Decision Notice and Finding of No Significant Impact
Boulder Creek Fuels Restoration Project
U.S. Forest Service
Sequoia National Forest
Giant Sequoia National Monument
Hume Lake Ranger District
Fresno County, California

Background

The proposed project encompasses an estimated 14,385 acres across the Hume Lake Ranger District, which is part of the Giant Sequoia National Monument and Sequoia National Forest. It is located in Townships 13-14 South and Ranges 29-30 East, Mount Diablo Base and Meridian, in Fresno County.

Purpose and Need

In accordance with FSM 2020, and Pacific Southwest Regional policy (USDA 2011b), long-term management direction in the southern sierra forests is for ecological restoration of the fuel and fire regime across the landscape. In the Giant Sequoia National Monument ecological restoration is focused on the sequoia groves and their surrounding ecosystems.

The purpose of the Boulder Creek Fuels Restoration (Boulder) Project is to protect, restore, and maintain the giant sequoia groves, the surrounding forest, and the other Monument objects of interest in the Boulder Creek area, and allow for safe and efficient fire suppression activities on fires burning out of the Monarch Wilderness and Agnew Inventoried Roadless Area.

This project is needed to:

- Reduce excessive fuel loads across the landscape, particularly within Monarch Wilderness;
- Re-establish fire to this fire-adapted ecosystem, particularly within Agnew, Deer Meadow, and Evans Complex Sequoia Groves;
- Reduce the risk of loss of old-growth forest habitat to large scale, stand-replacing wildfires;
- Reduce the risk of loss of cultural resources to wildfires; and
- Establish conditions that allow for a highly diverse vegetation mosaic of age classes, tree sizes, and species composition.

Timing is critical for the Boulder Project. In 2010, the Sheep Fire was ignited by lightning and burned through a portion of the Monarch Wilderness and Agnew Inventoried Roadless Area. The Sheep Fire was a managed wildfire to reintroduce fire and lower hazardous fuel loading. It was stopped on the eastern edge of the Boulder Creek Drainage, which created a temporary natural fuel break. To take advantage of the natural fuel break the Sheep Fire created, implementation of the Boulder Project would need to start as soon as possible before fuels accumulate in the Sheep Fire area.

The environmental assessment (EA) documents the analysis of alternatives to meet the need to reduce fuels and continue to restore the natural fire cycle in the project area.

Decision

Based upon my review of the Boulder Creek Fuels Restoration Project Environmental Assessment (EA), I have decided to implement Alternative 2, the proposed action, to meet the purpose and need. This alternative proposes prescribed burning to reintroduce fire into the lower portion of the Boulder Creek drainage. The project area encompasses approximately 14,385 acres of the watershed, of which 6,000 to 9,000 acres are proposed for underburning. Two factors reduce the number of acres that can be treated through prescribed burning. The first factor is large areas of rock outcrops or sheer cliff faces, especially near the Kings River. The second factor is the other features that will need treatments prior to, or instead of, prescribed fire. The features that need to be protected from fire include cultural resources, plantations and wildlife habitat.

Smoke management is a critical issue in the San Joaquin Airshed. Alternative 2 is designed to limit the impact smoke would have on the airshed. Prescribed fires will be ignited in the fall and in the spring, when weather and fuel conditions are conducive to achieve purpose and need, and in compliance with burn day status. The duration of active burning and smoke impact on the airshed is expected to be up to two weeks after the ignition.

The project area will be burned in sections over approximately 5 years. The burn treatments may begin on the east side of Boulder Creek in the first year and generally move in a counter-clockwise direction over the years. The intent is to use the previous year's activities as a buffer and fuel break for the next treatment area where feasible.

