FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD
FOR
Alpine Forest Restoration Project
Environmental Assessment
EA-NV-030-08-011

INTRODUCTION

The Bureau of Land Management (BLM), Carson City District, has conducted an environmental assessment (EA), EA-NV-030-08-011; to evaluate environmental impacts on up to 532 acres of forest restoration treatments on BLM administered lands in Alpine County, California. The project is part of a nation-wide initiative to protect communities that are considered at high risk from wildfire damage. Markleeville and Woodfords are included on the list of at risk communities found in the Federal Register Volume 66, Number 160, August 17, 2001. In addition to the above communities, there are several federal, state and private campgrounds and dispersed residential areas within the project area that would be at risk in the event of a wildfire.

The primary purpose of the project is to help protect public and private improvements in the area from wildfire damage, provide a safer access/evacuation route and provide fire fighters a safer area in which to conduct fire suppression operations. The proposed project would restore healthy, diverse, and resilient ecosystems to conditions that minimize the potential for uncharacteristically intense wildfires.

The environmental assessment (EA) considered two alternatives: The Proposed Action and the No Action Alternative. The Proposed Action is the preferred alternative for the action. The EA, EA-NV-030-08-011 is incorporated by reference in this Finding of No Significant Impact (FONSI).

PLAN CONFORMANCE AND CONSISTENCY

The Proposed Action has been reviewed for conformance with the Carson City District Office Consolidated Resource Management Plan (2001) and the Carson City District Office Fire Management Plan (2004). The Proposed Action is found to be consistent with the plans and policies of applicable local, county, State, Tribal, and Federal agencies and governments.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION

Based on the effects discussed in the Alpine Forest Restoration EA, it has been determined that the Proposed Action alternative is not a major federal action and would not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR § 1508.27. Therefore an environmental impact statement is not needed. This finding is based on the following discussion. The finding of no significant impact (FONSI) is based, in part, on the consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and to the intensity of the effects described in the EA.

Context:

The selected alternative is a site specific action of treating 532 acres of BLM administered lands within the Carson City District, Alpine County, California. The discussion of the significance criteria that follows applies to the intended action and is within the context of local importance. Chapter III of the EA details the effects of the selected alternative. None of the effects identified, including direct, indirect and cumulative effects are considered to be significant.

Intensity:
The following discussion is organized around the ten criteria for Significance described under 40 CFR §1508.27 (b).

1) *Impacts that may be both beneficial and adverse.*
Both potential beneficial and adverse effects were considered in the EA. Implementing the selected alternative would restore fire dependent ecosystems, protect or enhance special-status species habitat, protect and maintain watershed and soil integrity, protect life and property and enhance the fire suppression capabilities for the local firefighting organizations.

Both beneficial and adverse effects have been considered when making a determination of significance. While there will be beneficial effects, this action does not rely on those effects to balance potentially adverse environmental effects. Potential adverse effects have been substantially or fully reduced through project design.

2) *The degree to which the selected alternative will affect public health or safety:*
The project will reduce the risk of large, high severity wildland fire on 532 acres. No aspect of the project has been identified as having the potential to substantially and adversely affect public health or safety. These efforts to reduce the risk of high severity wildland fire will improve firefighter and public safety.

The effects are not significant because the project will have a beneficial effect and not an adverse effect on public health and safety within the project area by reducing current and expected risks of a large wildland fire through the reduction of existing fuels. The potential for severe wildland fire, with consequent loss of property, resource, social, and recreational values will be reduced by project implementation.

3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.*
There are no park lands, prime farm lands, wetlands, wild and scenic rivers or ecologically critical areas within the project area. There is potential for cultural sites within the project area but prior to implementation a survey will be completed to determine if the resources of concern are present.

The survey will identify and protect the resources of concern in the project area. Design criteria, such as designating avoidance areas, will maintain their integrity and prevent adverse effects and the decision will improve their protection and defensibility in the event of wildland fire.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

Based on our review of public comments and the project analysis, we do not find any highly controversial effects to the human environment. There is no scientific controversy over the effects of the proposal and local support exists for the project.

The effects of this project are similar in nature to those of other vegetation treatment and fuels treatment projects that have been implemented. Public comments suggested concern about the

project's effects, but the effects are not highly controversial. The effects from the selected alternative are not significant because they are not highly controversial.

5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*
Similar projects conducted by the District and other BLM offices have exhibited the desired change in vegetation composition, structure and fuel loading. The analysis is based on the best use of available data and previous experience with this type of fuels treatment project. The level of risk associated with the implementation and results of this project are recognized and acceptable.

Vegetation and fuels treatments have been implemented for many years in the vegetation types typical of the project area and effects from those projects have been documented. These types of treatments have not shown any unique or unknown risks to the human environment. The effects from the selected alternative are not significant because they are not uncertain and do not involve unique or unknown risks.

6) *The degree to which the action may establish a precedent for future actions with significant effects or presents a decision in principle about a future consideration.*
The treatment proposed has been occurring for over a decade on Federal lands. This action does not set any precedent for future actions.

There has been no indication that a precedent for future actions with significant effects will be established by implementation of the selected alternative.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*
Cumulative effects were analyzed in the EA. Due to implementation of design criteria, it is not likely that the selected alternative, when considered with past, present, or future actions, will cause short- or long-term adverse cumulative effects to any resources within the project area.

