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Decision Notice and Finding of No Significant Impact

Angelus Oaks Understory Burn Project

Front Country Ranger District, San Bernardino National Forest
San Bernardino County, California

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INTRODUCTION

This notice documents my decision for the Angelus Oaks Understory Burn Project. I am issuing this decision under the authorities provided in the Healthy Forest Restoration Act.

This project will move toward reducing fire risk to communities and improving forest health on National Forest System lands surrounding the community of Angelus Oaks, California. The project area is located on approximately 570 acres of National Forest System lands surrounding the community of Angelus Oaks and is within the Front Country Ranger District, San Bernardino National Forest, California. This action is needed to maintain the desired future condition of the 2004 Angelus Oaks Community Protection Project.

This document explains the decision I am making and the rationale for my decision. It also documents the public input, any alternatives, and environmental analysis that I considered in making my decision. Also included in this document is my Finding of No Significant Impact, which supports my decision.

The San Bernardino National Forest Land Management Plan (2005) provides the basic directions and standards for management of the San Bernardino National Forest. This decision is based on the analysis documented in the February 2012 Angelus Oaks Understory Burn Project Environmental Assessment (EA), which is incorporated by reference.

MY DECISION

Selected Alternative

As the responsible official for this project, it is my decision to implement the proposed action (Alternative 2) as described (EA, pages 15-18). No modifications have been made to the proposed action described in the EA as a result of comments received during the objection period.

Under this decision, the Forest Service will maintain the fuelbreak created by the 2004 Angelus Oaks Community Protection Project to meet the purpose and need for action. The project is designed to (1) reduce fire risk to the community of Angelus Oaks; (2) improve firefighter safety; and (3) improve forest health. Actions will begin as soon as possible, and maintenance will occur on a 5- to 10-year rotation. About 10 to 20 percent of the area would be treated each year.

The Proposed Action would focus on maintaining the Angelus Oaks Community Defense Project of 2004. Proposed treatment activities would consist primarily of prescribed fire to remove understory shrub regrowth, providing a mosaic of fuels, and the removal of the natural accumulation of woody materials on the ground. Prescribed fire treatments would generally use hand-firing methods. The project would maintain the shaded fuelbreak around the Angelus Oaks community, and the overall mixed conifer and chaparral species composition would remain unchanged after treatment activities. The Proposed Action would also provide maintenance activities on a rotating schedule to reduce ladder and surface fuels to reduce both the intensity

and severity of potential wildfires. The following treatments would be applied over the 570-acre project area:

- Use a combination of manual and prescribed fire (pile and broadcast burning with hand-firing methods) treatment methods to maintain and remove understory hazardous fuels.
- Complete treatments on a 5- to 10-year rotation to maintain and reduce hazardous fuels; maintain a shrub-to-crown base distance of 6 feet or greater or a volume of 3 tons or less per acre.
- Control Spanish broom by using hand cutting tools or chain saws and the cut-and daub application method to apply an aquatic approved formulation of glyphosate herbicide, timed to prevent seed set and stop vegetative reproduction.

Design Criteria

Various measures (or criteria) will be implemented that guide the project through the implementation phase. These criteria are integral to the project and provide details on the way in which specific aspects of the project will be implemented to ensure resources are protected and project objectives are met. Below is a list of initial design criteria for this project. The detailed design criteria are posted on the following webpage: http://www.fs.usda.gov/projects/sbnf/landmanagement/projects.

1. Common Design Criteria

The following design criteria will be applied to the Angelus Oaks Understory Burn Project:

a. No new permanent roads will be established. Vehicles will use existing NFS roads.

b. Treatment schedules and activities will be coordinated with adjacent landowners and all other agencies and organizations in the local area as appropriate.

2. Manual Treatment Design Criteria

a. Tree branches will be pruned as needed, using pole saws, chainsaws, or other hand tools, up to 10 feet or to a 50 percent stem-to-crown ratio, whichever is lower (one-half the height of the tree).

b. Fuels generated in hand treatments will be lopped and scattered. Where resulting fuel loads are too high to meet prescriptions, fuels will be piled and burned.

c. Shrubs within the existing fuelbreak will be thinned to maintain no more than 20 percent shrub cover in the Defense Zone and 20 to 40 percent shrub cover in the Threat Zone.

d. For any activities within control lines, tree species will be retained in the following descending order of preference: big-cone Douglas fir, black oak, sugar pine, Jeffrey/ponderosa pine, Coulter pine, incense cedar, and white fir.

e. Slash piles will not be stacked against living trees, existing downed logs, and rock outcrops.

f. All shrubs and woody materials will be cleared from beneath the drip lines of trees.