The treatments are designed to reintroduce fire and produce a mosaic of age classes, tree size and species composition across the landscape. No mechanical treatments or removal of logs or other forest products are proposed under Alternative 2. However, hand treatments, including chainsaw use outside of the Wilderness to cut brush or fell trees, may be needed during project implementation to protect firefighters, and protect some of the objects of interest (see mitigations on pages 20-23 of the EA). No trees are currently identified for felling. Before felling a tree, other treatment options such as limbing will be considered. When felling is considered necessary for firefighter safety or to protect objects of interest, it will be limited as follows:

- Trees identified as hazards to firefighters working on the fireline.
- Trees that would damage cultural resources, large old-growth sequoias, or other Monument objects of interest.
- Trees up to 6 inches in diameter that act as ladder fuels within a fireline.

After the prescribed burn treatments, hand crews will repair trail tread if the burning activities damage the trail (i.e., Kanawyer or Deer Meadow Trail). Tread work may include reestablishing waterbars or other drainage features along the trail. These activities will be designed to reduce the potential for erosion or sedimentation as a result of the fuels reduction activities, and manage that portion of trail to standard (see discussion of trail management standards on page 46 of the EA). Incidental tree felling may occur if a tree is identified as a safety hazard to the workers.

Decision Rationale

In addition to Alternative 2, the selected alternative, I considered one other alternative. Alternative 1 was the no action alternative. A comparison of these alternatives can be found in the EA on pages 23-24.

Alternative A- No Action

Alternative A is the no action alternative and does not meet the purpose and need. No prescribed fire treatments would occur to reduce fuels or reintroduce fire back into the ecosystem.

Public Involvement

This action was originally listed as a proposal on the Sequoia National Forest Schedule of Proposed Actions and updated periodically during the analysis. People were invited to review and comment on the proposal through scoping which began in the spring of 2012. On March 29, 2012, a scoping letter was sent to 136 individuals or organizations. There were six respondents, one of whom generally supported the project goals of reintroducing fire into the wilderness, and five respondents who raised several of the same concerns amongst them.

A public field trip was held on June 14, 2012, and was attended by representatives of the Sierra Club, Sierra Nevada Conservancy, Sequoia ForestKeeper, and the California Department of Fish and Game. The group hiked from the Kennedy Meadow trailhead into the Evans Grove Complex in the project area. Several stops were made overlooking the Boulder Creek Drainage and while in the sequoia grove to discuss the various concerns and issues.

The concerns raised during scoping were addressed during the environmental analysis. Using the concerns from the public, the interdisciplinary team identified several issues regarding the effects of the proposed action. Main issues of concern included the need to mimic natural fire; protective measures for sequoia groves; impacts to trails, and visual and wilderness quality, from firelines; and the need to burn the largest area possible. To address these concerns, the Forest Service focused the project analysis on these issues.

A legal notice informing the public of the 30-day public comment period for Boulder Creek Fuels Restoration Project EA was published in the *Porterville Recorder* on March 6, 2013. The environmental assessment was sent to the respondents to scoping on that same date. Comments on the proposal were accepted and considered through April 6, 2013. One of the respondents with concerns during the scoping period provided additional comments regarding the EA. Comments received on the EA are addressed in the attached Appendix D. The respondent letter is also in the project record on file at the Hume Lake Ranger Station.

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 (40CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following, which is summarized from the Boulder Project EA.

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

In terms of context and intensity, the Boulder Project would have minimal effects. The Boulder Project is a site-specific project and was analyzed within the context of a portion of the Boulder Creek and South Fork of the Kings River watersheds. Based on the specialist reports, summarized in the following discussion, all the impacts from this project will be minimal. None of them will be significantly beneficial or adverse as discussed under the summary of cumulative effects (see factor 4 below). A number of effects have occurred in the project area over the past several decades, which include grazing, wildfire, timber sales, recreation use, establishing and maintaining conifer plantations, road maintenance, and drought. The magnitude of beneficial effects disclosed herein have not been significantly offset or reduced by the adverse effects of the proposed activities under Alternative 2 in the Boulder Project.

