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Pacific Southwest
Region

Lake Tahoe Basin
Management Unit

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South Shore Fuel Reduction and Healthy Forest Restoration Project

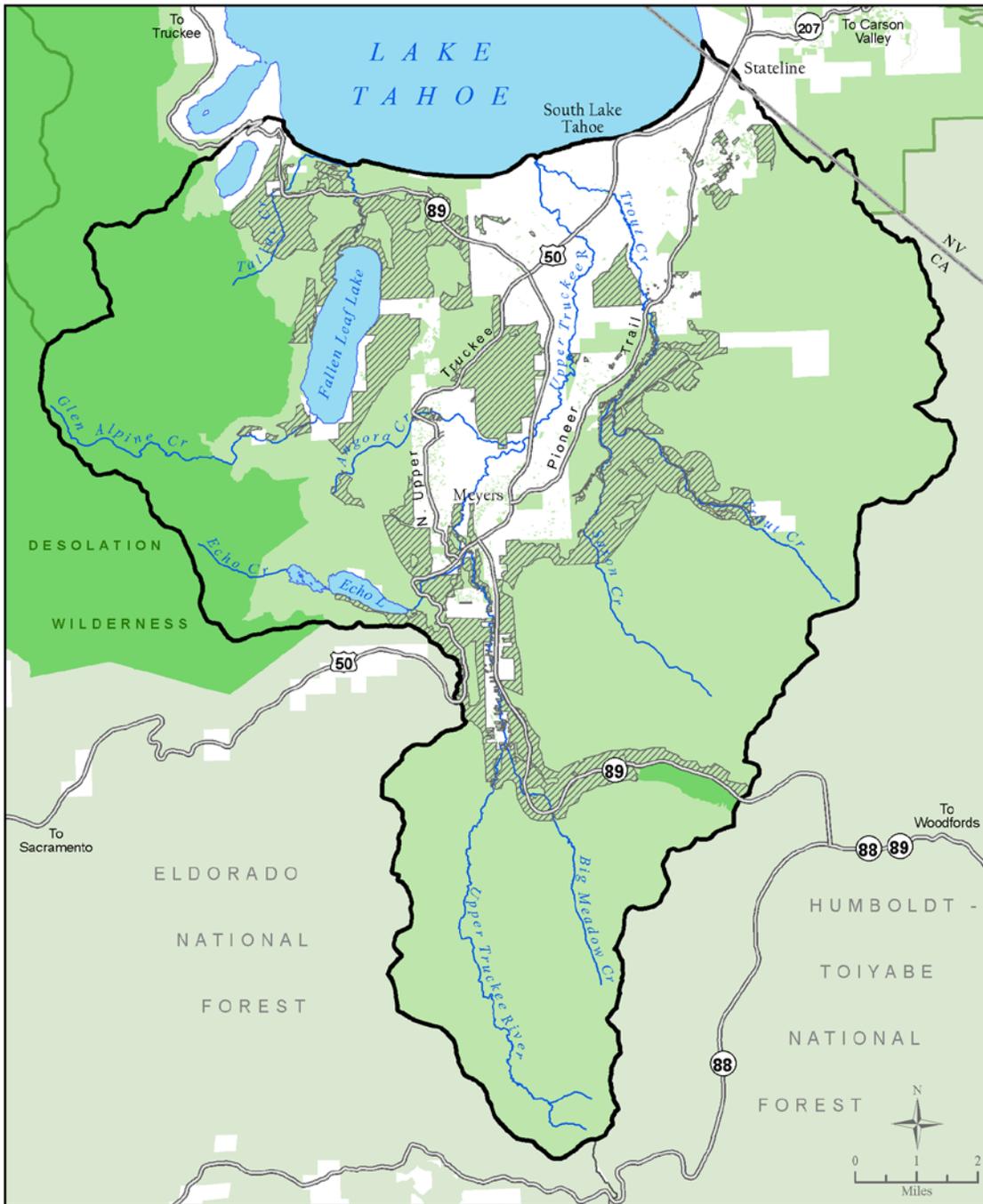
RECORD OF DECISION

Lake Tahoe Basin Management Unit
El Dorado County, California



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Project Area

South Shore Fuel Reduction and Healthy Forest Restoration FEIS Lake Tahoe Basin Management Unit



- | | | |
|-------------------------|------------|--------------------------------------|
| Project Boundary | Major Road | Land Status |
| Proposed Treatment Area | Stream | Lake Tahoe Basin Mgmt Unit |
| | Lake | Adjacent National Forest |
| | | Wilderness and Research Natural Area |
| | | State/Private/Other |

Background

Healthy Forest Restoration Act (HFRA) Process

The Healthy Forest Restoration Act of 2003 (HFRA) authorizes projects on federal lands to reduce fuel loads and increase or maintain healthy forest conditions. It provides a foundation to work collaboratively with at-risk communities to reduce wildfire hazards caused by fuel loads within the wildland urban interface (WUI) that exceed desired conditions as defined by the Forest Plan (HFRA Sec.102 (b)). The Act requires federal agencies to consider recommendations made by at-risk communities that have developed community wildfire protection plans (HFRA Sec. 101 (3)). An updated list of urban wildland interface communities within the vicinity of federal lands that are at high risk from wildfire was published in the Federal Register on August 17, 2001. The community of South Lake Tahoe is listed in the Federal Register as a community at-risk. The South Lake Tahoe Fire Department, Lake Valley Fire Protection District, Tahoe Douglas Fire Protection District, and Fallen Leaf Fire Department have developed community wildfire protection plans (CWPP).

Coordination with these agencies in the development and use of their CWPP is an important part of the HFRA analysis for this project. The community fire safe council worked with corresponding fire departments and fire protection district personnel to design these CWPP for effective vegetation and fuels treatments and defensible space across all land ownerships, including National Forest System lands. The U.S. Forest Service, Lake Tahoe Basin Management Unit (LTBMU) collaborated with the fire districts and fire safe council to design fuel reduction activities that are consistent with the CWPP and provide the defensible space identified in the CWPP where it occurs on National Forest System lands.

Land ownership patterns in the Lake Tahoe Basin present a challenge to project implementation. The CWPP identifies fuels treatment needs across multiple ownership jurisdictions (federal, state, local, and private). Approximately 65 percent of the CWPP treatments include National Forest System lands. A successful fuels reduction program requires effective coordination among land management and regulatory agencies.

One purpose of HFRA is to promote collaboration that resolves issues and reduces both time and expense for preparation of environmental documentation in order to proceed with projects to reduce hazardous fuels and restore forest health in a shorter timeframe and with lower costs to the taxpayer (HFRA 2003). Pursuant to HFRA, instead of an appeal period (36 Code of Federal Regulations (CFR) 215), there was an “objection process” before this final decision and after the environmental document was available (36 CFR 218). In order to be eligible to file an objection to the preferred alternative, specific written comments related to the project must have been submitted during scoping or other public involvement opportunities on the EIS (36 CFR 218.6). The Legal Notice of the objection period for the South Shore Project Environmental Impact Statement (EIS) was published on September 28, 2011. There were two eligible objections filed during the objection period and resolutions and response to those objections are summarized in the public involvement section of this document.