3. Prescribed Burn Treatment Design Criteria

a. Prescribed burning (broadcast and hand pile burning) will be accomplished by applying light to moderate fire intensity using hand firing methods and will be utilized to maintain this area. Burning will generally be done in the fall, winter, or early spring.

b. Burn piles may be created from materials cut during thinning and pruning. Burn piles will be average 8 feet in diameter and 6 feet in height, and will be located away from trees and shrub patches to minimize crown and bole scorch. Also, these burn piles will be located 25 feet from plants that are identified to be retained (specimen vegetation).

c. Control lines for prescribed burning (both pile and broadcast); will be cleared of all vegetation from 3 to 10 feet in width, with a minimum of 1 to 3 feet cleared to mineral soil. To the extent possible control lines will be rehabilitated using the native material (soil, duff or slash) removed during construction to minimize invasion by weed species and ground disturbance.

d. Prescriptions will be written to limit mortality of trees to approximately 10 percent during prescribed burn treatment activities.

e. A prescribed burn plan will be developed and approved prior to initiating any burning operation. A burn plan generally includes unit description, specific prescribed burn objectives, public notification procedures, coordination with other resource agencies (*e.g.*, Air Quality Management District), hazard analysis, contingency plans, firing procedures, risk assessment, mitigation measures, estimated fire behavior, acceptable weather variables, and prescribed burn organization.

4. General and Sensitive Wildlife Design Criteria

a. Sensitive wildlife areas may be marked or flagged for avoidance.

b. Slash piles will not be stacked against living trees or within 30 feet of downed logs and rock outcrops. Where it is not feasible to avoid creating piles near these features in high quality rubber boa habitat, a biologist will coordinate with the project administrator to determine if additional protection measures are needed to reduce potential impacts.

c. If buffer or sensitive areas are not flagged on the ground prior to treatment implementation, a biological monitor may be on site when treatments are implemented to help minimize impacts.

d. When possible, piles of brush will be burned as soon as possible after piling in order to minimize colonization by wildlife. Piles remaining on site longer than one season will be probed and directionally lighted to encourage wildlife to leave as feasible.

e. Where available and within the capability of the site, retain a minimum of 9 downed logs per acre of all age and decay classes minimum 12 inches in diameter and 120

linear feet. At least half of the logs left should be in the 20 to 36 inches in diameter range. Exceptions allowed to meet fuels objectives.

f. Fuels should be gently raked away from downed logs when necessary prior to ignition of fire to help protect logs during burning activities.

g. During project implementation, strive to protect a minimum of 10 to 15 hard snags per 5 acres (minimum 16 inches diameter at breast height and 40 feet tall, or next larger available). Exception allowed in WUI Defense Zones and where they pose a safety hazard (LMP Part 3, p. 6).

h. Within riparian conservation areas (RCAs) retain snags and downed logs unless they are identified as a threat to life, property, or sustainability of the RCA (LMP Part 3, p. 6).

i. Night work (and use of artificial lighting) will be avoided during this project. Night is defined as the period between sunset and sunrise. Exceptions may be made when necessary during burning operations if mop-up or patrols are required.

j. Areas requiring special treatment (*e.g.*, avoidance, monitoring, limited operating periods, etc.) will be delineated on maps and kept within the project file. These maps will be used to guide project implementation and coordination between the project administrator and project biologists to identify avoidance areas or special treatment areas on the ground.

k. Project administrators and crews may be provided training and identification information on rare animals within project area and provided direction for what to do if those species are encountered (including notification of a district biologist).

l. Use of water sources from NFS lands for dust abatement will not occur as part of this project. Coordinate with wildlife biologist, as appropriate, for minimization measures if drafting water from NFS lands for prescribed burn activities.

m. Wood rat nests will be retained whenever possible, especially in and adjacent to spotted owl habitat. Fuels will be cleared prior to burning if necessary to protect them.

n. Protect active and inactive raptor nest areas using buffers or Limited Operating Period (LOPs) as needed (S18, LMP Part 3, p. 7). Known nest trees will be flagged or marked with a wildlife tree tag for avoidance during implementation.

o. To comply with the Migratory Bird Treaty Act, project activities will be conducted outside of the breeding season between March 1 and August 31 to the extent possible. If treatment must occur during this time period, project administrator should coordinate with district wildlife biologist to determine any alternative methods to reduce impacts to breeding birds.

