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## DECISION NOTICE

# CARNELIAN HAZARDOUS FUELS REDUCTION AND HEALTHY FOREST RESTORATION PROJECT U.S. FOREST SERVICE LAKE TAHOE BASIN MANAGEMENT UNIT (LTBMU) PLACER COUNTY, CALIFORNIA

### BACKGROUND

The Carnelian Hazardous Fuels and Healthy Forest Restoration Project (hereafter referred to as the Carnelian Project) is located along the north shore of Lake Tahoe in Placer County, California. The project area includes portions of T16N, R18E; T16N, R17E and T16N, R16E.

The purpose of the Carnelian Project is to reduce the risk of high intensity wildfire on National Forest System lands in the wildland urban interface (WUI) adjacent to the communities of Kings Beach, Tahoe Vista, Carnelian Bay, Cedar Flat, Lake Forest and Tahoe City, in order to provide a defense zone between the National Forest System lands and urban and/or suburban development. Removing surface and ladder fuels in the WUI provides space for an oncoming crown fire to drop to a surface fire where deployment of firefighting crews could be expected to safely succeed in controlling the spread of the fire, thus protecting life and property in the adjacent communities. Equally important is thinning trees to improve forest health, which reduces forest density and increases forest resistance and resilience to drought, insects, and disease. Removal of conifer encroachment in riparian areas and aspen stands is also included in the proposal.

The Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy (2007), which includes the Community Wildfire Protection Plan (CWPP) for the North Tahoe Fire Protection District (NTFPD), was used to select priority areas for treatment. The LTBMU then collaborated with the NTFPD to refine proposed treatment areas for fuel reduction activities in this project.

A detailed Proposed Action was released for a 30 day public comment period on May 17, 2010, and a public meeting was held in Kings Beach, CA on June 3, 2010. Copies of the Proposed Action were mailed to interested and affected public, as well as to required federal and state agencies and the Washoe Tribe of Nevada and California. Four letters of comment were received. The Environmental Assessment (EA) was released for a 30-day objection period beginning July 13, 2012. No objections were received.

## DECISION

Based upon my review of the Carnelian EA, and the response provided during the scoping and objection periods, I have decided to implement Alternative 2, the Proposed Action.

In response to the purpose and need described in the EA, the Proposed Action includes treatment units and urban lots totaling approximately 3,297 acres (see Figure 3 and Table 4 in the EA). The proposed action consists of:

- Hand treatment on 1,190 acres.
- Mechanized treatment on 2,107 acres.
- Potential cable yarding on up to 159 acres (parts of units 6, 10, 18 and 19) if suitable ground is identified.
- Prescribed fire (pile burning and/or underburning) in most treatment units (Table 4). Underburning would be a follow-up treatment option in all units. Underburning is a priority on 486 acres in four units (Units 8, 15, 19, 26).
- A total of 64 landings (32 existing and 32 new) within seventeen of the treatment units.
- A total of approximately 1.1 miles of new temporary road to increase access to Units 16 and 18.
- A total of approximately 3.4 miles of temporary road on existing alignments of decommissioned roads to increase access to units 2, 3, 4, 8, 14, 15, 26 and 31. Of this amount approximately 0.04 acres (194 square yards) could overlap with Stream Environment Zones (SEZ).
- Monitoring as described in Chapter 2: Project Monitoring Activities.

### **Resource Protection Measures (RPMs) and Best Management Practices (BMPs)**

My decision to implement Alternative 2 incorporates the RPMs (EA Chapter 2) and BMPs (EA, Appendix B-3).

BMPs are based on standard practices as described in the USFS Region 5 Water Quality Management Handbook (R5 FSH 2509.22 Chapter 10) which are implemented to prevent nonpoint source water pollution. For the activities in Alternative 2, we identified applicable BMPs from this handbook. The project specific application of some of these BMPs has been further defined and refined in the Proposed Action (Alternative 2) and through the development of RPMs (EA Chapter 2).