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

As disclosed in the EA, the proposed action has the potential to affect firefighter safety in the short term, so mitigation measures are in place to reduce the hazard from falling trees or limbs during project implementation. Otherwise, very few people use the project area for any length of time so there is little potential to impact public health or safety under the proposed action, specifically regarding water quality of a municipal watershed.

Smoke management requirements enforced by San Joaquin Air Pollution Control District (SJAPCD) will be met. In terms of air quality, the smoke can have a negative effect so the timing and duration of this project has been designed to limit the potential to negatively affect public health. The fall burning will be scheduled for October to early November, between the high ozone and high particulate matter (PM_{10}) periods. The spring or fall burning is also proposed to occur in a time frame of two weeks or less. The burn windows will be set in compliance with the San Joaquin Air Quality Control Board allowable burn days. The Forest Service will use public notification systems as specified in the project burn plans to alert the foothill community residents, Kings Canyon National Park and the Great Basin Air District about planned prescribed fire activities. Early notification is essential for members of the public with respiratory conditions that may be affected by the smoke generated from burning. These required mitigations will reduce the direct and indirect effects to public health and safety during project implementation (see the Boulder Project EA, Appendix E: Management Requirements and Constraints). The fuels reduction activities will have beneficial impacts on health and safety in the project area by reducing the risk of a stand-replacing wildfire burning through the project area for an estimated ten years.

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

The Boulder Project is not near park lands, prime farmlands, wetlands or known ecologically critical areas. However, a portion of the project is within the Kings Wild and Scenic River corridor, and the recently established Windy Gulch Geologic Area. The project area also includes known cultural resources, which along with the caves are objects of interest under the Giant Sequoia National Monument designation (Clinton 2000). The known cultural resources are discussed in the *Boulder Creek Fuels Restoration Project Cultural Resources Specialist Report* (Further discussion can be found under factors 5). The activities proposed in the Boulder Project will help protect the cultural resources during project implementation. As a result, the Boulder Project will have no adverse effect on the cultural resources and minimal cumulative effect on cave resources.

4) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by breaking it down into small component parts.

Past events and actions in the Boulder Project area include grazing, wildfires, timber sales, recreation use, establishing and maintaining conifer plantations, road maintenance and drought. Present activities continuing in the project area are plantation and road maintenance, and recreation use. Ongoing recreation uses within the project area include hunting, dispersed camping, and use of roads and trails. These uses have not resulted in significant habitat loss or resource damage.

On-going and reasonably foreseeable activities in the vicinity of the Boulder Project area are grazing, vegetation management, wildfires and recreation. Road and trail maintenance activities are on-going activities. Two areas currently slated for maintenance in the next year are the Deer Meadow Trail and Forest Road 13S05, since they are both likely to be used to access the Boulder Project in the next few years.

There are only two projects currently in the planning process that may overlap the southern portion of the Boulder Project, the Kirkland Plantation Thin and the Hume Roadside Hazard Tree Removal Project.

Cultural Resources

According to the *Cultural Resources Report for the Boulder Creek Fuels Restoration Project,* Alternative 2 will follow site protection standards defined in the Regional Programmatic Agreement (PA), particularly Appendix H. By following these site protection standards, increased post burn patrols, and monitoring as described in the mitigation section of the EA, the determination is that Alternative 2 will have **no adverse effect** to historic properties under the National Historic Preservation Act (NHPA) through use of management measures; and no indirect, direct effects, or cumulative effects in combination with the on-going and reasonably foreseeable actions.

Air Quality

According to the *Air Quality Specialist Report for the Boulder Creek Fuels Restoration Project,* the prescribed burning under Alternative 2 will take place on days designated as burn days with adequate dispersion by the San Joaquin Valley Air District. Approval is contingent on background air pollution, allocation of burn requests in the air basin, and conditions in adjacent air basins. These regulatory approval factors that reduce the potential for direct and indirect effects will also minimize cumulative effects.

In addition, per consultation with the San Joaquin Air Quality Control Board, a supplementary conformity analysis on the other factors (e.g. helicopter use, and crew transport) was conducted and the determination is that emissions are below "de minimus" (see Appendix F of the Boulder Project EA).