5. Threatened and Endangered Wildlife Species

a. All suitable habitat is considered occupied unless surveys have been performed satisfying the determination protocol and a negative determination is made. Pre-implementation surveys for habitat suitability will be conducted for mountain yellow-legged frog in the Cold Creek tributary.

b. Habitat suitability surveys will be conducted for mountain yellow-legged frog in the western tributary of Cold Creek prior to project implementation in the northeastern project units near this tributary. If habitat is found to be suitable, the following additional measures will apply:

   i. LOP will be in place within 300 feet of suitable habitat from February 1st through October 31st. Implementation of planned project activities will not be authorized during this period within the 300 feet buffer.

   ii. No project activities, including prescribed fire will occur within the mapped RCA. An exception will be made within 100 to 300 feet of private property. Where the RCA is within 100 to 300 feet of private property will be treated by hand only. A fuels specialist and hydrologist will work together. A qualified hydrologist would guide installation of erosion control structures to minimize erosion resulting from hand treatments within the RCA.

c. Maintain a LOP within 500 feet of southwestern willow flycatcher nests between May 1 through August 31. To reduce potential downstream impacts to mountain yellow-legged frog and other fish/aquatic species in the perennial streams, fuels generated will be piled and burned at least 100 meters (300 feet) from perennial streams.

6. Wildlife Design Criteria for California Spotted Owl

a. The California Spotted Owl Conservation Strategy will guide the design of vegetation and fuels management efforts within Protected Activity Centers (PACs) and Home Range Core (HRCs) to retain important habitat components and forest stand structure. No treatments will take place in known spotted owl nest stands (30 to 60 acres around the nest trees). The nest stand will be mapped as a "No Treatment Zone" on project maps. Exceptions are discussed below in sections d and e "Defense Zone and Threat Zone".

b. Maintain a LOP prohibiting project activities within 0.25 mile of the nest trees during the owl breeding season (February 1 through August 15), unless surveys confirm that California spotted owls are not nesting (LMP S-20). Where nest sites are not known (e.g., only centroids have been identified or current nest tree information is lacking), the 0.25-mile buffer should be used around the nest stand rather than the nest tree. Follow the Forest Service (1993, 1994) protocol to determine whether owls are nesting. An exception to this LOP may be exercised, if necessary, to allow burning in within the 0.25-mile buffer of territory SB119 as long as prep work is completed before the LOP and if burning operations occur by hand and no chainsaws are used.

c. Within PACs and HRCs, retain (and strive to protect) the largest trees within the treatment area. Exceptions allowed for operability.

d. In Defense Zone (0 to 300 feet from community boundary) found in PACs and HRCs, treat forest stands to meet fuels management objectives to protect life and property. Remove grass, shrubs, small trees, and ladder fuels to distances specified by standards for Defense Zones while reducing forest canopies to no less than 40 percent live crown cover if available.

e. In Threat Zone (300 feet to 1.5 miles) and within PACs, retain existing overstory and midstory canopy cover except where reduction is needed to bring fire to the ground. Within HRCs, meet fuel loading goals while retaining a minimum of 50 percent canopy cover except where reduction is needed to bring fire to the ground.

7. Botany Design Criteria

a. A botanist/biologist will coordinate with the layout staff to facilitate surveys of control lines in areas of known occurrences or in habitats that are likely to contain threatened, endangered, and sensitive plant species. The objective is to avoid known occurrences rare plant species, to detect new ones and to identify alternate routes/locations where they conflict with resource concerns (*e.g.*, rare plants).

