

**Decision Notice**  
**& Finding of No Significant Impact**  
**For**  
**Jeffrey Pine Forest Health and Fuel Reduction**  
**Project**

**USDA Forest Service**  
**Mammoth Lakes and Mono Lake Ranger Districts, Inyo National Forest**  
**Mono County, California**

**Decision and Reasons for the Decision**

**Background**

In January 2004, the Sierra Nevada Forest Plan Amendment - Final Supplemental Environmental Impact Statement (SNFPA - FSEIS) revised the existing Inyo National Forest Land and Resource Management Plan (LRMP). The SNFPA-FSEIS relies on a network of land allocations and associated sets of desired conditions, management intents, and management objectives. The SNFPA - FSEIS generally promotes pre-European settlement conditions, featuring open, park-like Jeffrey pine stands dominated by large, old trees, and where frequent low-intensity fire maintains these open forest conditions and does not allow forest fuels to accumulate excessively. The purpose of the Jeffrey Pine Forest Health and Fuel Reduction Project is to manage selected Jeffrey pine stands in accordance with the direction found in the SNFPA - FSEIS.

This action is needed because the current forest stand and fuel conditions are substantially different from the desired conditions described in the SNFPA - FSEIS. Stands are highly homogeneous, consisting mainly of small to medium-sized trees and lacking both large, old trees and young seedlings and saplings. Stand density is increased, reducing individual tree vigor and horizontal diversity, and increasing the risk to drought-induced bark beetle attack, annosus root disease, and the crown-to-crown spread of wildland fire. Increased surface and ladder fuels increase the risk of a

surface wildland fire transitioning to a high-intensity crown fire. The flames, heat, and smoke of a high-intensity wildland fire poses increased risks to the safety and health of nearby communities, forest visitors, and firefighters working to suppress the fire.

The environmental assessment (EA) for the Jeffrey Pine Forest Health and Fuel Reduction Project documents the analysis of one alternative to meet this need: Alternative 2, the Proposed Action. The EA also documents the analysis of the No Action Alternative (Alternative 1).

## **Decision**

Based upon my review of all alternatives, I have decided to implement Alternative 2. Alternative 2 will best meet the Purpose and Need for Action identified in the EA by thinning excess trees, treating activity-generated fuel (slash), and using prescribed fire on 28 Jeffrey pine stands totaling 4,228 acres.

The Environmental Consequences section of the EA (pages 21 thru 49) indicate this alternative will improve stand health and resilience by decreasing inter-tree competition and reducing surface and ladder fuels. Progress toward the SNFPA - FSEIS desired condition (open-forests dominated by older, larger trees) will accelerate almost immediately. Stand vulnerability to drought-induced insect attacks and annosus root disease will decrease.

At the completion of this project, all 28 stands will improve from Fire Regime Condition Class (FRCC) 3 to FRCC 1. Transition of a surface fire to a high-intensity crown fire will be less likely. In the event of a wildland fire, the health and safety of nearby communities, forest visitors, and firefighters will be less at-risk from dangerous, high-intensity fire conditions, because this alternative treats over 1,450 acres in the Wildland - Urban Intermix (WUI). Safe, successful suppression of the wildland fire will be more likely under lower fire intensity conditions. Implementation of this alternative will add an additional 4,228 acres to the network of past, similarly-treated Jeffrey pine stands, where high-intensity crown fire is less likely to develop or be sustained.

This alternative contains design features to minimize nuisance smoke from prescribed fire operations, and protect heritage resources and sensitive plants. Soil and water

quality standards would also be maintained. Wildlife species favoring more open, old-forest conditions will ultimately benefit from implementation of this alternative.

## **Other Alternatives Considered**

In addition to the selected alternative, I considered one other alternative. A comparison of these alternatives can be found in the EA on pages 21 thru 49.

### ***Alternative 1 – No Action***

Under the No Action alternative, current management plans would continue to guide management of the project area. No tree thinning, slash treatment or prescribed fire would be conducted on the 28 Jeffrey pine stands analyzed in the EA.

This alternative was not selected because the overly dense stand conditions would persist and there would be no progress toward the desired forest conditions described in the SNFPA - FSEIS. Risk of drought-induced tree mortality due to bark beetles, annosus root disease, and high-intensity wildland fire would continue to increase. There is no improvement in forest fuel conditions to better protect the health and safety of nearby communities, forest visitors, and firefighters.

### ***Alternative 2 - Selected Alternative***

This alternative will be implemented. See above discussion regarding my decision to implement Alternative 2.

## **Public Involvement**

The Jeffrey Pine Forest Health and Fuel Reduction Project was first proposed to the public in October 2005. Letters were sent to individuals, groups, tribes, and other agencies thought to have interest in the proposal, or who had expressed interest in similar proposals in the past, inviting them to an October 29, 2005 field tour with Forest Service resource specialists to discuss past and future management of the Jeffrey pine forest in the Mammoth Lakes - June Lake area. News releases issued through local media outlets invited the general public as well. Those in attendance were invited to provide comment on a form provided at the field tour. Only two members of the public attended the field tour, and the comments they provided were

supportive of past management efforts and similar future efforts in the Jeffrey pine forest.