Emphasis on Reducing Conifer Density and Treating Fuels

The 2007 Angora Fire, started on National Forest System lands (NFS), burned approximately 3,100 acres and destroyed or damaged more than 250 structures. This fire was a devastating fire to many people who live in the neighborhoods within the South Shore of Lake Tahoe. Lessons learned from the Angora Fire concluded that where fuels and vegetation treatments were completed prior to the fire, they worked as intended, by reducing fire intensity from a crown fire to surface fire, reducing ember spotting distances (to <50 feet), and ultimately increasing firefighters ability to take safe and "close-in" suppression actions, thus minimizing the overall potential fire damage to structures. In areas that were untreated, such as slopes and the Angora Creek Stream Environment Zone (SEZ), the fire burned as a crown fire consuming 95-100 percent of the tree crowns and surface vegetation, creating ember spotting distances as far as ½ mile, and suppression resources could not safely engage the fire due to rapid rates of spread and very high intensity caused by continuous dense stands of trees and high surface fuel loading (Murphy et. al 2007). Ultimately, the areas that had prior vegetation/fuels treatments are currently in a healthier forest condition. This is attributed to the presence of intact stands of trees with lower surface fuel loads, and a diversity of understory vegetation and snags.

The LTBMU, State, and local agencies have conducted thinning and fuels reduction efforts on approximately 30,000 acres within the Lake Tahoe Basin from 2000-2010. In 2007, the Tahoe Regional Planning Agency (TRPA) published their Fuel Reduction and Forest Restoration Plan for the Lake Tahoe Basin Wildland Urban Interface (WUI). This report synthesizes the CWPP for the seven fire protection districts (FPD) to identify Basin-wide fuel reduction needs and the resources needed to implement a Basin-wide hazardous fuels reduction plan. The TRPA report emphasizes the need for increased efforts in treating fuels and forest thinning to protect values at risk and restore forest health (TRPA 2007, Executive Summary pg. E-4). In addition to the 2007 TRPA report, several other studies identify the need to reduce conifer density and hazardous fuel loads in the Lake Tahoe Basin. The Lake Tahoe Watershed Assessment (2000) found that current tree density is approximately four times that of 150 years ago. They also found a pronounced shift in the species composition of younger trees away from pine and towards fir. The proportion of less fire-resistant white fir and incense cedar has doubled over the past 200 years, while the component of more fire-resistant Jeffrey pine has declined by half. The Watershed Assessment reported that there have been few fires in the 20th century mostly due to excellent fire detection and suppression, with response time to human-caused fire among the shortest in the Sierra Nevada. It was also noted that the Lake Tahoe Basin has one of the highest fire ignition rates in the Sierra Nevada, concentrated around the WUI. The Lake Tahoe Watershed Assessment (2000) projected that "should a fire escape initial control attempts under extreme wildfire conditions, at least 50 percent of the area in the resulting burn would likely be crown fire, with overstory tree mortality greater than 50 percent. Even a small wildfire in the basin is potentially a significant event because of the juxtaposition of high ignition potential, high density and value of human developments, and high fuel hazard." The Watershed Assessment recommended "A combination of increased fire prevention, education, and strategic fuel hazard reduction will be most effective at reducing the likelihood of damaging fire in the basin."

In 2004, the LTBMU prepared the South Shore Landscape Analysis (USDA FS LTBMU 2004), which also identified a need for cost-effective vegetation treatments to reduce hazardous fuel

loads, particularly in the WUI. Recommended outcomes are to achieve conditions that (1) reduce the size and severity of wildland fires, and (2) result in stand densities necessary for healthy forests during drought conditions. This landscape analysis warns, “The consequences of doing nothing will result in continued high vegetation densities and species composition that is out of balance... This would lead to increases in surface, ladder, and crown fuels... with increased potential for insect infestation, disease outbreaks, and uncharacteristically severe wildfires” (USDA FS LTBMU 2004, pg. 5-43).

The LTBMU Stewardship and Fireshed Assessment used Basin-wide fire modeling to evaluate the likely effects of unplanned fires on urban areas. The Fireshed Assessment found that the most severe fires, and therefore effects, would occur in lower elevation pine and mixed conifer forests (USDA FS 2007a). Crown fires are not easily controlled and could result in potential loss of life, loss of private property, significant impacts on natural resources, including lake clarity, and loss of recreational opportunities and tourism (TRPA 2007, Executive Summary, pg. E-1). The wildfire behavior modeled and predicted (within the Fireshed Assessment, the Lake Tahoe Watershed Assessment, the TRPA Fuel Reduction and Forest Restoration Plan, and the South Shore Landscape Analysis) were verified by the intensity and severity of the 2007 Angora Fire.

The South Shore Fuel Reduction and Healthy Forest Restoration Project (known hereafter as the South Shore project) was initiated in response to public wildfire risk concerns and the existing hazardous fuel conditions. The project initiation letter established an interdisciplinary team of Forest Service specialists to evaluate opportunities to move from the existing conditions toward the conditions desired both in the Forest Plan (as amended) and in the CWPP of communities in the South Shore area. Collaborative efforts with local Fire Districts (Lake Valley Fire Protection District, Fallen Leaf Fire Department, Tahoe Douglas Fire Protection District, and South Lake Tahoe Fire Department), TRPA, Lahontan Water Board, the Washoe Tribe of Nevada and California, and the public provided input to the Forest Service (both during meetings and in writing) that was incorporated into the project design.

Scope of this Decision

This decision applies only to National Forest System lands within the South Shore project area managed by the LTBMU (see map, page ii). All project activities occur within the WUI land allocation and are intended to reduce the threat of catastrophic wildfire to the community while improving the health of the forest. This decision is within the authority delegated to the Forest Supervisor as the Responsible Official. There are no areas within designated Wilderness or Research Natural Areas proposed for treatment. Therefore, approval by the Regional Forester or Station Director, respectively, is not required.

Decision

Based upon my review of the South Shore Fuels Reduction and Healthy Forest Restoration Final Environmental Impact Statement (FEIS), and relevant scientific research and monitoring, I have decided to implement Alternative 3 (preferred alternative) (FEIS, Chapter 2), with two minor modifications. This decision includes the Resource Protection Measures (FEIS Chapter 2) and the Best Management Practices (FEIS, Appendix B) designed for this project.

Alternative 3 includes vegetation and fuels reduction activities on up to approximately 10,112 acres. I am modifying Alternative 3 to include 63 acres of hand thinning that was analyzed in Alternative 2 (portions of Units 96 and 97, all of Unit 34). This brings the project total to approximately 10,175 acres.

My second modification is to limit the diameter of trees cut within proposed units in the Inventoried Roadless Areas to a maximum of 20" diameter at breast height (dbh).

In the remainder of this ROD references to implementing Alternative 3 incorporate the two modifications listed above.

The total treatment area represents approximately 14% of the analysis area out of 70,581 acres of NFS lands (ROD Table 2, FEIS Figure 6, and Table 1-1) all within the WUI.

The South Shore project Final Environmental Impact Statement (FEIS) includes fuels and vegetation treatments within the WUI in order to meet the following purpose and need (FEIS Chapter 1):

1. Improve defensible space adjacent to communities
2. Reduce the risk of catastrophic wildfire
3. Improve forest health
4. Improve stream environment zone (SEZ) vegetation and habitat

Alternative 3 will accomplish the Purpose and Need by thinning trees and reducing fuels using a combination of mechanical and hand thinning methods. The combination of treatments includes activities for both initial thinning and follow-up treatments. Forest Service system roads, temporary roads and landings will be used to facilitate removal and reduction of trees and fuels (biomass) associated with this project (FEIS Chapter 2).