8. Watershed Design Criteria

a. RCAs with a width of 30 meters (100 feet) from bankfull stage will be established along designated intermittent streams and 100 meters (300 feet) along designated perennial streams within the project area. All ground-based mechanical equipment will be prohibited in the RCA except as designated by soils scientist or hydrologist.

b. Best management practices (BMPs) described in the Forest Service field guide will be followed in order to minimize soil erosion.

c. The new National Forest Soil Disturbance Monitoring Protocol will be used to monitor pre-treatment baseline conditions and post-treatment effectiveness of soil conservation measures.

d. An erosion control plan will be developed to prevent road maintenance and project-related, road use-generated erosion from entering stream courses.

e. Service and refueling areas will be generally established at least 100 meters (300 feet) away from streams and surface flow areas. Service and refueling areas may be established under 100 meters (300 feet) with mitigation measures emplaced and prior approval of the project administrator.

f. All broadcast prescribed burns are required to have BMP Evaluation Program monitoring to evaluate erosion and ground cover, and if necessary, mitigations will be prescribed.

g. Relative to Cold Creek watershed (designated WS2 in Soils and Hydrology Specialist Report; GeomorphIS 2011b), require coordination with Forest Hydrologist in drafting Burn Plan Element 9 relative to BMP Practice 6.2.

h. Relative to Cold Creek watershed, require prescribed-fire qualified earth scientist to be on-site during implementation (BMP Practice 6.3).

9. Visual Quality Design Criteria

a. Treatment activities will be blended with natural landscape features such as natural openings and rock outcrops to create vegetative shapes that mimic natural patterns.

b. Fuels resulting from treatments will be piled and burned at least 150 feet from main travel routes and recreation areas.

c. Shrub islands will be left along primary travel corridors (*i.e.*, State Highway 38) of various shapes and sizes in a random distribution to provide a natural appearance, while still meeting the fuel reduction objectives.

10. Air Quality Design Criteria

a. All burning will be conducted within the State of California air quality regulations administered by permit through the South Coast Air Pollution Control District as described in California's Agricultural Burning Guidelines in Title 17 of the California Code of Regulations.

11. Cultural Resource Design Criteria

a. Cultural sites will be identified, flagged, and avoided by project actions.

b. Sites will be protected by placing handlines/scratchlines around the sites or hand clearing/thinning of shrubs in and around key features of the sites, at a distance and location determined by an archaeologist.

c. If additional cultural resources are discovered during project activities, work will stop in that area immediately until archaeologist can evaluate the site.

d. Archaeologist will monitor ground-disturbing activities in culturally sensitive areas.

e. Post-project monitoring will be conducted to evaluate effectiveness of protective measures.

12. Noxious Weeds Design Criteria

a. A noxious weed assessment will specify areas where disturbance from equipment, fire, and project-related weed vectors will be mitigated.

b. All equipment used during project implementation will be cleaned to make sure it is free from noxious or invasive exotic weeds before entering the SBNF. If any equipment encounters a weed occurrence in the project area, it will be cleaned to remove weed seed sources prior to leaving the project area. Any off-site materials, used on the project, will be certified weed-free.

13. Spanish Broom Design Criteria:

a. Hand-pull seedlings and young plants, where possible.

b. Pull out large plants with a pry-bar-type tool (weed wrench) where feasible and effective.

c. Cut shrubs with hand saws and/or chainsaws leaving roots in place, then applying herbicide to the cut-stumps immediately using paintbrush-type or wick applicators with aquatically labeled glyphosate as the only herbicide, at full strength with no surfactants added. A short-lasting colorant will be added to the herbicide as an indicator of treated stumps.

d. Pulling, cutting, and chipping in the area infested with Spanish broom will not occur when the plants contain seed, or cut biomass will remain in place and burned, or chipping will direct chips back into infested areas only.

e. Transport of removed invasive plants with seeds or vegetative propagules will occur in enclosed disposal containers or in an enclosed vehicle. Invasive plants to be disposed of off-site will be taken to a facility (*i.e.*, landfill) that contains the disposed items. If burning of removed invasive plants occurs, burn pile sites will be monitored the following year to assess potential needs for revegetation or additional invasive plant removal treatments.

f. All equipment including hand equipment such as chainsaws and all vehicles taken off road will be cleaned after working in areas infested with Spanish broom before moving to areas that are not currently infested with Spanish broom.

g. For any new Spanish broom infestations located near special plant and wildlife status species, botanist and/or wildlife biologist will evaluate and prescribe appropriate avoidance measures.

