use in the Stonyford Off-Highway Vehicle Area. The fire was contained before reaching Stonyford but burned almost 30,000 acres.

The Mill Fire burned at varying intensities through the forested landscape, creating thousands of dead and dying trees across the landscape. The dead and dying trees have created hazardous conditions along National Forest Service roads and OHV trails as these trees are expected to fall onto the transportation routes in the coming years. Fuel loads within the fire area are expected to exceed the highest recommended level in less than 5 years as the dead and dying trees begin to fall. The Mill Fire burned approximately 8,000 acres into a deforested condition; approximately 44% of the mixed conifer vegetation type in the fire area is in a deforested condition. (EA p.1)

The primary activity being proposed is the harvest and removal of dead and dying trees using a salvage timber sale. The salvage harvest is a necessary first step to remove dead and dying trees to reduce fuels and prepare the sites for tree planting. The sale includes salvage harvest in units, harvest and removal of hazard trees and potential hazard trees adjacent to roads and OHV trails, the felling and leaving of incidental hazard trees in Riparian Reserves (RR) and reforestation of the salvage and roadside units. The salvage harvest would occur in the Matrix and LSR land allocations as identified in the Mendocino LRMP. No salvage harvesting would occur in the (RR) land allocation; however, incidental hazard trees that pose a safety hazard to timber sale operations in the RR would be felled and left in the RR. (EA p.2)

A salvage timber harvest is needed to economically deal with the safety and fuel hazards posed by the dead and dying trees. Without a salvage sale the hazard trees along roads and OHV trails would have to be felled by Forest Service and/or contract employees using appropriated funding. The

Government would be faced with the dilemma of hazard tree abatement costs and an increasing fuel load with no guarantee of funds available to mitigate these impacts. Inadequate funding for hazard tree removal could result in the long term closure of the roads and OHV trails in the project area.

Timely salvage is critical in order to capture timber values before further deterioration occurs. Deterioration of the fire-killed and damaged trees has a number of impacts. Lumber quality is reduced, merchantable volume of wood is reduced, and most importantly, value is reduced. This reduction in value increases the risk of the sale having a negative appraised value which increases the risk of receiving no bids on the sale. A no bid sale would not return any revenue the Federal Government from stumpage and it would also impact the ability to cost effectively remove the dead trees. Without a commercial salvage sale the removal of excess fuels and site preparation would need to be done by a service contract with appropriated funding or if funds are not available the work would not be accomplished. (EA p.6)

The environmental assessment (EA) documents the analysis of the proposed action to meet this need.

B. Decision

Based upon my review of alternatives, I have decided to implement the Proposed Action which includes the activities described above.

When compared to the No Action Alternative, this alternative will best meet project purpose and need as stated below.

The proposed action meets the purpose and need of contributing to the achievement of following Forest Plan Goals;

- ***Wildlife and Fish*** - *Maintain or improve the diversity and quality of habitat needed to support viable populations of all native and desired non-native wildlife and fish species....(Forest plan p. IV-4).*

The Wildlife & Fish forest plan goal would be achieved by using a salvage timber sale to reducing future fuel loads and to prepare the ground for reforestation treatments in the Blue Slides LSR. Reforestation would accelerate the area back into late successional habitat and prevent type-conversion to stands dominated by knobcone pine and other early successional species

- ***Timber and Other Forest Products*** - *Provide a sustained yield of timber and other wood products to help support local economies and to contribute to meeting local, regional and national needs...(p. IV-3)*

This goal would be achieved by offering timber volume for sale and by reforesting matrix land to restore timber productivity.

- **Facilities** - *Provide and maintain those facilities necessary for the protection, use, safety and efficient management of Forest resources and programs” (LRMP, pg. IV-18).*

This goal would be achieved by using a salvage timber sale to fall and remove hazard trees along 30 miles of roads and trails.

This proposed action meets requirements under the National Forest Management Act, the Clean Water Act, the Clean Air Act, and the National Historic Preservation Act, and is in conformance with the LRMP.

The proposed action includes design criteria and mitigation measures to lessen the impacts of the proposed treatments (Appendix A). Design criteria include measures to protect riparian reserves, retention of enough snags to meet wildlife needs, retention of fire damaged green trees with a high probability of living, and measures to protect, restore and minimize closures on OHV trails.

C. Other Alternatives Considered

No other action alternatives were studied in detail. No significant issues were raised during scoping that needed to be addressed by developing and analyzing in detail an alternative to the proposed action. Three action alternatives were considered but not studied in detail. They are briefly described under subheading II.A of the EA, along with explanations why we did not study them in detail.