Under the provisions of NEPA, at the Draft EIS stage, we developed and analyzed an additional Action Alternative designed and identified as the Preferred Alternative in the FEIS, Alternative 3. Alternative 3 was developed in response to public and other agency comments received during scoping expressing concerns over possible watershed impacts and impacts within Northern Goshawk and spotted owl Protected Activity Centers (FEIS Chapter 1, Issues). The Preferred Alternative was designed to include the most effective and efficient treatment methodologies, in the most strategic locations in order to meet the project purpose and need which includes meeting multiple objectives (purposes, FEIS pages 1-8 to 1-9). In addition, Alternative 3 is consistent with the Healthy Forest Restoration Act, Forest Plan direction, and desired conditions within the WUI.

Alternative 3 also includes treatment where the WUI overlaps Inventoried Roadless Areas (IRAs) in the project area (FEIS Chapter 3 Special Designated Areas). Management of IRA's on National Forest System lands is currently the subject of conflicting Federal Court decisions. On November 5, 2009, Regional Forester Randy Moore issued a letter outlining Roadless Area Management Direction for the Pacific Southwest Region (R5) based on delegations made by the U.S. Secretary of Agriculture to the Forest Service. Based on R5 direction the South Shore project is within a class of action that requires review by the Regional Office and notification to

the State of California. The State of California has been notified (PR #K16) and has not filed a petition for these IRAs under the 2003 Roadless Rule. The Regional Forester approved the treatments within the Roadless areas with one modification. This modification includes limiting the tree thinning diameter to 20" dbh in the hand and mechanical treatment areas (PR #K15), FEIS Chapter 3 Special Designated Areas, Table 3-105). Mechanical treatment is needed in these areas due to the heavy surface fuel loading that would not be reduced effectively by hand treatment alone. Upon review of the stand conditions in these areas, the 20" diameter limit in Roadless Areas does not prohibit achieving project objectives for forest health or fuel reduction (PR #K15). The effects analysis described in Chapter 3 of the FEIS shows that Alternative 3 is consistent with current roadless direction and does not alter the roadless character of the three IRAs in the project.

On December 5, 2011, the Regional Forester approved an updated Water Quality Management Handbook (R5 FSH 2509.22, Chapter 10) which provides equal or better protection than the 2000 handbook. This updated handbook will be incorporated into the implementation of Alternative 3.

Key Highlights and Rationale for Implementation of Alternative 3

Within the South Shore Analysis Area, the units that were identified for treatment are overly dense forest stands with surface fuel accumulations at levels greater than desired for the WUI.

The treatment prescription for any individual unit including the thinning method and follow up treatments proposed are based on soil type, slope, associated water quality protection, access, habitat conservation or other protection needs. Application of the treatment methods are guided by project desired conditions for fuels reduction and forest health (FEIS Chapter 1 Purpose and Need, FEIS Chapter 2 Treatment Prescriptions) and modified by the resource protection measures described in the FEIS Chapter 2. The guidelines for treatment prescriptions are described in FEIS Chapter 2 (Guidelines).

Key highlights and rationale of my decision to implement Alternative 3 include the following topic areas:

- Mechanical Treatments
- Hand Treatments
- Wildlife Areas
- Follow-up Treatments
- Inclusion of 63 Acres of Hand Treatment from Alternative 2
- Roads and Access

Mechanical Treatments

Approximately 4,100 acres will receive mechanical treatments. Of that amount less than 700 acres within the SEZ could receive treatment. Aspen and meadow enhancement are implemented in the SEZ treatment area by thinning encroaching conifers and reducing fuel loading. The type of mechanical equipment used for thinning and removal operations would depend on vegetation

removal needs and operational feasibility. They include rubber-tired or tracked equipment such as Whole Tree (WT) removal using mechanical harvesters and whole tree skidding, and Cut to Length (CTL) harvest with log-forwarding operations. Treated material could be removed either as saw logs (whole tree or cut-to-length), fuelwood, or biomass (chipped material). The following guidelines provide a summary of how mechanical treatments meet project objectives:

- Mechanical treatments are used to reduce conifer density and fuels within the project area on slopes less than 30%.
- Live tree density is reduced through thinning understory trees. Primarily suppressed and intermediate crown class trees, along with some co-dominant trees, would be removed to reduce competition and improve vigor and growth of residual trees, enabling them to better resist fire, insect attacks, and disease. Selection of trees to be thinned would begin with removal of the smallest trees (suppressed and intermediate trees) and continue to trees of increasing diameter until the desired fuel reduction and density are reached.
- Stand density after thinning ranges from approximately 80-150 ft² of basal area per acre.
- Jeffrey pine and sugar pine are favored for retention.
- Fuel loading after treatment averages less than 10 tons per acre of downed logs and woody material. In areas where stream zones or other wildlife habitat require a higher component of large down wood, a maximum of 15 tons per acre is acceptable.
- Snags and down logs are removed as necessary to meet fuels objectives, retaining the largest snags and down logs present to meet Forest Plan wildlife requirements.
- To achieve the desired conditions for fuel loads, stand densities, and forest structure, live and dead trees removed will range between 3” to 30” diameters at breast height (dbh). In some situations trees larger than 30” dbh might need to be removed for equipment operability and safety.
- Mechanical equipment operations in SEZs are limited to CTL or operations using equipment that has been demonstrated to adequately protect soil and water resources (i.e. equipment that is lighter on the land, rubber-tired equipment, equipment that operates on a bed of slash, or other innovative technologies that reduce impacts to soils) (BMP 5-3).
- SEZ units that exhibit equal or less sensitivity than the Heavenly Valley Creek SEZ demonstration project (HSEZ) site, based on the Sensitivity Rating System (FEIS Appendix D), may be treated with ground-based equipment with operable soil moisture conditions (see Soil, Water and Riparian resource protection measures).
- SEZ units that rate more sensitive than the HSEZ site are treated by hand thinning, endlining, or mechanical over-snow operations.
- Treated material not removed will be processed on site through prescribed burning, chipping, or mastication.

Hand Treatments

Approximately 6,000 acres will receive hand treatments. Of that amount less than 140 acres within the SEZ could receive treatment of thinning, piling, and prescribed burning. Aspen and meadow enhancement are implemented in the SEZ treatment area by thinning encroaching conifers and reducing surface fuel loading. Hand treatments involve thinning trees with chainsaws and hand crews and then piling fuels for prescribed burning or removing them. The following guidelines provide a summary of how hand treatments meet project objectives:

- Hand treatments are used to reduce conifer density and fuels within the project area on slopes generally greater than 30%, where mechanical ground-based systems are limited by operability constraints (access, excessive moisture, rocks, etc.) (BMP #5-2).
- Live tree density is reduced through thinning understory trees where mostly suppressed and intermediate crown class trees, along with some co-dominant trees, would be removed to reduce competition and improve vigor and growth of residual trees, enabling them to better resist fire, insect attacks, and disease.
- Stand density after thinning ranges from approximately 70 to 100 trees per acre.
- Jeffrey pine and sugar pine are favored for retention.
- For hand thinning treatments, live trees up to 20" dbh will be removed based on achieving the desired stand densities and fuel loads. The portion of a felled tree that is greater than 14" dbh would be left on site while the remainder would be included in on site hand piles for later burning.
- Fuel loading after treatment averages less than 10 tons per acre of downed logs and woody material. In areas where stream zones or other wildlife habitat require a higher component of large down wood, a maximum of 15 tons per acre is acceptable.
- Where current fuel loads are predicted to remain above desired levels after thinning and follow-up treatment (e.g. prescribed burning), multiple entries may be required to bring the areas into the desired condition. Approximately 442 acres of hand thinning treatments may require multiple entries as part of this project.
- Dead trees removed range up to 20" dbh, and down logs range between 3" to 20" in diameter.