h. Areas with bare soil, created by the treatment of invasive plants, will be evaluated for restoration to prevent further infestations by the same or new invasive plant(s) as noted in the restoration plan. Whenever possible, protect non-target vegetation in order to minimize the creation of exposed ground and the potential for re-colonization of invasive plants. A Forest Service botanist will be consulted prior to any restoration implementation.

i. Prior to treatment (within 2 years), a qualified wildlife biologist will be consulted to determine whether habitat for threatened, endangered, or sensitive wildlife species is present in the treatment area. If suitable habitat is found, protective measures may include, but are not limited to, the following: flag and avoid; season restrictions, conduct on-site environmental training to aid workers in recognizing and avoiding special status species that may occur in the project area; and/or treatment methods will be designed to eliminate or minimize negative impacts.

j. In the event of a plant and/or wildlife species protection status changing to threatened, endangered, or Forest Service sensitive, additional analysis will be completed to determine potential impacts. US Fish and Wildlife Service consultation will occur, if applicable.

k. No Spanish broom will be cut without coordination with a California Department of Pesticide Registration (DPR) Certified Pesticide applicator to be present to apply herbicide to stumps within minutes of cutting.

14. Herbicide Application

a. Herbicide application would be consistent with the Forest Service Pesticide Use Policy, would be in compliance with state and federal regulations, and would follow Region 5 Best Management Practices for Water Quality and Vegetation Manipulation and the Region 5 supplement No. 2100-95-1 to 2150 on Pesticide-Use Management and Coordination. Appropriate monitoring protocols will be used to ensure herbicide was applied according to requirements according to label specifications.

b. The Herbicide Transportation, Handling, and Emergency Spill Response Plan and spill kit will be on-site when herbicide treatment methods occur. This Plan will include reporting procedures, project safety planning, methods of clean-up of accidental spills, and information including a spill kit contents and location as noted in Forest Service Manual 2150 (USDA Forest Service 1994a) and Pesticide-Use Management and Coordination Handbook 2109.14 (USDA Forest Service 1994b).

c. Apply herbicide at optimum times of year to achieve higher percent kill and the least spread of the weed. Avoid cutting or treating plants during flowering and fruiting to avoid pollen and seed spread.

d. Containers and equipment will be disposed of in accordance with regulations to prevent water contamination.

e. Re-treating Spanish broom plants that re-sprout may occur using the same techniques.

f. Herbicide application will follow applicable project description and design criteria found in the Biological Assessment/Biological Evaluation (BA/BE) for the Spanish Broom Removal Along Evacuation Routes (Kopp et al 2009) found in Appendix A.

15. Recreation Design Criteria

a. For public safety, areas with fuel removal activities, prescribed burning, or other fuel treatments may be temporarily closed to public use. Closures could be implemented by use of signs, travel barriers, or temporary gates.

b. On the Santa Ana Trail, signs will be posted to advise trail users when project activities are scheduled.

c. For the safety of recreationists, trails will be temporarily closed when project activities are taking place.

d. To reduce off-highway vehicle traffic in treated areas, a combination of natural barriers (rocks, logs, etc.), screening, and fencing will be installed to prevent and/or discourage illegal vehicle activity during and after the project treatment. Coordinate with archaeologist and biologists for placement.

e. Identify new unauthorized routes resulting from project implementation; maintain barriers, screening and fencing; and monitor their effectiveness.

Rationale

During the EA analysis, the Forest service evaluated the environmental effects of the proposed action. The consequences of not taking action to address the purpose and need were also discussed (EA, pages 37-114). My reasoning for making a decision on this project is based on how well the alternative meets the purpose and need and addresses any concerns or issues that were raised during the scoping process or the objection period.

The project design criteria discussed in the EA are based on experience gained from implementation of other fuel reduction projects on the Forest and site-specific information gathered by the interdisciplinary team during the design of the proposed action. Implementation of design criteria and monitoring is the basis for the rationale of my decision and supports my Finding of No Significant Impact.

I have reviewed the resource specialist reports that were used in the preparation of the EA as well as other key supporting documents from the project record. I have made sure that the project complies with the San Bernardino National Forest Land Management Plan and other applicable laws and regulations. I have considered the environmental impacts of the proposed action. I have also weighted and balanced environmental effects with public interest and values as expressed during the public scoping process while ensuring that the project meets its purpose and need. My conclusion is based on a review of the record that shows thorough consideration of the proposal using best available science.