II. Public Involvement

Three field meetings took place: one with Fish and Wildlife Service (FWS), one with the Environmental Protection Information Center (EPIC), and one with the American Forest Resource Council (AFRC). A Legal Notice of Scoping was published on November 17th, 2012. Eighty-eight scoping letters were mailed or e-mailed to interested parties between November 20th, 2012 and December 18th, 2012. The Project was posted on the MNF website on December 03, 2012 and listed in the MNF Schedule of Proposed Actions (SOPA) on January, 09, 2013. One commenter was contacted by phone to clarify their comments, and two were contacted by e-mail to clarify their questions.

The Colusa County Board of Supervisors was briefed about the proposed project at a meeting on October 23, 2012 by Grindstone District Ranger Eduardo Olmedo.

A radio interview discussing the project took place on March 8th, 2013 with the Redwood Community Radio KMUD Station.

Local Native American Indian Tribes were contacted by mail and phone regarding any concerns they may have had with the proposed project during scoping.

Briefing letters describing the proposed project were sent to Congressmen Doug LaMalfa of the 1st Congressional District of California, Jared Huffman of the 2nd

Congressional District of California and John Garamendi of the 3rd Congressional District of California in April 2013.

During Scoping, a total of 290 letters and emails were received. One Hundred Ninety-Four letters and emails with environmental concerns, 90 letters and emails with OHV concerns, 2 letters and emails from individuals with both environmental/OHV concerns, and 4 letters and emails in support of the project. Of the 290 letters and emails received, 111 distinct scoping comments were identified. Of those, 31 raised issues, and none of those we determined to be substantive, pursuant to 40 CFR 1500.2(b). A summary of scoping and issue identification is provided in Appendix C of the EA.

A draft of the EA was circulated for public comment on February 22, 2013 pursuant to 36 CFR §215. During the 215 comment period 225 individuals and organizations provided comments. Nineteen letters of support were received; two from the timber industry and seventeen from the OHV community. Eight additional responses were received after the close of the 215 comment period; these responses were considered but do not establish standing to appeal pursuant to 36 CFR §215.

Of the 225 responses received, 207 distinct comments were identified. No new issues were raised, and many comments were similar to those raised in Scoping. Details regarding notification of opportunity to comment, and consideration of comments are documented in Appendix D of the EA.

Local Native American Indian Tribes were mailed a copy of the draft EA and a letter regarding the project that included the MNF website address. The MNF website provided access to view the draft EA, Appendix L (draft), and final drafts of Appendix A and C, a map, and Economic Viability of Alternatives report) access all specialist reports, and a copy of the Legal Notice. These Tribes were also contacted by telephone regarding any concerns they may have had with the proposed project during the 215 comment period. No concerns were expressed by the Native American Indian Tribes contacted.

III. Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

A. Beneficial and adverse impacts

My finding of no significant environmental effects is not biased by the beneficial effects of the action (EA III.B.1).

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

There will be no significant effects on public health and safety, because the project analysis found a low potential for adverse effects from logging operations, and asbestos-containing rock is not located in the project area. Therefore, I find that there are no significant effects related to this intensity factor. (EA III.B.2).

C. Unique characteristics of the geographic area

There will be no significant effects on unique characteristics of the area, because the Proposed Action would have minimal affects to the Stonyford OHV area and is not expected to result in long term closures of the OHV trails. The project will benefit the Blue Slides LSR by treating some of the fire-damaged stands to reestablish and accelerate development of late successional habitat, as well as reducing fuel hazard within those stands. (EA III.B.3).

D. The degree to which the effects on the human environment are likely to be highly controversial

Some comments asserted that certain scientific papers controverted the basis of certain elements of the purpose and need and effects determinations. Scoping comments cited *Post-Wildfire logging hinders regeneration and increases fire risk*, Donato et al 2006. An analysis of this publication found that the does not conflict with the Proposed Action. (Fuels Report, Appendix B)

Scoping comments cited *Reburn severity in managed and unmanaged vegetation in a large wildfire*, Thompson, et al (2007). The findings of this paper are valuable, but not entirely applicable to this project. The information from this paper was taken in plant association groups (PAG's) unrepresentative of the project area.

Analyses of scientific papers are provided in the Fuels Report Appendix B, Silviculture Report Section 14.A, the Hydrology and Soils Report Section IX, the Fisheries Report Appendix S, Appendix C of the EA, comments #1, 2, 82-84, 86-89, 91-92, 95-99, 102, 109, 111and Appendix D of the EA comments # 3-6, 9, 14, 42, 44, 48, 63, 68-70, 75-79, 81-82, 85, 87,105, 119, 121, 123, 126, 130, 182.

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

We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA III.B.5.)

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

The proposed action would not set any precedents. The proposed action would implement programmatic decisions already made in the Forest Plan regarding the management of Late Successional Reserves and lands suitable for timber production. They are similar to other actions that have been implemented for many years on the Mendocino National Forest and in the project area. Therefore, there is no potential for significant effects related to establishment of a precedent. (EA III.B.6).

