

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Independence Lake Forest Thinning and Hazardous Fuels Reduction Project

FONSI 12-03-LO

Prepared by: Blue Palm Consulting, Consultant for The Nature Conservancy

Recommended by:



Date: 9/5/12

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Background

The Bureau of Reclamation (Reclamation) Lahontan Basin Area Office has evaluated the potential environmental consequences of The Nature Conservancy (TNC) utilizing Reclamation Desert Terminal Lakes (DTL) grant funds for a portion of the costs of implementing thinning and hazardous fuels reduction on lands at TNC's Independence Lake Preserve. The project includes mechanical treatment and prescribed burning to restore forest stands to a more fire-resilient condition. The reduction in potential damage from a high severity wildfire would benefit the lake's water quality and unique native fishery.

Pursuant to NEPA, an Environmental Assessment (EA) was prepared for utilization of grant funds for these restoration projects entitled Environmental Assessment – Independence Lake Forest Thinning and Hazardous Fuels Reduction. The EA considered two alternatives: the Proposed Action and the No-Action Alternative. The EA is incorporated by reference in this Finding of No Significant Impact (FONSI). The EA was prepared by TNC under the direction of Reclamation.

Staff specialists from Reclamation and TNC were involved in the preparation and review of the EA. The environmental review process has involved compliance with the consultation requirements under the National Historic Preservation Act (NHPA) and with requirements of the Endangered Species Act (ESA). Opportunities were provided for public comment on determining the scope of the EA. Reclamation and TNC coordinated with the Washoe Tribe of Nevada and California and the Pyramid Lake Paiute Tribe regarding the proposed project and associated potential effects. Opportunities were provided for public review of the EA. Reclamation and TNC reviewed and considered all comments received.

Alternatives Including Proposed Action

No Action Alternative

Under the No-Action Alternative, TNC would not be allowed to use federal DTL Program grant funds provided by Reclamation for forest thinning and hazardous fuels reduction at TNC's Independence Lake Preserve. The federal grant funding is necessary to fully implement the approved Timber Harvest Plan and conduct prescribed burning. In the absence of DTL grant funding, TNC would have to use alternative non-federal funding to complete the project. Full project implementation could be delayed or parts of the project could be foregone. The No Action Alternative continues the existing condition in forests surrounding Independence Lake, including continuation of the risk of high severity fire that could affect the lake's water quality, the Independence Lake populations of Lahontan cutthroat trout (LCT) and other native fish in Independence Lake.

Proposed Action

The Proposed Action allows TNC to use DTL program funding for forest management activities at the Independence Lake Preserve. The work would be focused on reducing high densities of understory trees, live and dead forest fuels, and unnaturally high levels of shade-tolerant tree species, such as white fir. The overall effect would be to restore forest conditions to a more natural and resilient condition, to reduce the risk of damage from high severity wildfire, which would reduce the risk of adverse effects to the water quality of Independence Lake. Maintaining the lake's water quality is essential to protect the unique assemblage of native fish, including the federally listed LCT.

The proposed action consists of the following:

- 432 acres of mechanical thinning and restoration treatments, with 150 acres of follow-up prescribed underburning; and
- 110 acres of prescribed underburning in areas mechanically treated in 2009 and 2010.

Associated activities include improving aspen vigor by reducing encroaching small conifers, maintaining seasonal access roads, and burning piles of residue material from the forest management activities. Specific plans for weed prevention, hazardous material spill prevention, and fire prevention would be implemented. Prescribed burning would take place in the early spring and/or fall, contingent on available conditions for a safe and effective burn that meets resource objectives. Broadcast burning is expected to continue over several years.

The 432 acres of thinning and mechanical fuels reduction work would be within the boundaries of the approved California Timber Harvest Plan (THP), #2-11-069 SIE, prepared by a Registered Professional Forester (RFP). A variety of unevenaged silvicultural methods would be used, customized for a particular group or stand of trees. Practices would be used to preserve selected legacy forest components such as large old trees, standing dead trees, and large down logs. Cutting and moving the trees to a central location would involve use of conventional ground-based machinery confined to slopes less than 40%. Some work would be done by hand in sensitive areas such as aspen groves. In some areas, small trees and brush would be chipped (masticated) on site. An extensive list of Project Design Features, Environmental Commitments, and Mitigation Measures is located in Appendix A.

Findings

Based on the attached EA, Reclamation finds that the Proposed Action is not a major Federal action that will significantly affect the quality of the human environment. The attached EA describes the existing environmental resources in the Proposed Action area, evaluates the effects of the No Action and Proposed Action alternatives on the resources, and proposes measures to avoid, minimize, or mitigate any adverse effects. This EA was prepared in accordance with NEPA, Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508), and DOI Regulations (43 CFR Part 46).