Wildlife Areas

Wildlife areas in the South Shore project refer to California spotted owl protected activity centers (PACs) and Home Range Core Areas (HRCAs), northern goshawk PACs, TRPA disturbance zones for northern goshawk and osprey, and TRPA bald eagle wintering habitat. Wildlife areas include both upland and SEZ landscapes. Treatments within wildlife areas include both mechanical and hand methods to achieve the guidelines described below. Treatments are designed to protect and promote the long term health of the habitat while being consistent with the LTBMU forest plan and meeting project goals for fuels reduction and forest health in the WUI. The following guidelines provide a summary of how all treatments meet project objectives for wildlife areas:

- Vegetation treatments within northern goshawk PACs, within California spotted owl PACs, and within TRPA goshawk disturbance zones would result in at least: 1) 2 tree canopy layers; 2) dominant and co-dominant trees with average diameters of 24" dbh; 3) 60 to 70 percent canopy cover; 4) an average of 5 to 8 snags (5 in eastside pine and mixed conifer, 6 in westside pine and mixed conifer, and 8 in red fir forest types) per acre larger than 20" dbh and of variable decay classes; and 5) approximately 5 logs larger than 20" in diameter (at the large end) and of variable decay classes, totaling 10-12 tons of coarse woody debris (CWD) per acre. These conditions would be met where possible, otherwise as closely as possible.
- Vegetation treatments within California spotted owl home range core areas (HRCAs), would result in at least: 1) 2 tree canopy layers; 2) dominant and co-dominant trees with average diameters of 24" dbh; 3) 50 to 70 percent canopy cover; 4) an average of 3 to 6

snags (3 in eastside pine and mixed conifer, 4 in westside pine and mixed conifer, and 6 in red fir forest types) per acre larger than 20" dbh and of variable decay classes; and 5) approximately 4 logs larger than 20" in diameter (at the large end) and of variable decay classes, totaling 8-10 tons of CWD per acre. These conditions would be met where possible, and otherwise adhered to as closely as possible (as available material).

- Vegetation treatments within osprey stands adjacent to Fallen Leaf Lake and Lower Echo Lake would result in: 1) retention of all known standing osprey nest trees; and 2) for future nest tree recruitment the retention of an average of 3 trees per acre that are larger in diameter and taller than the dominant tree canopy, with an emphasis on dead topped trees with robust, open branch structures. These conditions would be met as closely as possible.
- Vegetation treatments within the TRPA bald eagle wintering habitat area near Taylor Creek and Tallac Creek adjacent to wetland, wet meadow, and open water habitats that result in: 1) late successional forest type, with an emphasis on Jeffrey pine-dominated stands; 2) retention of trees that are larger in diameter and taller than the dominant tree canopy, with an emphasis on trees greater than 40" dbh and greater than 98 feet tall and on dead topped trees with robust, open branch structures; 3) an average of 6 snags per acre larger than 20" dbh and of variable decay classes. These conditions would be met where possible, otherwise as closely as possible.

Follow-up Treatments

After vegetation is thinned, follow up treatments to reduce or redistribute residual fuel that was created by thinning, or present prior to thinning includes the following methods:

- Lop and Scatter
- Mastication/Chipping
- Prescribed Fire
 - Pile & burn
 - Underburning
 - Landing pile burning

Follow-up treatments occur in all treatment areas (mechanical, hand, wildlife areas) and within upland and SEZs to meet the project purpose and need (FEIS Chapter 1). As described in the FEIS Chapter 2, follow up residual fuel treatments are prescribed based on the conditions within an individual treatment unit after thinning has been completed. The type of thinning treatment, amount of surface and activity fuels, stand location and topography, air quality, treatment cost, and species composition, were all considered when determining the follow-up treatment. In the following table, Table 1, the estimated acres of follow-up treatments are shown. Prescribed burning is a major component of follow-up fuels treatments totaling approximately 6,500 acres and is a beginning step for re-introducing fire under managed conditions back to the fire adapted landscape. Prescribed burning is not feasible on every acre of treatment for the reasons described above.

Table 1. Acres of Follow up Treatments.

Follow up Treatment Method	Associated Thinning Method	Upland Acres	SEZ Acres	Total Acres
Lop & Scatter	WT, CTL, HT	1616	170	1786
Mastication/Chipping	WT, CTL, HT	2617	0	2617
Underburning (lop and scatter)	WT, CTL, HT	774	28	802
Pile & burn	HT	5217	138	5355
Grapple pile & Burn	CTL	374	0	374
Landings – pile burning and/or removal	WT	77	0	77

Note: In some cases follow up treatment methods may overlap, for example some units may be partially treated by hand piling and also underburned. As a result the acreages shown in Table 1 are not additive.

Inclusion of 63 Acres of Hand Treatment from Alternative 2

Public comments received on the Draft EIS pointed out a concern that Alternative 3 was missing some key treatment area surrounding the “Bridge” recreation residence tract. Upon further interdisciplinary review of vegetation and fuels conditions around the cabins at Bridge tract, we determined that some of the original proposed action (Alternative 2) acres and units needed to be added back in to Alternative 3 in order to provide a treatment that meets desired conditions (Refer to FEIS Appendix E comment 1-11). Therefore, my decision includes adding in the following acres for hand thinning, piling and burning:

- Unit 96 incorporate an additional 8 acres
- Unit 97 incorporate an additional 12 acres
- Unit 34 incorporate entire treatment from alternative 2 - 43 acres

The portion added back in balances WUI standards for fire suppression and fuel loading with habitat needs (for spotted owl). These units have been analyzed in Alternative 2, and are consistent with the LTBMU Forest Plan (as amended).

Roads and Access

Forest Service system roads, temporary roads and landings will be used to facilitate removal and reduction of biomass associated with the project. The FEIS describes specific activities pertaining to Alternative 3 found in Chapter 2, Roads and Access.

System Road Management

Alternative 3 uses a maximum 26.7 miles of existing system roads. Of the FS System roads used, portions of 15.7 miles would receive maintenance activities and the remaining 11.0 miles would need reconstruction along some segments. Road maintenance and re-construction activities are intended to provide safe and efficient access needs for project implementation as well as improve water quality associated with short and long term road use. Maintenance activities include minor drainage maintenance, surface repair, and brushing. Reconstruction includes maintenance activities plus activities such as replacement of inadequate drainage crossings, elimination of ruts, ditch repair, and installation of waterbars and dips to provide adequate runoff. Roads proposed for reconstruction are either Maintenance Level 1 or 2. At the conclusion of the project all FS System roads will be left in a condition consistent with the assigned Maintenance Level as prescribed by the Forest Development Road Plan. Resource Protection Measures and BMPs for these activities are described in FEIS Appendix B and pages 2-38 to 2-41.

Alternative 3 proposes the replacement of three existing permanent stream crossings that are currently acting as fish passage barriers, sediment conveyance barriers, and/or sediment sources. These crossing replacements allow for safe and efficient implementation of the project as well as improve water quality and aquatic habitat in the short and long-term at these locations. One of these is on an intermittent channel in the Lower Trout Creek watershed (12N01A), one is on an ephemeral channel in the Cold Creek watershed (12N08), and one is on a perennial channel in the Osgood Swamp watershed (12N20). De-watering BMPs may be used if channel is not dry at the time of replacement. Resource protection measures and BMPs for these activities are described FEIS Appendix B and Chapter 2, page 2-38, 2-40, and 2-41.

Temporary Roads

A maximum of 9.8 miles of temporary road will be constructed. Of the total mileage proposed, 6.5 miles is on old existing road prisms and only 3.3 miles requires new construction. Temporary road construction involves vegetation removal, grading, and drainage improvement. Temporary road stream crossings are needed in a maximum 28 locations on ephemeral channels, and one temporary crossing on an intermittent channel.