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

Based on analysis in the EA, I find that the cumulative impacts are not significant for any of the potentially affected resources (EA III.B.7).

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

Archaeological surveys have been completed throughout the project area. Eleven historic properties are located within the area. One of which has been determined officially "Not Eligible" and will have no protection from proposed project activities. The remaining ten sites will be protected using approved protection measures (flag and avoid). The proposed action has been approved in accordance with stipulations in the First Amended Regional Programmatic Agreement Among the U.S.D.A. Forest Service, Pacific Southwest Region, California State Historic Preservation Officer, and Advisory Council on Historic Preservation Regarding the Process for Compliance with Section 106 of the National Historic Preservation Act for Undertakings on the National Forests of the Pacific Southwest Region (2001). (EA, III.B.8).

I. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973

The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because the Proposed Action would not directly or indirectly affect spotted owls, their habitat, or their prey. The valley elderberry longhorn beetle, water howellia, Keck's checkered mallow and California red-

legged frog are not found in the project area. There are no ESA listed fish or Critical Habitat located proximal to the project. (EA III.B.9).

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

The action will not violate any Federal, State or local laws or requirements for the protection of the environment. Conformance with applicable laws and regulations were considered in the EA (EA III.B.10). The action is consistent with the Mendocino National Forest Land and Resource Management Plan (Appendix L).

IV. Findings Required by Other Laws and Regulations

This decision to implement the Proposed Action is consistent with the intent of the forest plan's long term goals and objectives listed in Section I.C of the environmental assessment. The project was designed in conformance with land and resource management plan standards, and incorporates applicable land and resource management plan guidelines for Air Quality, Facilities and Transportation, Fire and Fuels, Forest Health, Heritage Resources, Riparian and Aquatic Ecosystems, Recreation, Soils and Geology, TES Plants, Timber and Other Forest Products, Watershed and Water Quality, and Wildlife and Fish (Land and Resource Management Plan, pages IV 17- 48).

The Mill Fire Salvage and Hazard Tree Removal Project is in compliance with Forest Service requirements for Inventoried Roadless Areas and Survey and Manage. Compliance with these requirements is discussed on Appendix L and in EA Section III.B.10.

All of my findings and conclusions are based upon my review of the EA and planning record, which document consideration of the pertinent science as follows:

- The EA relied on relevant scientific and factual information that is documented in the effects discussions in the EA (Chapter III), and the supporting documentation in the record.
- Public comments asserted scientific controversy regarding our estimates of the impacts related to the effects of salvage harvesting on regeneration and future wildfire effects. Our consideration of the points of controversy is documented above under subheading III.D.
- The information used by the interdisciplinary team is adequate to determine that there are no reasonably foreseeable significant adverse effects on the human environment (refer to effects analyses cited above under III.A-J). Therefore, there is no incomplete or unavailable information that is essential to a reasoned decision among the alternatives.

V. Administrative Review or Appeal Opportunities

My decision is subject to appeal [in accordance with the 24 April 2006 order of the United States District Court in Montana in Case No. CV 03-119-M-DWM]. Two hundred twenty five individuals and organizations expressed concern with the proposal by the close of the 30-day comment period. Refer to Appendix D of the EA for a summary of comments received during the comment period that ended March 25, 2013. Appendix D of the EA also documents the consideration of comments, pursuant to 36 CFR §215.6(b)(1). Persons or non-federal organizations may appeal if they have expressed concern with the proposal during the 30-day comment period.

Notices of appeal must meet the content requirements set forth in 36 CFR §215.14. Pursuant to 36 CFR §215.15, written appeals, including any attachments, must be filed with the Appeal Deciding Officer, Regional Forester, within 45 days following the publication date of the legal notice of this decision in Chico Enterprise Record. Appeals may be filed by any of the following means:

1. By mail or hand delivery to: Regional Forester, USDA Forest Service, 1323 Club Drive, Vallejo, California 94592. Business hours are 8:00 AM to 4:00 PM, Monday through Friday, except federal holidays.
2. By fax to: Regional Forester, (707) 562-9091.
3. By email to: appeals-pacificsouthwest-regional-office@fs.fed.us

VI. Implementation

The Chief of the Forest service has determined that an emergency situation exists for the Mill Fire Salvage and Hazard Tree Removal Project. Therefore, pursuant to 36 CFR §215.10(c), implementation of this proposal may occur immediately after publication of the legal notice of Decision.

VII. Contact

For additional information concerning this decision or the Forest Service appeal process, please contact Vickie Stoll, Grindstone Ranger District, Mendocino National Forest, 825 N. Humboldt Ave, Willows, CA 95988, 530-934-1148



Sherry A. Tune
Forest Supervisor

April 23, 2013

Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.