Effects on several environmental resources were examined and any adverse impacts are minor and restricted to short-term, localized effects. No significant effects were identified for any resource. Beneficial environmental impacts are expected for several resources. This analysis is provided in the attached EA, and the analysis in the EA is hereby incorporated by reference.

Vegetation

The thinning and hazardous fuels reduction project would have no impacts on federally listed plant species, state-listed plant species, or any species identified as rare and/or sensitive by the California Native Plant Society. There are also no expected impacts to special plant associations, community types, or habitats. Vegetation would generally benefit from restoration of more open forest conditions and a reduction in the risk of stand-replacing wildfire.

The proposed project may temporarily create small areas where weeds may germinate, but this would not have an adverse effect on the flora of the surrounding area. By undertaking prevention measures specified in the Environmental Commitments and Mitigation section, the risk of introducing new weed species or spreading existing invasive weeds would be minimized.

Geology, Soils, Hydrology, and Water Resources

There would be no adverse impacts to geology, soils, hydrology, or water resources. The 432 acres of thinning and fuels reduction is under an approved THP that specifies Watercourse and Lake Protection Zones (WLPZs) according to California Forest Practice Rules. WLPZs and Equipment Limitation Zones are set for all other watercourses and wet areas. Implementing California's stringent Forest Practice Rules for watercourse protection will eliminate or minimize risk of short-term adverse effects to water resources. Follow up prescribed burning will provide additional protection from potential effects of high severity wildfire.

Fire and Fuels: Implementing the project will have a positive effect on the existing high hazard fuel configuration. The severity of wildfire passing through the treated forest stands would be reduced under all but the most extreme fire conditions. The project is linked to similar hazardous fuels reduction projects on adjacent National Forest System lands, thereby providing a watershed approach to hazard reduction.

Land Uses, Air Quality, and Noise

The forest management project would not change the land use, which is a privately owned ecological preserve. Public access by road could be temporarily disrupted during road maintenance work, when thinning or fuels reduction work is being conducted immediately adjacent to a public roadway, or during burning operations.

Air quality would not be significantly affected by the project. Any impacts would be temporary and localized. Required measures in the EA, THP, burn plans, and burn permits would minimize air quality impacts. Local, state and national air quality standards would not be violated.

Activity-generated noise would be minimal and noticeable only near active operations in September and October. The operating period is after the main summer recreation season, so noise is not expected to appreciably impact recreation users at Independence Lake.

Cultural Resources

As required by Section 106 of the National Historic Preservation Act, Reclamation consulted with Indian tribes and the State Historic Preservation Officer (SHPO) regarding the proposed action's potential effects on historic properties. Reclamation determined that no historic properties would be affected pursuant to 36 CFR Part 800.4(d) (1), and the SHPO concurred with this finding in a letter dated July 30, 2012. If any cultural resources are encountered during project implementation, all work will stop until proper procedures and protocol have been completed and Reclamation provides a written notice to proceed.

Indian Trust Assets

There is one Tribe potentially affected by the proposed project, the Washoe Tribe of Nevada and California (Washoe Tribe). The Washoe Tribe has jurisdiction over trust allotments in both Nevada and California, with additional Tribal Trust parcels located in Alpine, Placer, Sierra, Douglas, Carson, and Washoe Counties. In a September 28, 2011 letter, the Washoe Tribe stated their support of the project, citing protection of water quality and the native fishery from catastrophic wildfire. The Washoe Tribe did not submit comments to the April 2012 version of the EA.

Implementation of the proposed project is not expected to have a negative effect on Indian Trust Assets. Land, minerals, federally reserved hunting and fishing rights, federally reserved water rights, in stream flows associated with trust land, water quality, native plants, wildlife resources, and cultural sites would not be affected or could benefit from the project. The populations of native fish, including LCT, would be positively affected by reducing the risk of loss or damage to fishery resources from high severity wildfire in the Independence Lake watershed.

Indian Sacred Sites

There are no identified Indian Sacred Sites within the action area of the proposed project and therefore this project would not inhibit use or access to any Indian Sacred Sites.

Environmental Justice

The project would take place in an uninhabited area that receives seasonal recreation use. The activities would not affect access, environmental quality, or human health. The project could have a slightly positive effect on local employment as the workers and equipment are expected to be obtained locally. Accordingly, the Proposed Action would not have any significant or disproportionately negative impact on low-income or minority individuals within the project area.