The Angelus Oaks Understory Burn Project EA documents the environmental analysis and conclusions upon which this decision is based.

Meeting the Purpose and Need

The purpose of this project is to:

- Reduce hazardous fuels, and
- Improve the overall forest health of the treated areas.

The Front Country Ranger District, SBNF, proposes to reduce fire risk and improve forest health on approximately 570 acres around the Angelus Oaks community. The Proposed Action would include an understory burn of the shaded fuelbreak areas created during the implementation of the Angelus Oaks Community Defense Project that was initiated in 2004. The proposed project area is located in T1N, R1W, sections 21, 22, 27, 28, and 33 long State Highway 38, surrounding the community of Angelus Oaks in San Bernardino County, California. The Angelus Oaks Understory Burn Project is located in an area classified as Wildland-Urban-Interface by the San Bernardino National Forest Land Management Plan and as described by the Healthy Forest Restoration Act. Under the National Fire Plan and the Healthy Forest Initiative, emphasis is placed on reducing the risk of wildfire within the Wildland-Urban Interface around communities at risk. Residents within adjacent communities are concerned for their safety and about private property loss from a possible wildland fire that may spread from the surrounding public land. In

addition, there is concern about fires igniting on private lands and spreading onto adjacent National Forest System lands with resulting damage to forest resources.

These proposed maintenance activities will reduce the risk of wildfire within the community of Angelus Oaks and maintain the desired future condition of the 2004 Angelus Oaks Community Protection Project. Treatments will be located where the topography, wind conditions, and fuels create the potential for fire spread into the community, or where a large or intense fire could cause indirect damage to the community (*e.g.*, effects to water sources, erosion hazards).

The proposed action is needed to reduce the fire risk and improve forest health surrounding the community of Angelus Oaks, California. Angelus Oaks was approved as a community at risk of damage from wildfire by the California Fire Alliance, which encourages the development of Community Wildfire Protection Plans as defined by the Healthy Forest Restoration Act (www.calfirealliance.org/communites_at_risk). The Mill Creek Fireshed Assessment and Angelus Oaks Community Wildfire Protection Plan of 2005 identify the project site as an area for hazardous fuel reduction treatments that will protect Angelus Oaks and the surrounding areas. Past fuel reduction treatments in the project area include the Angelus Oaks Community Defense Project of 2004. Since these treatments were completed, some shrubs have regrown, and hazardous fuels have accumulated. The proposed action is needed to maintain the fuelbreak created by the 2004 Angelus Oaks Community Defense Project.

Consideration of Public Comments and Concerns

I have considered all comments and opinions that have been received to date on this project in making my decision. We invited residents that live near the project area; federal, state, and local government agencies; the general public and other groups; and individuals potentially interested in or affected by the project to review and comment on our initial proposal (proposed action) and the purpose and need for the Project (EA page 14). I have reviewed the one comment letter received during scoping. No comment letters were received during the objection period. I find that all concerns and issues have been addressed. The complete comment record is part of the project record and is located at the Front Country Ranger District.

Public Involvement

The proposal was listed in the San Bernardino National Forest Schedule of Proposed Actions on April 1, 2010. The proposal was provided to the public and other agencies for comment during scoping from September 16, 2010 to October 20, 2010. In addition, as part of the public involvement process, the agency held a public open house on September 27, 2010 from 5:00 pm to 7:00 pm at the Angelus Oaks Fire Station No. 98. Participants were informed about the project and handouts were available.

Ten people from the public attended the open house. One comment was received. Using the comments from the public and other agencies the interdisciplinary team developed a list of environmental issues to address: fire hazard and fuel loading, forest vegetation, silviculture, wildlife, hydrology and soils, botanical resources, invasive weeds, air quality, cultural resources, scenery and recreational resources, and social and economic effects.

The EA cover letter including a link for the EA was sent via email or mail to interested parties and pertinent agencies and tribes. The EA was also posted on the Forest website. The 30-day

objection period was announced via a legal noticed published in the San Bernardino County *Sun* (newspaper of record) on March 8, 2012. The objection period ended on April 7, 2012. No objection letters were received.