Fuels

According to the *Fuels Specialist Report for the Boulder Creek Fuels Restoration Project*, Alternative 2 will result in a positive long-term benefit in contributing to the reduction of potential fire behavior and moving toward the fire and fuels management desired conditions. Over the long term, smoke emissions from future wildfires will be reduced. This reduction is because cumulative smoke produced by

prescribed burning and low intensity fires, resulting from fuels reduction, is less than smoke produced by high intensity wildfires that occur where no fuels reduction has taken place.

The combination of this project and the 2010 Sheep Fire provides an area of strategically reduced fuel loading and continuity, slowing the rate of spread and decreasing flame lengths of future high intensity wildfires burning in the area. The recent Sheep Fire, located to the east of the project area, currently provides a window of opportunity allowing more flexibility to accomplish what would otherwise be a higher risk burn.

Geology and Soils

According to the *Geological Specialist Report for the Boulder Creek Fuels Restoration Project* the Windy Gulch Geologic Area (WGGA) has at least nineteen inventoried caves, and nine of them meet the criteria for significant caves. Under Alternative 2, the sediment, ash and smoke that may reach the caves will be expected to remain within the natural variation in the long term. As a result, the reasonably foreseeable activities in combination with the limited direct and indirect effects of the Boulder Project should result in minimal cumulative effects to geologic resources, especially those in the Windy Gulch sub-drainage.

Recreation

According to the *Boulder Creek Fuels Restoration Project Recreation Specialist Report,* the cumulative effects of this project include minor beneficial effects on trails because of the mitigations in place. In addition, the trail system may receive additional maintenance that is beyond the normal maintenance schedule. Overall, the prescribed burning will be beneficial in the long term for recreationists, including hunters, hikers, campers, sightseers, and others who could use the project area. This project is designed to fully comply with all laws, rules and regulations regarding recreation and wilderness management.

Sensitive Plants

According to the *Biological Assessment for Federally Listed Threatened or Endangered Plant Species and Biological Evaluation for Forest Service Sensitive Plant Species for Boulder Creek Fuel Restoration Project,* the project area has no potential habitat for any federally proposed or listed plant species that occur or have potential to occur on the Giant Sequoia National Monument. The analysis area has known populations of the following Pacific Southwest Region sensitive plant species: Hall's daisy (*Erigeron aequifolius*), Sequoia false goldenaster (*Heterotheca monarchensis*), and marble rockmat (*Petrophyton caespitosum* ssp. *acuminatum*); and potential habitat for short-leaved hulsea (*Hulsea brevifolia*), Congdon's bitterroot (*Lewisia congdonii*), and Tehipite Valley jewel-flower (*Streptanthus fenestratus*). The direct and indirect effects of a cooler fall burn on an unknown population of short-leaved hulsea are minimal so the cumulative effects of the Boulder Project are minimal as well. Therefore, the determination is that the Boulder Project **may affect** undiscovered individuals but is not likely to result in a trend toward federal listing or loss of viability for short-leaved hulsea. The rest of the Boulder Project area is located in the steep inaccessible Kings River gorge, and most of the sensitive plants that have habitat in the project area grow on rock outcrops. Minimal adverse cumulative effects are expected for any of these species under Alternative 2. Therefore, the determination is that the Boulder Project will have **no effect** on Sequoia false goldenaster, marble rockmat, Congdon's bitterroot, or Tehipite Valley jewel-flower.