My decision to implement the RPMs and BMPs as described in the EA will provide water quality protection that will protect the beneficial uses of water in the project area and ensure compliance with Federal and State water-quality objectives and legal requirements.

Project design considers the multiple ecological, social, and cultural values in the project area. My decision includes prescriptions specifically designed to preserve Protected

Activity Centers (PACs) for northern goshawk and California spotted owl and Home Range Core Areas (HRCAs) for California spotted owls. Resource protection measures for other sensitive animal and plant species are included along with measures to mitigate the introduction and spread of weeds. Also included are protections to maintain air quality, soil and water quality, and the health of SEZs (EA Chapter 2).

Summer and winter recreation activities are popular in the project area, so my decision has considered recreational use and incorporates RPMs to maintain high quality recreation opportunities and scenic integrity. Project implementation will enhance scenic stability by reducing the likelihood of a large, high intensity wildfire. Cultural resources have been inventoried and RPMs prescribed for their protection.

### **RATIONALE FOR THE DECISION**

This decision moves fuel conditions toward desired future conditions as defined by the LTBMU Land and Resource Management Plan (Forest Plan), including the 2004 Sierra Nevada Forest Plan Amendment (SNFPA). This project will remove ladder fuels and break up tree crown continuity which will reduce the wildland fire intensity and potential for sustained crown fire within these treatment areas.

The Carnelian Project will provide for defensible space adjacent to communities in the project area. Flame lengths will be reduced to desired levels of less than 4 feet, improving fireline construction ability. Fuel loading will be reduced from an average of 23 tons per acre to an average of 6 tons per acre (EA Chapter 3, Tables 12 and 23).

Under current conditions, if a wildfire were to start during extreme fire weather conditions, nearly three-fourths of the project area would be likely to experience high intensity wildfire (active crown type) with surface fire likely in only 3% of the project area. My decision will reverse those proportions; high intensity active crown fire will be unlikely anywhere in the project area, and more than half of the project area will be likely to experience more easily controlled surface fire types (EA Table 12). Thus, suppression activities will be safer and more effective in the stands adjacent to communities.

Restoring fire to the fire-adapted landscapes in the Lake Tahoe Basin is another objective addressed by my decision. Implementation of this project will enable the managed reintroduction of fire into the project area stands for stand maintenance into the foreseeable future.

This decision will also enhance forest health. Tree thinning will decrease stand density, thereby providing increased resilience to drought and insect attacks. Over time, the project is expected to increase the average tree size class in the stands. The use of prescriptions that thin from below and favor healthy, shade intolerant trees such as Jeffrey pine and sugar pine will result in a balance of tree species that more closely resembles conditions in the pre-Comstock era. Treatments in SEZs will reduce conifer encroachment and fuels, thus enhancing riparian vegetation, including aspen, and improving habitat conditions.

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## ALTERNATIVES CONSIDERED

In addition to the Proposed Action (Alternative 2), a No Action Alternative (Alternative 1) was considered. Under the No Action alternative, none of the fuels treatments and associated temporary road and landing construction described in Alternative 2 would occur.

## PUBLIC INVOLVEMENT

The LTBMU listed the proposed action on the Internet web page's Schedule of Proposed Actions (SOPA) beginning on October 1, 2008 and every quarter since. On May 17, 2010, a scoping letter with a project proposed action summary and a project area map were mailed to 53 agencies, individuals and organizations, seeking public comments and informing them of a public meeting scheduled for June 3rd, 2010. The scoping letter and a detailed proposed action document were posted on the LTBMU internet website. In addition, a news release was sent out to the local media from the LTBMU seeking public comments and advertising a public meeting for the project. There were a total of three verbal comments and four written comments that were received in response to the mailing, press release, and the public meeting.

The overall scoping response from the public was supportive of the project. There were verbal comments of support of the project during the public meetings and also concerns about burning residual trees during pile burns, smoke, and piles close to private property (unsightly and fire risk). There was also a comment that the trees removed should be used for biomass by local businesses.