Alternatives Considered

The EA described two alternatives that were analyzed in detailed study, the no action alternative (Alternative 1) and the proposed action (Alternative 2). I did not select the no action alternative (Alternative 1) because, although it would avoid some effects to the environment, it would not meet the purpose and need of firefighter safety, community protection, and forest health improvement.

Finding of No Significant Impact

The Council on Environmental Quality (CEQ) regulations note that when an EA has been prepared, the responsible official shall review that document and determine whether the project may have a significant effect on the quality of the human environment and if an Environmental Impact Statement (EIS) should be prepared (40 CFR 1508.13).

I have determined that these actions will not significantly affect the quality of the human environment. Therefore, an EIS is not needed. This finding is based on the context and intensity of the project as analyzed and documented in the EA and project file.

Context

The disclosure of effects in the EA found the actions limited in context. The project area is limited in size and the activities limited in duration. The project is a site-specific action with no potentially significant impacts, which directly involves National Forest System lands with no international, national, regional, or statewide importance. Effects are local in nature and are not likely to significantly affect regional or national resources.

Intensity

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27. The following have been considered in my evaluation of intensity for this proposal.

1. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

Impacts associated with the project are discussed in the EA. These impacts are within the range of those identified in the Forest Plan. The actions will not have significant impacts on other resources identified and described in the section of the EA (pages 37-114). The effects of the decision to be made are not significant in either the long or short term. Effects are local in nature and are not likely to significantly affect regional or national resources. The EA shows that the beneficial effects will not occur at the expense of other resources.

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

There will be no significant adverse effects on public health and safety. Objectives for the project include community protection from wildfire and firefighter safety. This action and the range of activities is typical of management actions taken in the National Forests, including activities that involve the removal of timber or the cutting of trees.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas.

There will be no significant effects on unique characteristics of the area, including historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas (EA, pages 37-114). Specific design features incorporated into the proposed action will avoid adverse impacts to historic/cultural resources, sensitive wildlife and plants, watersheds, visual quality, air quality, and recreation uses (EA pages 6-14).\

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

The effects on the quality of the human environment are not likely to be highly controversial with the majority of the interested and involved public because they are proposed in a national forest where fuels reductions, prescribed fire, and silvicultural activities have occurred for the past several decades in an area compatible with forest management activities. During scoping and the objection period, only one comment letter was received, in favor of the project. Through project design criteria, all potentially controversial issues have been alleviated. The actions in the proposed project are well founded in science, current research, and other available information that is relevant to the actions.

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

The possible effects on the human environment are not highly uncertain nor do they involve unique or unknown risks. The technical analyses for determination of the impacts to the resources are supported by the use of accepted techniques, reliable data, and professional judgment. The Forest Service has considerable experience with the types of fuels reduction activities to be implemented, and their likely effects. The effects analysis shows that the effects are not uncertain and do not involve unique or unknown risk (EA pages 37-114).

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

This project does not set a precedent for future actions with significant effects. The sites receiving treatments have been designated in the San Bernardino National Forest Land Management Plan for a variety of vegetation management activities and fuels reduction actions. The management practices are compatible with the San Bernardino National Forest Land Management plan, and with the capabilities of the land.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment.

The analysis discloses a comprehensive list of potential past, ongoing, and foreseeable future actions that may create cumulative effects (EA, pages 37-39). In the EA under each resource section, cumulative impacts are disclosed for each of the resources analyzed and I find that cumulative impacts are not considered significant.

8. 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.

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. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources (EA pages 107-114).

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

The action is not expected to adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. Biological evaluations/biological assessments for both threatened and endangered wildlife and plan species were completed. The proposed action will not affect southwestern willow flycatcher or its designated Critical Habitat. The proposed action will not affect Santa Ana sucker or its designated Critical Habitat. On August 24, 2011, the Forest Service initiated informal consultation with US Fish and Wildlife Service in a letter that requested concurrence with the determination of "may affect, not likely to adversely affect" mountain yellow-legged frog. On Sept. 28, 2011 the US Forest Service received concurrence from US Fish & Wildlife Service. No currently listed threatened or endangered plant species are currently known to occur in the project area. The proposed action as described would not affect any designated threatened or endangered plant species or plant critical habitat.

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

The action will not violate Federal, State, or local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the San Bernardino National Forest Land Management Plan.

Findings Required by Other Laws and Regulations

The proposed action would not threaten a violation of federal, state, or local law, or requirements imposed for the protection of the environment.