In January 2006, the Inyo NF began listing the proposal on its Schedule of Proposed Actions (SOPA). Using the comments provided at the October 29<sup>th</sup> field tour, Forest Service personnel developed a detailed Proposed Action for the Jeffrey Pine Forest Health and Fuel Reduction Project. On July 26, 2006, the Proposed Action and a cover letter with instructions on how to comment was mailed to all field tour participants, and the original mailing list of individuals, groups, tribes, and other agencies thought to have interest in the proposal, or who had expressed interest in similar proposals in the past. On August 3, 2006, a legal ad appeared in the Inyo Register indicating the start of the 30-day comment period. General news releases were also issued through the various local media outlets.

The 30-day comment period produced one letter. The local office of the California Department of Fish and Game made recommendations concerning mule deer habitat and possible disturbance to nesting birds, particularly birds-of-prey. In response, minor additional Wildlife Design Features were added to the Proposed Action.

## **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:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action, which include: improved conditions for tree growth and resilience to insects, disease, and wildland fire; reduced risk to the health and safety of nearby communities, forest visitors, and firefighters from dangerous, high-intensity wildland fire; and increased protection for heritage resource sites vulnerable to destruction from high-intensity wildland fire. No significant adverse effects to the environment were identified during the analysis (EA pages 10 and 21 thru 49). Proven design features have been incorporated into Alternative 2

to ensure the risk of nuisance smoke from prescribed fires, invasive weed spread, and soil disturbance are minimal (EA pages 15 and 16).

2. There will be no significant effects on public health and safety, because Air Quality and Fire and Fuels design features incorporated in Alternative 2 will minimize the effect of smoke from prescribed fire on public health and safety. See EA pages 15 and 16. Unlike wildland fires which are both spatially and temporally unpredictable, prescribed fire operations are conducted only with approval of the Great Basin Unified Air Pollution Control Board (GBUAPCB) and only when fuel and weather conditions are favorable for adequate smoke dispersal away from communities and other areas of public activity. Prescribed fire operations are normally conducted in spring or fall, when conditions are most favorable for low-intensity fire. Fuel and weather conditions associated with wildland fires may produce heavy smoke in nearby communities or other areas of public activity. Flames driven by high winds may also threaten these same communities and areas of public activity. See pages 21 thru 25.
3. There will be no significant effects on unique characteristics of the area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. Heritage Resources design features incorporated in Alternative 2 will effectively protect these resources during project implementation. See EA page 17. Since many of the heritage resources are vulnerable to the effects of wildland fire, these resources would directly benefit from implementation of Alternative 2. See EA pages 25 thru 27. Parklands, prime farmlands, wetlands, wild and scenic rivers, or other ecologically critical areas are not present within the affected project area. See EA page 21.
4. The effects on the quality of the human environment are not likely to be highly controversial. Based on the analysis provided by Forest Service resource specialists, and input from other agencies, tribes, and members of the public, there is no known scientific controversy over the impacts of the project. See EA page 10.
5. We have considerable experience with the types of activities to be implemented. Over 15,000 acres of Inyo's Jeffrey pine forest have been similarly treated in

recent years. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk. See EA pages 21 thru 49.

6. The action is not likely to establish a precedent for future actions with significant effects, because Alternative 2 includes all foreseeable treatments necessary to move these stands toward the desired condition. There are no connected or similar actions proposed or under consideration for this area which are likely to have significant effects either individually or in combination with implementation of this action. The Inyo NF has implemented similar treatments in similar Jeffrey pine stands over the past 15 years and no additional actions with significant effects have resulted. See EA page 13.
7. The analysis conducted for each resource area in the EA concluded the actions in Alternative 2 do not individually, nor with other activities taken cumulatively, cause any significant impacts. See EA pages 21 thru 49.
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. See EA pages 25 thru 27. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources. See EA pages 25 thru 27.
9. 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 Biological Evaluations (BEs) conducted for this analysis determined that no qualifying species or habitat exists within the affected project area. See EA pages 29 and 38.
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the Environmental Consequences section of the EA by each Forest Service resource area specialist. See EA pages 21 thru 49.

## **Findings Required by Other Laws and Regulations**

This decision to thin excess trees, treat activity-generated fuel (slash), and use prescribed fire on 28 Jeffrey pine stands totaling 4,228 acres is consistent with the desired conditions, and management intents and objectives found in the Inyo NF Land and Resource Management Plan (LRMP), as amended by the SNFPA - FSEIS. Applicable management direction is provided on pages 36 thru 48 of the SNFPA - FSEIS Record of Decision. The project was designed in conformance with LRMP standards and incorporates appropriate LRMP guidelines for all resource areas included in this analysis. See SNFPA - FSEIS Record of Decision pages 49 thru 66.

## **Implementation Date**

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

## **Administrative Review or Appeal Opportunities**

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at: Appeal Deciding Officer, Jeffrey E. Bailey, Forest Supervisor, 351 Pacu Lane, Suite 200, Bishop, CA 93514; or by fax to (760) 873-2458.

The office business hours for those submitting hand-delivered appeals are: 8:00 am - 4:30 pm, Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to: [appeals-pacificsouthwest-inyo@fs.fed.us](mailto:appeals-pacificsouthwest-inyo@fs.fed.us) with subject [Jeffrey Pine EA]. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the *Inyo Register*, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the *Inyo*

*Register*, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

## Contact

For additional information concerning this decision or the Forest Service appeal process, contact: Dale Johnson, Project Leader, 351 Pacu Lane, Suite 100, Bishop, CA 93514. Telephone number is (760) 872-5055.

/s/ Jon C. Regelbrugge

4/6/2007

**Jon C. Regelbrugge**

**Date**

**District Ranger**

**Mammoth Lakes - Mono Lake Ranger Districts**

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