Temporary roads will be constructed, used and then decommissioned at the conclusion of use. Temporary stream crossings would be constructed, used and then decommissioned within one season, except the Saxon Creek intermittent crossing. No temporary roads are proposed for inclusion into the FS System. Decommissioning uses a variety of actions including providing ground cover, removing crossings, installing drainage structures, and ripping. This is intended to leave the road impassible to vehicles, and hydrologically stable.

Landings

An estimated 168 landings are needed to support the proposed thinning activities described in Alternative 3. Landings would average less than one acre and would not be larger than two acres. Existing vegetation would be removed from the landing site and piled for later burning. Landings would be constructed with BMPs and restored after they are used as described in FEIS Chapter 2, pages 2-34 and 2-35.

Additional Decision Rationale

In addition to the rationale provided above, I considered the following in selecting Alternative 3:

- 1. It is fully responsive to the Purpose and Need and is designed to move the project toward desired conditions for fire behavior, fuel loading and forest density (FEIS Chapter 1, pages 1-6 to 1-10, FEIS Chapter 2, page 2-9 to 2-10).**

By maintaining the existing condition, the no action Alternative fails to provide defensible space adjacent to homes, businesses, or communities. The no action alternative perpetuates the existing forest density and the likelihood for high-intensity sustained crown fires causing severe resource damage and threats to human life and property. The current trend for Jeffrey and sugar pine species to decrease in prevalence will continue, with a corresponding increase in white fir and incense cedar, resulting in a forest with a lower tolerance for fire and drought. Ongoing mortality from drought and increased competition, as well as dieback from disease and insects will continue or increase from current levels. Meadows with conifer encroachment are likely to experience lowering water tables and shrink in size as conifer encroachment continues. Riparian areas with conifer encroachment are likely to continue to see loss of vigor in riparian vegetation, and aspen stands at high risk for loss are likely to die out from conifer competition.

Alternative 3 meets the key elements of the purpose and need. Alternative 3 combines with other fuel reduction efforts (see FEIS Chapter 3 Fire Behavior and Fuels cumulative effects section) to provide a functional defense zone and provides defensible space where fire suppression actions could be effective in protecting homes and communities from wildfire. Thinning overly dense stands and reducing surface fuels changes fire behavior from a sustained high intensity crown fire to a surface fire in most areas (FEIS Chapter 3, Fire Behavior and Fuels). Thinning small and suppressed trees reduces tree competition and improves forest health which results in resistance to drought, insects, and disease and a reduction in the risk of mortality for larger, more fire-resistant trees. The result is a more open forest condition where fire could be allowed to play its ecological role under managed conditions. Removal of conifers that are encroaching on meadows and riparian areas also improves forest health and vegetative diversity by maintaining or improving riparian vegetation vigor and water tables. Aspen stands where conifer encroachment is removed, would show increased vigor and regeneration (FEIS Chapter 3, Water and Riparian Resources, Aquatic Wildlife, Terrestrial Wildlife). In order to improve forest health in the project area it is important to note that a set diameter limit, prohibits achieving objectives for many stands within the project. In many cases thinning trees up to 30" in diameter is necessary to reduce forest density, promote desired species composition and restore aspen stands (FEIS pages 1-4 to 1-5, 2-50 to 2-51, Chapter 3, Forest Vegetation, Project Record # J17).

The effects of no action and Alternative 3 are analyzed for multiple resources in Chapter 3 of the FEIS. The threat of catastrophic wildfire continues to pose a risk to many resources if no action is taken. This is due to the fact that many areas of the forest have departed from a more natural and historical fire regime (FEIS, Chapter 3 Fire and Fuels).

In addition to the threat of wildfire to life and property, the threat continues to pose a risk to other resources including soils, water and riparian resources, aquatic wildlife, terrestrial wildlife, sensitive plants, air quality, scenic resources, and recreation. This threat of wildfire and “no action” is described within the FEIS Chapter 3. While fire is considered an important component of the ecosystem and its effects provides short term habitats to some species, the current conditions of the vegetation and fuels within the forest may cause a wildfire to burn with much greater intensity, severity, and impact than what would occur under a more natural fire regime. The impacts of implementing Alternative 3 are negligible compared to that of a severe and catastrophic wildfire.

2. The design of Alternative 3 includes recent and relevant lessons from past management and current science and monitoring

There were many lessons learned from the catastrophic Angora Fire in 2007. One of the lessons learned was that vegetation and fuels treatments are effective at reducing fire behavior and fire severity, thus allowing for effective fire suppression and more intact stands with living trees after the fire. Another lesson from the Angora Fire was that many of the untreated areas burned as a crown fire, lofting firebrands long distances into neighborhoods, making suppression activities unsafe, less effective, and resulting in fire effects consuming 95 -100 percent of the tree crowns and surface vegetation.

Incorporating these lessons into Alternative 3, key highlights described in the FEIS and described above in my decision include hand and mechanical treatments in areas within the WUI that are further out than ¼ mile from the community and priority SEZs where fuel loading and conifer encroachment is high. Due to previous actions that avoided active vegetation and fuels management within SEZs, there are some fuels conditions in SEZs within the project area that pose a threat to the community should a wildfire occur. The treatments, analyzed in Alternative 3 include recent science and monitoring efforts for SEZ treatment including but not limited to the Heavenly Valley Creek SEZ Demonstration Project, and the Roundhill Fuels Reduction Soil Quality Monitoring Report (PR Section L-Soils). Alternative 3 includes applying the SEZ risk rating system (FEIS, Appendix C) developed from these previous monitoring efforts and recent field survey for the South Shore Project. The use of the risk rating system is intended to allow for mechanical treatment within SEZs under operable soil moisture conditions (FEIS, Appendix D), while protecting soil and water quality resources. Furthermore, hand thinning, piling, and burning treatments in SEZs would occur where high fuel loading makes it impossible to move piles for burning outside of the SEZ. Alternative 3 includes resource protection measures and monitoring (FEIS Chapters 2 and 4) to ensure that resource impacts are minimized and mitigated.

3. Alternative 3 responds to public comments and issues raised during scoping and other comment periods.

There was concern whether implementation of the proposed action would result in adverse direct, indirect and/or cumulative effects to watershed conditions. Comments expressed concern that the proposed action resulted in a risk to water quality and watershed condition due to the extent of the area and/or method of treatment in or near sensitive areas. There was particular concern about the cumulative effect of proposed activities in watersheds (HUC7) where the equivalent roaded acres (ERA) already exceed the threshold of concern (TOC).

How this concern was addressed:

The Forest Service interdisciplinary team created Alternative 3 which reduces the amount of total acres proposed for treatment. In addition, Alternative 3 proposes fewer acres of mechanical treatment, instead shifting treatment to hand thinning. Proposed changes are primarily in sensitive areas (e.g stream environment zones). Changes in the amount and method of treatment resulted in corresponding changes in the follow-up treatments such as the amount of prescribed burning. In response to the concern regarding the watersheds that already are over the TOC, Alternative 3 also redistributes the treatment acres proposed in each of these watersheds over all the years of the project to reduce the maximum treatment acres in these watersheds in a given year, thereby reducing cumulative impacts (FEIS page 2-17 Implementation Schedule Limitations).

There was a concern that fuel reduction activities that reduce canopy closure would degrade California spotted owl and northern goshawk nesting and foraging habitat (Wildlife Areas).