The effects from the selected alternative are not significant because the project is not expected to result in cumulative effects when considered in combination with other past actions or reasonably foreseeable future actions. Due to the addition of design criteria and the difference in location of the other similar ongoing activities no adverse cumulative effects are anticipated.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or other 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.*
There is potential for cultural sites within the project area but prior to implementation a survey will be completed to determine if sites of concern are present.

The survey will identify and protect sites of concern in the project area. Design criteria, such as designating avoidance areas, will maintain their integrity and prevent adverse effects and the decision will improve their protection and defensibility in the event of wildland fire.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under ESA of 1973.*
The following federally listed species occur or have potential habitat within the general project area: Lahontan cutthroat trout (Oncorhynchus clarki henshawi), fisher (Martes pennanti), Yosemite toad

(Bufo canorus), and mountain yellow legged frog (Rana mucosa). Many of the treatment specifications and resource protection measures that would be applied to each unit would protect federally listed species and habitats. It is determined that there would not be an effect to federally listed threatened species or habitats as a result of the proposed action being implemented. There are no federally listed threatened or endangered plant species nor any species proposed for federal listing in any of the project areas.

10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*
The project and associated design criteria conforms to Federal, State and local laws for the protection of the environment and meets disclosure requirements of the National Environmental Policy Act. The Proposed Action alternative is consistent with the Carson City District Office Consolidated Resource Management Plan (2001) and the Carson City District Office Fire Management Plan (2004).

The effects from the selected alternative are not significant because the action does not threaten a violation of Federal, State, or local laws.

DECISION

It is my decision to implement the Proposed Action, a combination of manual, mechanical and prescribed fire treatments using a combination of service contracts, sale contracts for timber and vegetative products, public woodcutting and agency personnel on up to 532 acres of BLM managed land in Alpine County, California. The forest restoration project is presented in detail in the Proposed Action of the Alpine Forest Restoration Project Environmental Assessment EA-NV-030-08-011.

Rational for the Decision:

The proposed action is consistent with provisions found in the Carson City Field Office Consolidated Resource Management Plan (2001), and the Carson City Field Office Fire Management Plan (2004).

Prevention of disastrous wildfire and the associated risks to human health and safety, and public land resources is a high priority for the Bureau of Land Management. The forest restoration proposed in this assessment focuses on altering vegetation structure and function to lower fire danger while increasing the overall biological diversity and long-term health of the treatment areas.

The proposed action responds to the primary purposes identified in the environmental assessment.
1. The proposed action will protect life and property and enhance the fire suppression capabilities for the local firefighting organizations.

2. The proposed action will protect or enhance special-status species habitat and protect and maintain watershed and soil integrity.

Mitigation:

The Carson City Field Office (CCFO) will send an inspector to the project site to ensure conformance with BLM standards. Resource protection measures and treatment specifications as outlined in EA-NV-030-08-011 will be in place during all aspects of the Alpine forest restoration project.

Monitoring and Compliance:

Monitoring will be conducted throughout the project area both during and after project implementation. Monitoring will consist of surveys to:

1. Ensure that the initial fuel treatment objectives are met;
2. Evaluate fuel load recovery;
3. Identify invasive species for subsequent treatment;
4. Determine the effectiveness of management measures in controlling discharges of sediment and in protecting water quality.

Public Involvement:

Scoping letters were mailed out on April 9, 2008. Letters were sent to: Alpine County Board of Supervisors, Alpine Fire Safe Council, Alpine County Public Works, California Department of Fish and Game, Cal Fire Amador-El Dorado Unit, California Regional Water Quality Control Board, Humbolt-Toiyabe National Forest, Friends of Hope Valley, Great Basin Unified Air Pollution Control District, Washoe Tribe of Nevada and California and interested individuals living in Alpine County. The comment period was open until May 7, 2008. The Alpine Forest Restoration Project was placed on the consent agenda for the Alpine County Board of Supervisors meeting May 6, 2008. Letters of support for the project were received from the Alpine County Board of Supervisors and Friends of Hope Valley. Comments were received from one individual during the comment period. The comments were addressed and minor corrections and updates were made to the EA.

Administrative Review or Appeal Opportunities:

The decision to implement the Proposed Action may be appealed to the Interior Board of Land Appeals by following the guidance and procedures found in the Code of Federal Regulations(43 CFR Part 4; Subparts A, B, and E) and on the attached Form 1842-1.

Contact Person:
For additional information concerning this decision, contact:

Keith Barker
Fire Ecologist
Carson City Field Office
5665 Morgan Mill Road
Carson City, Nevada 89701
Phone: (775) 885-6120
email: kdbarker@blm.gov

Patrick Gubbins
Acting District Manager

7/21/08
Date

Form 1842-1
(September 2006)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS
1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL..... A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL..... U.S. Department of Interior, Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road Carson City, NV 89701

WITH COPY TO SOLICITOR... U.S. Department of the Interior, Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR..... U.S. Department of the Interior, Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890

4. ADVERSE PARTIES..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ---------- Alaska
Arizona State Office --------- Arizona
California State Office ------- California
Colorado State Office -------- Colorado
Eastern States Office --------- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ---------- Idaho
Montana State Office --------- Montana, North Dakota and South Dakota
Nevada State Office ---------- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ---------- Oregon and Washington
Utah State Office ---------- Utah
Wyoming State Office -------- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.