National Forest Management Act of 1976, as Amended

The decision is consistent with the intent of the San Bernardino National Forest Land Management Plan's long term goals and objectives. Compliance with the National Forest Management Act in regards to both sensitive species and management indicator species is analyzed in the botany and wildlife sections of the EA (EA pages 50-63 and 66-91, respectively). The San Bernardino National Forest Land Management Plan Complies with all resource integration and management requirements of 36 CFR 219.14 through 219.27 and conforms to requirements of the National Forest Management Act of 1976. Application of San Bernardino National Forest Land Management Plan direction for the project ensures compliance at the project level. With the inclusion of the San Bernardino National Forest Land Management Plan direction, this proposed project will move the existing condition toward the proposed desired condition.

Endangered Species Act of 1973, as Amended

The action is not expected to adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. The proposed action will not affect southwestern willow flycatcher or its designated Critical Habitat. The proposed action will not affect Santa Ana sucker or its designated Critical Habitat. On August 24, 2011, the Forest Service initiated informal consultation with US Fish and Wildlife Service in a letter that requested concurrence with the determination of "may affect, not likely to adversely affect" mountain yellow-legged frog. On Sept. 28, 2011 the US Forest Service received concurrence from US Fish & Wildlife Service. No currently listed threatened or endangered plant species are currently known to occur in the project area. The proposed action as described would not affect any designated threatened or endangered plant species or plant critical habitat (EA pages 50-63 and 66-91, respectively). The Forest Service has met the requirements of Section 7 of the Endangered Species Act by using the counterpart consultation regulations.

National Historic Preservation Act of 1966, as Amended

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. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources (EA pages 107-114).

Federal Water Pollution Control Act (Clean Water Act) of 1972, as Amended

The San Bernardino National Forest has entered into a Management Agency Agreement between the State Water Resources Control Board, State of California and the Forest Service, Region 5 (1981). Through this agreement, the Forest Service has agreed and is required to accept responsibility of the Water Quality Management Agency designation for National Forest System land in the State of California; and to provide periodic project site reviews to ascertain

implementation of management practices and environmental document and/or contract and permit documents.

Clean Air Act of 1970, as Amended

All burning is expected to be conducted with an approved South Coast Air Quality Management District Smoke Management Plan using best management practices and applying appropriate mitigation measures. It is up to the Forest Service to establish priorities for burning and the responsibility of the Air Quality Management District to manage all burning in the basin on a given day. Because air quality is strictly regulated, overlapping effects to air quality are minimized. The project will comply with the Clean Air Act of 1970, as amended.

Executive Order 11988, Clean Water

This project is fully consistent with this executive order.

Executive Order 12898, Environmental Justice

This executive order ensures that, to the greatest extent practicable and permitted by law, all populations are provided the opportunity to comment before decisions are rendered on, are allowed to share in the benefits of, are not excluded from, and are not affected in a disproportionately high or adverse manner by, government programs and activities affecting human health or the environment. Implementation of any project activity is not anticipated to cause disproportionate adverse affects to a minority or low income population. This project is fully consistent with this executive order.

Executive Order 13112, Invasive Species

This project is fully consistent with this executive order. There is a risk of invasive species introduction and spread with implementation of the proposed action, but these risks are mitigated by design criteria.

Executive Order 13186, Migratory Birds

Management objectives of this executive order will be met. No significant impact to migratory birds are expected.

Objections under the Healthy Forest Restoration Act

This project is consistent with the Healthy Forest Restoration Act of 2003 (Public Law 108-248). Thus, it is not subject to the notice, comment, and appeal procedures of 36 CFR 215. In accordance with 36 CFR 218 subpart A, I accepted objections to my proposed decision for 30 calendar days from the publication of the legal notice in the San Bernardino County *Sun* on March 8, 2012. No objections were received.

Implementation Date

Per 36 CFR 218.11, this project may be implemented immediately because no objections were received by the Reviewing Officer for Healthy Forest Restoration Act. Implementation will depend on funding availability. I hope to begin implementation in fall 2012.

Contact

For further information on this decision, contact Roger Williams, 1209 Lytle Creek Road, Lytle Creek, CA 92358, (909) 382-2754.

Gabe Garcia/s/ Date
District Ranger
Front Country Ranger District