How this concern was addressed:

Alternative 3 responds to this concern by changing treatments based on evaluation of the following: spatial extent of northern goshawk and California spotted owl PACs, WUI zone (defense or threat), type of treatment proposed (mechanical or hand), stand survey data, and type of fire behavior predicted. Generally, the intensity of treatments proposed was reduced in PACs where models showed existing conditions were predicted to support only surface fires. There is one less PAC treated in Alternative 3 (FEIS page 2-19).

To further address public comments and issues the FEIS also includes a response to public comments (Appendix E) as well as a discussion of other alternatives considered but eliminated from detailed study which do not achieve the purpose and need.

4. Alternative 3 includes resource protection measures and BMPs to balance treatment design with multiple resources.

As an integral part of Alternative 3 there are a number of resource protection measures and BMPs that are incorporated to avoid, eliminate or reduce unintended and undesirable effects of the proposed activities. These resource protection measures and BMPs are found in the FEIS in

Chapter 2, and Appendix B and are designed to be consistent with the Forest Plan and other policy direction. Resource protection measures also help achieve the following project purposes:

- a. Maintain or improve habitat conditions for threatened, endangered, and Forest Service sensitive species of plants and animals, consistent with the Forest Plan.
- b. Assure that treatments in SEZs promote the success of riparian species while providing for coarse woody debris recruitment and stream shading needs. (SNFPA pg. 64, USDA FS 2004b).
- c. Protect water quality consistent with the Forest Plan, the requirements of the Clean Water Act, and the Lake Tahoe Basin Plan.
- d. Reduce the risk for negative impacts to soil productivity and water quality from or during project treatments and the overall risks of wildfire.
- e. Meet scenic quality objectives and stabilize scenic resources over the long-term by reducing the risk of impacts from wildfire and achieving the desired condition of stands that “are fairly open and dominated primarily by larger, fire tolerant trees.”
- f. Meet air quality standards for the Lake Tahoe Basin by reducing the impact of prescribed burning during the project and reducing the overall risk of impacts from wildfire.
- g. Discourage post-treatment establishment of user-created motorized or non-motorized routes or trails.

Monitoring

Chapter 4 of the South Shore FEIS describes various levels and elements of project level monitoring as well as general adaptive management techniques. The monitoring described in Chapter 4 includes implementation and effectiveness monitoring of the following resources:

- Soil, Water and Riparian Resources
- Aquatic Resources
- Transportation
- Sensitive Plants
- Invasive Weeds

The purpose of project monitoring is to track the implementation of the resource protection measures and prescribed BMPs (FEIS Appendix B), and in some cases, to measure their short-term effectiveness at protecting resources. If unacceptable impacts are identified through monitoring, measures are taken to mitigate impacts and adapt management techniques to protect resources. Identified monitoring elements are a result of standard monitoring practices, public comment, and Lahontan Water Board and TRPA input. Furthermore, the Soil, Water, Riparian, and Transportation monitoring were designed to be consistent with the Lahontan Water Board Timber Waiver requirements (i.e., Required USFS Monitoring and Reporting, FEIS Appendix O), as well as the Storm Water Pollution Prevention Plan (SWPPP) requirements.

Forest Plan Consistency

The South Shore project analysis area extends from Cascade Lake on the northwest to the Heavenly Mountain Resort Special Use Permit boundary and the Nevada State line on the northeast, and from Lake Tahoe on the north to the LTBMU boundary on the south (FEIS Figure 6). Table 2 lists the acres by ownership in the project analysis area.

Table 2. Acres of Ownership in Project Analysis Area

Ownership	Acres
Private Ownership	8,088
Other (State, County)	8,121
National Forest System lands	70,581
Total Project area, all ownerships	86,790

Alternative 3 is guided by the LTBMU Land and Resource Management Plan (Forest Plan or LRMP) (USFS LTBMU 1988), as amended by the Sierra Nevada Forest Plan Amendment (SNFPA, USDA FS 2004) and other amendments.

The LRMP, as amended, has been reviewed in consideration of the South Shore project. This project is responsive to guiding direction contained in the Plan, is consistent with the standards and guidelines contained in the Plan, and is consistent with the requirements for management prescriptions. The analysis for consistency with the LRMP is contained in the project planning record (PR# B54). The analysis for consistency with the Riparian Conservation Objectives (RCO) described in the SNFPA is contained in the RCO Analysis Report (PR# J14).

Other Alternatives Considered

In addition to the selected preferred Alternative (Alternative 3), I considered two other alternatives in detail, which are summarized below.

Alternative 1 – No Action

Under the No Action alternative, the South Shore project would not be implemented. There would be no landscape level treatment of vegetation and fuels on Forest Service lands in the WUI within the analysis area. Thinning to reduce hazardous fuels, removal of excessive ground fuel, removal of conifer encroachment from meadows, or removal of conifer encroachment from aspen stands would not be implemented as described in the action alternatives. The current conditions of dense stands and high fuel loads would continue to decrease forest health conditions and fire suppression capabilities within the project area. However, there would be fuel reduction and forest health restoration activities ongoing within the project area under

previously approved vegetation management activities. These activities include management of vegetation and fuels on Forest Service urban lots outside of SEZs, restoration of some aspen stands through the Aspen Community Restoration Project, vegetation and fuels treatments in the Big Meadow Creek Watershed Fire Regime Restoration Project, and fuels treatments in the High Meadow Restoration Project. In addition the Angora Fire Restoration Project which includes 5 major restoration activities: fire and fuels; vegetation and forest health; wildlife habitat; aquatic habitat and stream channel restoration; road and trail delineation; and noxious weed detection and removal within the Angora Fire area was approved on July 9, 2010.

No Forest Service System road maintenance activities associated with vegetation and fuels management would occur and only the routine annual road maintenance would continue. Ongoing vegetation management activities would use the existing road system. The three road crossings proposed for reconstruction in the action alternatives would be deferred or not constructed.

Alternative 2 – Proposed Action

This alternative was designed to meet the purpose and need identified in Chapter 1, by:

- Creating defensible space,
- Restoring forest health and resiliency, and
- Restoring SEZs and aspen stands.

It represents the initial proposed action presented during the scoping period. Prescriptions were further refined as a result of scoping for the DEIS. No changes in prescriptions were made in this alternative between the DEIS and FEIS.

In Alternative 2 the Forest Service proposed to treat 320 units totaling approximately 10,670 acres within the 70,581 acres of Forest Service land in the South Shore analysis area.

Alternatives Not Considered in Detail

Federal agencies are required to rigorously explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). Public comments received in response to the proposed action provided suggestions for alternative methods for achieving the purpose and need. Some of these alternatives may have been outside the scope of the need for the proposal, duplicative of the alternatives considered in detail, or determined to be components that would cause unnecessary environmental harm.

Therefore, a number of alternatives were considered, but dismissed from detailed consideration. Topics that were considered, but dismissed from detailed consideration included:

- Utilizing hand thinning as the only treatment method within SEZ;
- Treatment using Cut-To-Length equipment only;
- No removal of fuels in Wildlife Areas;
- Concentration of operations in only one area at a time;
- Establish a limit to the size of trees cut;

- Thinning trees and brush only in the Defensible Space zone within 200 feet of homes;
- No treatment in areas greater than 1 ½ miles from residences;
- Accomplishing fuels treatments and stream restoration activities at the same time;
- Basing treatment on modeled condition of individual stands; and
- Implementing fuels management direction contained in the 2001 SNFPA.

For a more detailed discussion of why these topics were dismissed from detailed consideration see the FEIS, pg. 2-49 through 2-54.