The California Regional Water Quality Control Board originally noted in their scoping comments that this project is regulated solely by the TRPA-Lahontan MOU for fuels reduction projects; however, the local courts have since struck down the TRPA-Lahontan MOU and the project will require an application for submittal to the 2009 Lahontan Timber Waiver as well as consistency with TRPA thresholds under the Forest Service and TRPA MOU. Sierra Pacific Industries expressed support for the goals of the project. Tahoe Regional Planning Agency (TRPA) expressed support for the project objectives and the need for fuels reduction and healthy forest restoration. The LTBMU has worked closely with TRPA in project design to ensure that the project is consistent with TRPA environmental thresholds and includes a detailed list of RPMs.

The Environmental Assessment (EA) was released for a 30-day objection period beginning July 13, 2012. No objections were received.

All scoping documents and comments received are available in the project record files (Project Record documents C01-C16).

## FINDING OF NO SIGNIFICANT IMPACT

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

I base my finding on the following:

**Beneficial and adverse impacts** – My finding of no significant environmental effects considers both beneficial and adverse impacts. I did not find any impacts adverse in terms of being significant nor biased by the beneficial effects of the action (Final EA, Sections 3.3 through 3.10). Alternative 2 parameters including the Resource Protection Measures (EA Chapter 2) and BMPs (EA Appendix B) will mitigate effects to less than significant levels (EA, Sections 3.1 through 3.10).

**The degree to which the proposed action affects public health or safety** – There will be no significant effects on public health and safety. The project involves routine work and activities that occur throughout NFS lands. Signs will be used warning public users of project activities such as vehicles using the road, tree cutting, burning and equipment usage. The use of any mechanized equipment will require a hazardous material spill plan and procedures to minimize any spills adjacent to water. A temporary forest order closing a portion of the project area during implementation could occur depending upon visitor use and the timing of ground and hand operations. All other project work is anticipated to occur without needing any public closures. Public health and safety is built into prescribed burning through burn plans that are approved by Placer County Air Quality Management District.

**Unique characteristics of the geographic area** – The project area is within the Lake Tahoe Basin (watershed). To avoid potential impacts to Lake Tahoe, Alternative 2 incorporates applicable BMPs (Appendix B) and interprets and defines them more site-specifically in the alternative description and in the RPMs (Chapter 2).

**The degree of controversy over environmental effects** – Public comment on the Proposed Action during the scoping period did not reveal controversy over the potential effects of the project (Chapter 1, Public Involvement). Furthermore, no objections were received during the objection period.

**The degree to which the possible effects on the human environment are highly uncertain or involves unique or unknown risks** – The LTBMU has considerable experience and success with hazardous fuels reduction and forest health enhancement activities, having implemented several similar projects over the past 10 years. The Final EA shows that the consequences of thinning of live trees, temporary road construction and decommissioning/restoration, conifer removal in SEZs, pile burning, and treatment of noxious (invasive) weeds are not uncertain, and do not involve unique or unknown risk.

Cable yarding is not a common practice in the Lake Tahoe Basin, but is occasionally utilized. In order to reduce the risks to a less than significant level, the Carnelian decision includes RPMs and monitoring specific to cable yarding (Chapter 2, RPM numbers 16,35, 55-58, 63, 64 and Project Monitoring Activities).

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

The action will not establish a precedent for future actions with significant effects. No significant effects are identified (Final EA, Chapter 3), nor does this action influence a decision in principle about any future considerations. All connected actions (i.e. landings, temporary roads) associated with Alternative 2 are integrated through the alternative design (Chapter 2).

**Whether the action is related to other actions with individually insignificant but cumulatively significant impacts –** Consideration of the effects of this project and other ongoing or planned projects in or adjacent to this project revealed no significant cumulative effects. The effects of other foreseeable future actions as well as past actions and ongoing actions were included in the analysis (EA, Sections 3.1 – 3.10).