Vegetation

According to the *Silviculture Report for the Boulder Creek Fuels Restoration Project,* in the grass and chaparral vegetation types, there will be minimal cumulative effect because the grass and chaparral grow fast enough to have returned to their present condition within 10 to 15 years. In the red fir vegetation type, there will be minimal cumulative effect because there is little ladder fuel at present to burn. Alternative 2 follows the recommendations of North et al for forest management to address the probability of long-term climate change stresses through the removal of primarily small, shade tolerant trees that make up the fuel ladders. As a result, the direct and indirect effects of implementing Alternative 2, along with the effects of other foreseeable future activities, the Boulder Project will have a minor beneficial effect on vegetation in the project area. In the hardwood, giant sequoia, mixed conifer, and ponderosa pine vegetation types, the few openings created by the Boulder Project will contain some small to moderate sized trees and brush within 20 years. There will also be minor to moderate cumulative improvements in forest health, heterogeneity, and stand stocking in these vegetation types where the prescribed burning and subsequent bark beetles thin out the understory and co-dominant trees. There will be a minor beneficial cumulative effect to plantations where fire was allowed to reduce inter-tree competition or encroaching brush species within or surrounding the plantations. In conclusion, the reduced threat of stand-replacing wildfire resulting from implementing Alternative 2 will have an additional small beneficial cumulative effect on project area vegetation.

Watershed

According to the *Watershed Specialist Report for the Boulder Creek Fuels Restoration Project,* the proposed activity increases the potential for watershed effects slightly above threshold during the project timeframe. However, the prescribed burning will avoid the extreme change in watershed effects (measured as Equivalent Roaded Acres, or ERAs) that are likely to occur from a wildfire. Instead, the planned treatments over five years will result in a more gradual change in ERAs over time. Adherence to the best management practices will minimize any direct negative effect from this project on soil and watershed quality.

Despite the potential increase for cumulative effects, watershed health is expected to be enhanced as a result of the project and be more resilient to future fires. Ash and potential sediment that does reach the channel is expected to be flushed out especially in the channels closer to the Kings River that are bedrock controlled. The nearby Sheep Wildfire in 2010 produced sediment and ash into the Kings River, however increased groundcover in 2011 resulted in much less noticeable sediment runoff. The ability to prescribe burn with respect to specific prescription constraints such as size, fuel moisture, relative humidity, ignition sites, avoidance areas, and wind direction will maintain watershed integrity throughout the project in the long term. As a result of the constraints, and the natural features in the Boulder Project, the watershed resources are expected to recover to above threshold approximately five years following implementation and completely recover back to pre-project conditions ten years following implementation.

Wildlife BE/BA

According to the *Biological Assessment and Biological Evaluation for the Boulder Creek Fuels Restoration Project* (BABE), no federally threatened, endangered or proposed species will be affected by this project. The Pacific Southwest Region Forest Service Sensitive wildlife species that are either known to occur, or are likely to occur in or near the project area are: Pallid bat *(Antrozous pallidus),* Townsend's big eared

bat *(Corynorhinus townsendii townsendii),* northern goshawk *(Accipiter gentilis),* California spotted owl (*Strix occidentalis occidentalis*), American marten *(Martes americana),* and Pacific fisher, (*Martes pennanti pacifica*)

The determination is that Alternative 2 may affect individuals, but is not likely to result in a trend toward Federal listing or loss of viability of pallid bats, Townsend's big-eared bats, northern goshawk, California spotted owl, or American marten; and may affect individuals, but is not likely to contribute to the need for federal listing or result in a loss of viability of Pacific fisher in the analysis area.

Management Indicator Species

According to the *Management Indicator Species Report for the Boulder Creek Fuels Restoration Project* (MIS Report), the MIS selected for project-level MIS analysis for the Boulder Project are: fox sparrow, mule deer, mountain quail, sooty grouse, California spotted owl, American marten, northern flying squirrel, and hairy woodpecker. Detailed information for each habitat group is found in the Boulder Creek EA pages 66 through 69 and the MIS Report. The Boulder Project is not expected to alter the existing trend in any of the five habitat groups, or lead to a change in the distribution of the associated indicator species across the Sierra Nevada bioregion.