Endangered Species Considerations

TNC lands surrounding Independence Lake and adjacent Tahoe National Forest lands are habitat for two candidate species under the Endangered Species Act: the mountain yellow-legged frog (*Rana muscosa*) and the wolverine (*Gulo gulo luscus*). Independence Lake supports a population of Lahontan cutthroat trout (*Oncorhynchus clarkii henshawi*), listed as threatened under the ESA.

LCT would not be adversely affected by the project because of the absence of potential risk for direct mortality of individual LCT and minimal risk of indirect adverse impacts to Independence Lake water quality from project activities.

The thinning and hazardous fuels project would have a very low probability of affecting the individual wolverine sighted near the proposed project area in 2008. Similar projects in 2009 and 2010 at Independence Lake took place in the presumed home range, along with projects in Tahoe National Forest, and on private-industrial forestland.

There could be risk of harm to individual mountain yellow-legged frogs (MYLF) if they are present in the project area during activities. MYLF could also be present at nearby wet areas and move through or into the proposed project areas during treatment activity. A scheduled pre-operation amphibian survey would provide information about the potential for MYLF to be in the proximity of the thinning and fuel treatment sites. A late-summer limited operating period would also be observed to minimize impacts to migrating MYLF. MYLF would be expected to benefit from the Proposed Action over the long-term because the risk of damage to riparian and aquatic habitats from high severity wildfire would be reduced.

Two other candidate species were on a species list provided by the U.S. Fish and Wildlife Service. The fisher (*Martes pennanti*) does not occur in or near the project area. Despite numerous surveys by the U.S. Forest Service, no fishers have been detected in the entire Tahoe National Forest. Webber's ivesia (*Ivesia webberi*) was also not detected in surveys for the project. The nearest known occurrence is 7 miles from the proposed project, so no adverse impacts to the plant are expected.

The potential for adverse effects to any listed or candidate species is low and intensity of any adverse effects has been reduced by project design features and mitigation measures to levels that are not significant.

Cumulative Effects:

There are no known cumulative effects from the proposed project and three other projects at Independence Lake (Independence Lake spillway fish barrier construction, Upper Independence Creek cutbank restoration; and brook trout removal in Upper Independence Creek), as well as four timber harvest and fuels reduction projects in the adjacent Tahoe National Forest watershed assessment area.

Consultation and Public Involvement

Reclamation prepared a Biological Assessment (BA) for federally listed and candidate species under the Endangered Species Act. This BA was prepared in accordance with legal requirements set forth under Section 7 of the federal Endangered Species Act (16 U.S.C. 1536(c)) for species listed as endangered or threatened. Based on the analyses provided in this BA, the BA determination is that the Independence Lake forest thinning and fuel reduction project will have no effect on the threatened Lahontan cutthroat trout. No adverse effects are expected for any of the candidate species analyzed in the EA that might occur in project area.

Scoping for the EA took place in 2011. A letter was mailed on September 9, 2011, to approximately 60 members of the public, agencies, organizations, and tribes (the Washoe Tribe of Nevada and California and the Pyramid Lake Paiute Tribe). The letter requested comment on the preparation of the EA and invited recipients to a public meeting held on September 28, 2011.

Two agency representatives and four members of the public attended the field meeting, along with Reclamation, and TNC. Information gathered by attendees at the meeting was used to clarify the analysis in the EA. Comments and discussion did not result in creating new alternatives in the EA. No scoping response letters were received from the public.

On April 13, 2012, a press release was issued announcing the availability of the EA and requesting comments and a letter was sent to interested parties notifying them about the EA review and comment period. The EA was posted on the Bureau of Reclamation Mid-Pacific NEPA website. The formal comment period extended from April 16 to May 16, 2012.

Two written comment letters were received; one from Mr. Doug Cushman of the Lahontan Regional Water Quality Board and a letter from the California Department of Fish and Game. Responses were prepared to comments and are included with their letters in a new EA Appendix F. Reclamation reviewed the comments and made minor revisions in the final EA (September 2012). Appendix F and the final EA are posted on Reclamation's Mid-Pacific NEPA website.

The Washoe Tribe of Nevada and California and the Pyramid Lake Paiute Tribe were sent a letter dated April 16, 2012, requesting EA review and comments. No responses from the Tribes were received, although the Washoe Tribe of Nevada and California did send a letter in support of the project during the scoping period in 2011.

Decision

Reclamation's decision is to implement Alternative 2, identified as the Proposed Action in the EA. The decision is based on the environmental analysis contained in the attached EA (September 2012) completed in accordance with the National Environmental Policy Act. Reclamation makes a finding of No Significant Impact as the project is not a major federal action and there is no evidence to indicate that the Proposed Action will significantly affect the quality of the human environment or the natural resources in the area. An environmental impact statement is therefore not required for the Proposed Action.