**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 –** RPMs # 24 and # 25 ensure that Alternative 2 will have no significant adverse effects on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (EA, Section 3.10; Project Record Exhibit F1).

**The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 –** The action will have “no effect” on any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. No federally-listed endangered or proposed species were identified by the USFWS associated with this project. No critical habitat for federally-listed threatened or endangered species is designated within the Lake Tahoe Basin. The project BE/BA (Project Record Exhibit F07a and F10a) determined no proposed or designated critical habitat exists in or near the project action area (EA, Sections 3.7 through 3.9).

**Whether the action threatens a violation of Federal, State, or local law or other requirements imposed for the protection of the environment –** Alternative 2 will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA, and are summarized below. The action was designed to be consistent with the LTBMU Forest Plan, as amended (EA Section 3.11).

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## **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

This EA is consistent with all applicable laws and regulation. A complete description can be found in Section 3.11 of the EA.

### **National Forest Management Act**

This Act requires the development of long-range land and resource management plans (Forest Plan). The LTBMU Land and Resource Management Plan was approved in 1988 as required by this Act. It has been amended several times, including the 2004 Sierra Nevada Forest Plan Amendment. The Forest Plan requires projects to be reviewed for consistency with natural resource management direction. As part of this project, we completed a consistency review with the Forest Plan and I find that Alternative 2 including the resource protection measures and BMPs is consistent with the Plan. The Forest Plan consistency check is documented in the project planning record (Project Record Document I01).

### **Endangered Species Act**

I find that this decision is consistent with Section 7(c) of the Endangered Species Act, the United States Fish and Wildlife Service list of “endangered and threatened species that may be affected by Projects in the Lake Tahoe Basin Management Area” (updated on April 29, 2010). The list was reviewed (Project Record Documents F7a and F10a). My decision will have a “no effect” on any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

### **National Historic Preservation Act**

I find that this decision is consistent with Section 106 of the National Historic Preservation Act, which requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act (P.L. 89.665, as amended) also requires federal agencies to afford the State Historic Preservation Officer a reasonable opportunity to comment. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision (See Project Record exhibit F1, Heritage Resources Report). Results of the surveys have been submitted to the State Historic Preservation Officer and a report with their findings of eligibility is provided in the project record along with concurrence from California State Historical Preservation Office.

### **Clean Water Act (Public Law 92-500)**

I find that this decision is consistent with the Clean Water Act, which requires all Federal agencies to comply with the provisions of the Clean Water Act. The Clean Water Act regulates forest management activities near federal waters and riparian areas. The resource protection measures included in the Proposed Action ensure that the terms of the

Clean Water Act are met, primarily regarding the prevention of pollution caused by erosion and sedimentation.

### **Clean Air Act (Public Law 84-159)**

I find that this decision is consistent with the Clean Air Act. The Forest Service will follow specified provisions for smoke management whenever fire is prescribed as a treatment. The project area lies within the Lake Tahoe Air Basin and the Placer 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 prescribed burning that will occur within the project area. The smoke management plan will be implemented to ensure particulate matter emissions from prescribed burning will not violate California Ambient Air Quality (CAAQ) emission standards. Dust abatement associated with ground based mechanical thinning will be implemented as described in the RPMs (EA Chapter 2).

### **Greenhouse Gases**

Greenhouse gases are considered qualitatively for this project. Due to the small scale of carbon released from activities in the proposed action when compared to the amount of carbon sequestered regionally and nationally on forest lands, GHG emissions and carbon sequestration effects from the proposed action are not significant issues. The overriding goal of this project is to achieve resilient, sustainable forests, dominated by large trees. Treatments in SEZs strive to increase the amount and vigor of riparian vegetation species, which have ability to sequester carbon. These goals are consistent with forest management recommendations for sustaining forests as carbon sinks during the predicted period of climate change that potentially lies ahead.