5) **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.**

According to the *Boulder Creek Fuels Restoration Project Cultural Resources Specialist Report* a total of 43 cultural sites are known to occur within the project area (Gassaway 2012). Determination as to whether sites in the project qualify for listing on the National Register of Historic Places (NRHP) has not yet been made. For the purposes of this project all sites have been determined eligible and will be treated as if listed on the NRHP. The Zone Archaeologist will monitor activities as necessary to ensure sites are not disturbed. In the event a new site is discovered, several standard procedures will be taken to ensure it is evaluated and protected (EA Appendix E, Management Requirements and Constraints). Therefore, the determination is there will be **no adverse effect** to known historic properties under NHPA.

6) **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.**

According to the *Biological Assessment for Federally Listed Threatened and Endangered Plant Species and Biological Evaluation for Forest Service Sensitive Plant Species for the Boulder Creek Fuels Restoration Project* (Linton 2012) and *Biological Assessment and Biological Evaluation for the Boulder Creek Fuels Restoration Project* (Cordes 2012a) there are no known threatened or endangered plants, terrestrial, or aquatic wildlife species in the project area. Therefore, implementing Alterative 2 will not adversely affect threatened or endangered species or their critical habitat.

7) **The degree to which the effects on the human environment are likely to be highly controversial.**

Scoping surfaced no scientific controversy regarding the magnitude or nature of effects of Alternative 2. However, during scoping, respondents raised the concerns that the prescribed burning could damage trails, the wilderness character, wildlife habitat, cultural resources, caves and sequoias in the project area. Alternative 2 addresses these concerns through design features and mitigations. The magnitude and nature of potential to affect climate change is negligible.

8) **The degree to which the effects on the human environment are highly uncertain or involve unique or unknown risks.**

The Boulder Project proposes resource management activities under circumstances similar to numerous other projects that have been successfully implemented for many years. The nature and magnitude of the effects to the human environment from implementing the action alternative of the Boulder Project are well understood and do not pose highly uncertain, unique or unknown risks.

9) 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.

All of the proposed management practices under the Boulder Project have been conducted both separately and in various combinations within similar landscapes and vegetation types. These management practices, as well as the project objectives, are envisioned by the Monument Plan and are consistent with applicable standards and guidelines. Therefore, the activities proposed in Alternative 2 are already well established, and will not represent a decision in principle about future considerations or set a new precedent.

Regarding the potential for significant effects, the Sequoia National Forest has implemented such practices for many years (e.g. 1999 Tornado Forest Health Project Decision Notice, and 2010 McKenzie Ranch Fuels Reduction Project Decision Notice) (USDA 2010a). In addition, the neighboring Sequoia and Kings Canyon National Parks have conducted prescribed burns in the Redwood Mountain Grove and other areas for the past several years. In each case, management actions have been accomplished without producing significant effects by designing projects with protection measures to prevent such effects from occurring. Based upon the analysis of the action alternative, as documented herein and further discussed under factor 7, none of the proposed activities should result in significant effects.

10) Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

None of the proposed activities under Alternative 2 will threaten violation of applicable Federal, State or local environmental protection laws or requirements. Management requirements and constraints are set in place to protect wildlife, other resources and people throughout the project area (see the EA Appendix E, Management Requirements and Constraints for Boulder Creek Fuels Restoration Project). These requirements assure that all the activities in Alternative 2 are consistent with the Monument Plan by following the standards and guidelines during project implementation.

The Proclamation and subsequent 2012 Giant Sequoia National Monument Management Plan includes guidance to restore sequoia groves and the natural fire regime. The Boulder Project applies this guidance in the design of the proposed activities.

Alternative 2 will comply with the Clean Water Act, by implementing watershed best management practices (BMPs), and by keeping cumulative watershed effects below the threshold of concern in the long term (USDA 2011). Applicable BMPs have been identified for Alternative 2 to maintain water quality and reduce the potential for soil movement resulting from prescribed burning within the project area.