Public Involvement

The initial proposed action was developed through coordination and collaboration with the Washoe Tribe of Nevada and California, the City of South Lake Tahoe Fire Department, Lake Valley Fire Protection District, Tahoe Douglas Fire Protection District, Fallen Leaf Fire Department, Lahontan Water Board, TRPA, and the public during a series of nine meetings during February and March of 2007. The proposed action was mailed to interested and affected parties in July, 2007. Field trips to a series of three sites for an on-the-ground look at types of areas proposed for fuel treatments by the South Shore project were hosted by members of the interdisciplinary team on Tuesday, August 21, 2007, and Saturday, August 25, 2007, from 10 a.m. to 2 p.m. An evening open house on August 23, 2007, also provided the public an opportunity to ask questions and gather information about this project. Over 75 people visited the field sites, and seven people attended the open house. A total of seven written comment letters were received.

As a result of this initial scoping and during the preliminary environmental analysis phase concerns were raised by the public and other agencies about the complexity of such a large project. Since it was uncertain if a Finding of No Significant Impact could be made the Forest Supervisor decided to prepare an environmental impact statement and forego an environmental assessment. After a number of collaborative meetings with the TRPA and Lahontan Water Board, the Forest Supervisor in cooperation with Executive Director (Lahontan Water Board) elected to prepare a joint draft environmental impact statement/draft environmental impact report (DEIS/DEIR) in accordance with NEPA and CEQA.

Scoping was done in accordance with 40 CFR part 1501.7 – Scoping. The Notice of Intent (NOI) to prepare an EIS was published in the Federal Register on January 16, 2008. The comment period on the proposed action extended 30 days from the date the NOI was published in the Federal Register.

The CEQA-required notice of preparation, notice of completion, site map, and supplemental potential environmental effects and mitigations measures paper were mailed to the State clearinghouse, responsible agencies and interested persons on January 14, 2008. The comment period for these documents extended 30 days from the date they were mailed. One additional letter was received in response to this scoping effort.

Two joint Lahontan Water Board and Forest Service scoping meetings were held; one on January 23, 2008 from 10 a.m. to noon in the Board Room at Lake Tahoe Community College, 1 College

Dr. South Lake Tahoe, CA; and the second on February 14, 2008, from 1 to 3 p.m. at the Lahontan Water Quality Control Board office, 2501 Lake Tahoe Blvd., South Lake Tahoe, CA.

However, because there were no substantive changes to the proposed action initially scoped in July 2007, those who previously submitted comments on this project were not required to resubmit them. Scoping comments submitted previously on this project were retained and treated the same as those received subsequent to the publication of the notice of intent and notice of proposal.

After preparation of the Draft EIS/EIR, the Notice of Availability was published in the Federal Register and a legal notice was published in the Tahoe Daily Tribune on April 10, 2009. This started a 45-day comment period which closed on May 26, 2009. Copies of the Draft EIS/EIR were mailed to the interested and affected public, as well as to required federal and state agencies on March 26, 2009. Copies of the Draft EIS/EIR were posted at the El Dorado County Clerk's office, the South Lake Tahoe public library, and at the LTBMU Forest Supervisor's office and visitor's centers. A total of 20 letters of comment were received on the Draft EIS/EIR; one from the Washoe Tribe of Nevada and California, three from government agencies, two from fire protection organizations, seven from environmental groups, and seven letters from individuals. All comments from these letters were sorted, grouped by subject, and analyzed. The Response to Comments is found in Appendix E of the FEIS.

Objection Process

Projects prepared under the HFRA are subject to a pre-decisional administrative review process (Objection Process) under 36 CFR 218. Notification of the Objection Period was distributed on September 23, 2011. A legal notice was published in the newspaper of record, Tahoe Daily Tribune on September 28 to start the objection process. There were two eligible objections and a letter of support from the Tahoe Douglas Fire Protection District received during the objection period. The two eligible objections were from the Echo Lakes Homeowners Association and the John Muir Project (PR # O8 and O10). I invited both objectors to a meeting for resolving their objection in early November at my office. As result of meeting with one of the objectors, agreement was reached for resolution with the Echo Lakes Homeowners Association (PR #O14). A meeting with the John Muir Project was offered but not not scheduled. The objection from the John Muir Project was reviewed by the Objection Reviewing Officer in the Regional Office in Vallejo, California. It was determined by the Reviewing Officer that there were no substantial flaws in the analysis, rationale for this project is clear and the reasons for the project are logical, and that the Forest could proceed with making a decision. Responses to the John Muir Project objection were also included in the Reviewing Officer Response (PR #O16).

Federal Register

The FEIS was published for notice in the Federal Register on December 9, 2011 (40 CFR 1506.10).

Findings Required by Other Laws and Regulations

This decision to approve implementation of treatments in Alternative 3 is consistent with requirements of other laws and regulations. All resource management activities described in Alternative 3 would be implemented to the extent that they are consistent with applicable Federal law, United States Department of Agriculture (USDA) regulations, Forest Service policies, and applicable provisions of State law. The major laws and their applicability to Alternative 3 are as follows:

Clean Water Act (Public Law 92-500)

All Federal agencies must comply with the provisions of the Clean Water Act. The Clean Water Act regulates forest management activities near federal waters and riparian areas. Alternative 3 meets the terms of the Clean Water Act for non-point sources of pollution, primarily pollution caused by erosion and sedimentation.

Clean Air Act (Public Law 84-159)

The following documents provide guidance and direction for smoke management to protect air quality: (1) Interim Air Quality Policy on Wildland and Prescribed Fires, issued by the Environmental Protection Agency in 1998; (2) Memorandum of Understanding between the California Air Resources Board (CARB) and the USDA FS, signed on July 13, 1999; and (3) Smoke Management Guidelines in Title 17 of the CFR. The project area lies within the Lake Tahoe Air Basin and the El Dorado Air Quality Management District. As a matter of regional policy, a smoke management plan will be submitted to and approved by El Dorado Air Quality Management District, who will issue a Burn Permit to the LTBMU prior to any burning within the South Shore project area. Several communities lie within proximity of the areas where prescribed burning is proposed to occur. Adherence to the smoke management plan for pile and understory burning will reduce negative impacts to communities. By adhering to a smoke management plan approved by the LTBMU Forest Supervisor and the El Dorado Air Quality Management District, particulate matter emissions from pile or understory burning would not violate California Ambient Air Quality (CAAQ) emission standards.

Dust abatement will be accomplished by applying water to roads and landings at a frequency that would control dust.

Environmental Justice (Executive Order 12898)

Executive Order 12898 requires that all federal actions consider potentially disproportionate effects on minority and low-income communities especially if adverse effects to environmental or human health conditions are identified. Adverse environmental or human health conditions created by any of the alternatives considered would not affect any minority or low income neighborhood disproportionately.

The activities proposed in all alternatives were based solely on the existing and desired condition of the vegetation, sensitivity of the environment, and practical treatment access in response to the Purpose and Need. In no case was the treatment prescription design based on the demographic makeup, occupancy, property value, income level or any other criteria reflecting the status of adjacent non-federal land. Federally owned lands proposed for treatment are distributed throughout the project area, and are intermixed with non-federal lands. Reviewing the location of the proposed treatments in any of the alternatives in relationship to non-federal land, there is no evidence to suggest that any minority or low income neighborhood will be affected disproportionately. Conversely there is no evidence that any individual, group or portion of the community will benefit unequally from any of the actions in the proposed alternatives.