### **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. My decision is compliant with this order because Alternative 2 represents a noncommercial funding alternative as described in the Court Order. Implementation of Alternative 2 is not based, nor does it depend on, the commercial sale of wood fiber (e.g., saw timber, fuelwood, and/or biomass). The prescriptions for tree removal and thinning are based solely on fuels and forest health objectives as described in the Final EA (Chapter 1: Desired Healthy Forest Conditions and Purpose and Need for Action) and not on any value in the products removed. It is not an objective of this project to generate revenue. It is anticipated that funding for implementation will come from agency appropriations or through capital projects authorized under the Lake Tahoe Restoration Act 2000 and appropriated through the Sierra Nevada Public Lands Management Act, as amended in 2003. However, cut trees can be utilized as wood products. 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.

#### **Environmental Justice (Executive Order 12898)**

I find that this decision is consistent with Executive Order 12898, which 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 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. My decision would not affect any non-federal land that would impact minority or low-income neighborhoods disproportionately. There is no evidence that any individual, group, or portion of the community would benefit unequally from this decision.

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

I find that this decision is consistent with the Migratory Bird Treaty Act. The original 1918 statute implemented the 1916 Convention between the United States and Great Britain (for Canada) for the protection of migratory birds. Because forestlands provide a substantial portion of breeding habitat, land management activities within the LTBMU can have an impact on local populations. The Carnelian Project would not adversely impact any populations or habitat of migratory birds (EA, Section 3.7, and Project Record Document F07b).

#### **Special Area Designations**

There are no specially designated areas that would be affected by the Carnelian Project (e.g., Research Natural Areas, Inventoried Roadless Areas, Wilderness Areas, and Wild and Scenic Rivers).

## Local Agency Permitting Requirements and Coordination

This project qualifies under the Memorandum of Understanding between TRPA and Forest Service (2009) regarding Fuels Reduction and Forest Health Projects. TRPA's involvement will be guided by the conditions set forth in the TRPA-FS MOU. Prior to implementation, we will meet with TRPA to document the Environmental Threshold Carrying Capacity findings and fill out the TRPA Environmental Checklist.

CEQA applies to discretionary projects to be carried out or approved by public agencies. The Lahontan Water Board's process to grant a conditional waiver of waste discharge requirements on NFS lands is a discretionary act subject to CEQA. Prior to approving a project, the Lahontan Water Board must certify that: (1) the environmental document has been completed in compliance with CEQA; (2) that the Lahontan Water Board has reviewed and considered the information contained in the environmental document; and (3) that the environmental document reflects the Lahontan Water Board's independent judgment and analysis (Cal. Code Regs., tit. 14, § 15090.) Thinning and fuel reduction activities are long term improvements to the sustainability and resiliency of watershed condition and function.

As stated above, implementation of the RPMs and BMPs as described in the EA will provide water quality protection that will protect the beneficial uses of water in the project area and ensure compliance with Federal and State water-quality objectives and legal requirements. However, enrollment of this project under the 2009 Timber Waiver may require changes to the RPMs or additional RPMs. While these changes would not alter the major findings in this EA or other aspects of my decision, they could affect project cost and the implementation timeline. Examples of possible changes include wider equipment exclusion buffers, more restrictive operability standards as related to soil moisture, and additional requirements for prescribed burning in SEZs.

Permits would be required from the Placer Air Quality Management District prior to prescribed burning.

## IMPLEMENTATION DATE & PROPOSED PROJECT TIMEFRAMES

My decision only applies to NFS lands as analyzed in the EA. The majority of implementation is expected to start in 2013, however, limited treatment could begin in late fall 2012. The anticipated timeframe to complete the project is seven to ten years, depending on funding and contractor availability. Once initial thinning and surface fuel treatments are complete, prescribed pile and understory burning would occur.

Some hand treatment units may require more than one entry in order to accomplish fuels objectives. This could include hand piling and burning of surface fuels, followed by thinning, piling, and burning of understory trees. Multiple entries could help to reduce tree mortality induced by pile burning, because not all the fuels would be burned at once.



**CONTACT**

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**DATE**

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