Under the National Forest Management Act of 1976 (NFMA), the Forest Service is directed to "provide for diversity of plant and animal communities based on the suitability and capability of the specific land

area in order to meet overall multiple-use objectives" (P.L. 94-588, Sec 6 (g) (3) (B)). The January 2000 USDA Forest Service (FS) Landbird Conservation Strategic Plan, followed by Executive Order 13186 in 2001, the Partners in Flight (PIF) specific habitat Conservation Plans for birds, and the January 2004 PIF North American Landbird Conservation Plan all reference goals and objectives for integrating bird conservation into forest management and planning. In 2008, a *Memorandum of Understanding between the USDA Forest Service and the US Fish and Wildlife Service to Promote the Conservation of Migratory Birds* was signed. Within the national forests, conservation of migratory birds focuses on providing a diversity of habitat conditions at multiple spatial scales and ensuring that bird conservation is addressed when planning for land management activities. The Draft Avian Conservation Plan for the Sierra Nevada Bioregion identified montane meadows, riparian habitat, late successional/old growth forest and oak woodlands as priority habitats for conservation (Siegel and DeSante 1999). Maintaining a diversity of habitats, including those identified as important for bird conservation is identified in the Monument Plan. Opportunities to promote conservation of migratory birds and their habitats in the project area were considered during development and design of the Boulder Project (MOU Section C: item 1 and Section D: item 3). Also, likely impacts to habitats and select migratory bird populations resulting from the Boulder Project have been assessed in detail within the Boulder Project MIS Report, and impacts to select bird sensitive species and their habitats have been analyzed in the Boulder Project Biological Evaluation (see the summary of effects to wildlife on pages 58-69 of the EA).

Findings Required by Other Laws and Regulations

This decision to reduce fuels in the Boulder Creek area is consistent with the Giant Sequoia National Monument Management Plan. The decision is consistent with the National Environmental Policy Act of 1969, Endangered Species Act of 1973, National Historic Preservation Act of 1966, Clean Water Act of 1948, National Forest Management Act of 1976, Wilderness Act of 1964, and requirements detailed in 36 CFR 219.27, including:

Smoke Management Program-Per consultation with the San Joaquin Air Quality Control Board, emissions from smoke are presumed to conform per compliance with the state smoke management program. Therefore, a supplementary conformity analysis on the other factors (e.g. helicopter use, and crew transport) was conducted and the determination is that emissions are below "de minimus" (see Appendix F).

American Indian Religious Freedom Act and Native American Grave Protection and Repatriation Act (NAGPRA) of 1990- The Federal Government has trust responsibilities to tribes under a government-to-government relationship to insure the tribe's interests are protected. None of the tribes consulted during scoping for this project expressed concerns regarding the project. The Native American Grave Protection and Repatriation Act of 1990 will include provisions that will be applicable in the event that human remains or Native American funerary objects are discovered.

I determined these actions will not have a significant effect on the quality of the human environment, and an environmental impact statement (EIS) will not be prepared.

Implementation Date

If no appeal is received, implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

Administrative Review (Appeal) Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Forest Supervisor, 1839 South Newcomb Street, Porterville, California 93257. Appeals may be submitted by FAX (559-781-4744) or by hand-delivery to the Forest Supervisor's Office, at the address shown above, during normal business hours (Monday- Friday 8:00 a.m. to 4:30 p.m.). Electronic appeals, in acceptable (plain text (.txt) rich text (.rtf) or Word (.docx)) formats, may be submitted to appeals-pacificsouthwest-sequoia@fs.fed.us with Subject: **Boulder.** In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Porterville Recorder, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the Porterville Recorder is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source. Notice of this decision will be published simultaneously in the Bakersfield Californian. Individuals or organizations who submitted timely comments may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact: Marianne Emmendorfer, District Planner, Hume Lake Ranger District, 35860 East Kings Canyon Road, Dunlap, California 93621, 559-338-2251, extension 313.

Sarah LaPlante April 22, 2013

SARAH LAPLANTE Date

Acting District Ranger
Hume Lake Ranger District, Sequoia National Forest