Endangered Species Act of 1973 (Public Law 93-205)

Section VII of the Endangered Species Act requires Federal agencies to consult with the United States Department of the Interior Fish and Wildlife Service (USFWS) and/or the United States Department of Commerce National Marine Fisheries Service (NMFS), whichever is appropriate, during project planning when threatened or endangered species, or their associated critical habitat, may be affected by a project. Informal consultation was completed for the South Shore project because Lahontan cutthroat trout, a threatened species, or their associated habitat, could potentially be affected by this project (see Chapter 3, Aquatic Wildlife).

A discussion also occurred concerning whether technical assistance should be requested for the candidate species mountain yellow-legged frog. Both FWS and the LTBMU agreed that although mountain yellow-legged frog habitat may exist within the project analysis area, recent amphibian surveys support that the species does not occur within the project treatment area; therefore, technical assistance would not be required (PR# 12).

Federal Insecticide, Fungicide, and Rodenticide Act; (7 U.S.C. 136 as amended)

This act, as amended, is the authority for the registration, distribution, sale, shipment, receipt, and use of pesticides (collective for insecticides, fungicides, and rodenticides). The Forest Service may use only pesticides registered or otherwise permitted in accordance with this act. In addition, the Forest Service in Region 5 must comply with California State laws and regulations regarding pesticides. Also, Forest Service policy in Region 5 is to use only EPA and California-registered pesticides. The action alternatives include the use of an EPA registered borate compound on cut stumps that are 14 inches diameter and greater for the prevention of annosus root disease. The borate compound is considered a fungicide.

Migratory Bird Treaty Act of 1918 as amended (16 USC 703-712)

The original 1918 statute implemented the 1916 Convention between the United States and Great Britain (for Canada) for the protection of migratory birds. Later amendments implemented treaties between the United States and Mexico, Japan, and the Soviet Union (now Russia). Specific provisions in the statute include the establishment of a Federal prohibition, unless

permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird." Because forestlands provide a substantial portion of breeding habitat, land management activities within the Lake Tahoe Basin Management Unit can have an impact on local populations, and are addressed in the terrestrial wildlife sections of Chapter 3.

National Forest Management Act of 1976 [NFMA] (Public Law 94-588)

The Forest Service lands affected by the South Shore project are subject to management direction in the 1988 LTBMU LRMP as amended by the 2004 SNFPA ROD. The LRMP, as amended, guides management of all National Forest lands and resources within the South Shore project area. It includes direction for forest management, goals and objectives, area management direction, and standards and guidelines. As stated above, the South Shore project complies with the LRMP (PR# B54).

National Environmental Policy Act of 1969 [NEPA] (Public Law 91-190)

The NEPA requires that Federal agencies complete detailed disclosure on proposed actions and alternatives to the proposed action that may significantly affect the quality of the human environment. The purpose of an environmental impact statement is twofold: 1) to provide decision makers with a detailed accounting of the likely environmental effects of a proposed action and any alternatives prior to adoption of an action, and 2) to inform the public and allow it to comment on those environmental effects. This EIS analyzes the alternatives and discloses their effects in detail. The procedural requirements of NEPA have been met.

National Historic Preservation Act (Public Law 89-665)

Alternative 3 is in conformance with regulations of the National Historic Preservation Act (NHPA), 1966, as amended (P.L. 89-665, 80 Stat.915); the National Environmental Policy Act (1969), Archaeological Resources Protection Act of 1979 (ARPA), Native American Grave Protection and Repatriation Act (1990: P.L. 101-601), and American Indian Religious Freedom Act (1978: P.L. 95-341), and as called for by the 1996 First Amended Regional Programmatic Agreement Among The USDA, 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 (Regional PA), and the 2004 Interim Protocol for Non-Intensive Inventory Strategies for Hazardous Fuels and Vegetation Reduction Projects (Interim Protocol) (Project Record J8).

United States District Court, Eastern District of California Ruling – 11/4/09

On November 4, 2009, Judge Morrison C. England issued a Memorandum and Order requiring that fuels projects that are under the 2004 Sierra Nevada Forest Plan Amendment and were not approved prior to November 4, 2009, must include a detailed consideration of a noncommercial funding alternative. The South Shore project is compliant with this order because both of the action alternatives (Alternative 2 and 3) represent noncommercial funding alternatives as described in the Court Order. Implementation of either alternative is not based, nor depends on, the commercial sale of wood fiber (e.g., saw timber, fuelwood and/or biomass). The prescriptions for tree removal and vegetation management are based solely on fuels and forest health objectives as described in Chapter 2 and not on any value in the products removed. It is not an objective of the South Shore project to generate revenue (Chapter 1, Purpose and Need). It is anticipated that most of the funding for implementation will come from sources such as the Sierra Nevada Public Lands Management Act. However, this does not mean that wood fiber products will not be sold as part of project operations. Should markets exist at the time of implementation for wood fiber products, the Forest Service may elect to dispose of project generated fuels via sale to meet the ecological goals of the project. The potential revenues are displayed in Chapter 3, Economic Conditions and Effects.

Permitting

The Forest Service is actively consulting and coordinating with Federal, State, and local agencies, and tribes that have an interest in the project or could have a role in reviewing and/or providing permits or other approvals for aspects of the project. This includes coordination with Federal, County, and State of California regulatory agencies, including air quality management districts and the water quality control board.

El Dorado Air Quality Management District

Permits will be required from the El Dorado Air Quality Management District prior to prescribed burning.

Lahontan Regional Water Quality Control Board

The Forest Service has worked closely with the Lahontan Water Board since the inception of this project. Much of the project (generally the hand thinning units) is eligible for enrollment under Category 2 of the 2009 Timber Waiver and can be implemented immediately with the issuance of this ROD. The remainder of the project (generally the mechanical thinning units and SEZ treatments) will be permitted by the Lahontan Water Board with the appropriate waste discharge requirements as determined by the Board and in conformance to the Clean Water Act.

Tahoe Regional Planning Agency (TRPA)

Since January 2009 the TRPA and the Lahontan Water Board have had an MOU that allowed one of the agencies to be the singular regulating agency. This was in compliance with the

recommendations of the 2008 California-Nevada Tahoe Basin Fire Commission for streamlining the permitting process. Under this MOU the Lahontan Water Board was designated as the permitting agency for the South Shore project. However, in July 2011, the MOU between these agencies was found to be invalid by a state court. Consequently the project will also need TRPA review. The TRPA and Forest Service, LTBMU, have an MOU for vegetation management projects. The provisions of this MOU will apply to the South Shore project.

Implementation

Implementation may begin upon my decision as documented by my signature below. Starting on-the-ground operations implementing this decision will depend upon completion of permitting as described above, and ground conditions. I anticipate that hand treatments may start in early 2012 followed by mechanical treatments in summer 2012.

Initial thinning treatments (hand and mechanical) are phased to occur over a minimum 4 year period. Most activities are planned for implementation from 2013-2017 but some activities could extend past this time due to multiple treatments and limited prescribed burning opportunities. Prescribed burning activities will occur after thinning once fuels and weather conditions are appropriate.

Administrative Review Opportunities

This decision is not subject to administrative review (appeal) pursuant to 36 CFR Part 215.12 (i) because it is a hazardous fuel reduction project conducted under provisions of the HFRA, as set out at 36 CFR 218, subpart A.

Projects prepared under the HFRA are subject to a pre-decisional administrative review process (Objection Process) under 36 CFR 218. Objections to the project were received and are discussed under the Public Involvement section in this ROD, page 18.

The HFRA established that a person may bring a civil action challenging an authorized hazardous fuel reduction project in a Federal District Court only if the person has challenged the project by exhausting the administrative review process established by the Secretary of Agriculture. Section 106 of the HFRA establishes direction governing judicial review of lawsuits challenging hazardous fuel reduction projects authorized under the Act.

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DATE

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