



DECISION NOTICE
EASTERN SIERRA CLIMATE AND COMMUNITIES RESILIENCE PROJECT
U.S. FOREST SERVICE
INYO NATIONAL FOREST
MONO COUNTY, CA

INTRODUCTION

Inyo National Forest (Inyo NF) proposes to implement fuels reduction and forest health treatments in order to reduce the potential of uncharacteristic high-severity wildfire and to improve forest health, resistance, and resilience around the Town of Mammoth Lakes (TOML). The Project area comprises approximately 58,000 acres surrounding TOML considered to be a major economic and recreation hub of the Eastern Sierra. The Project includes ecological thinning, fuels reduction, and restoration using hand, mechanical, and aerial methods in order to restore landscape structure and composition and achieve desired conditions as defined in the 2019 Land Management Plan for the Inyo NF (LMP) (USDA 2019). The proposed treatments are designed to create ecosystems and communities that are able to adapt to future disturbances and climate change.

BACKGROUND

Within much of the Project area, conditions are severely departed from their historical range of conditions, referred to as the *natural range of variation* (NRV). Under the NRV, forests in the Project area had relatively low tree densities, contained more heterogeneous and complex stand structures, and had a greater number of larger, older trees that provided important wildlife habitat structural complexity. Fire occurred more frequently and, in general, burned at a lower severity, sustaining forest health and vigor. Currently, many stands in the Project area have an overabundance of smaller, younger trees and a more simplified, uniform stand structure compared to NRV. As described in Section 1.1 of the Environmental Assessment, these conditions increase tree competition, reduce forest resilience and resistance to current and future expected disturbances, reduce structural complexity and promote high-severity wildfires. In addition, insects, disease, drought, and tree competition have resulted in substantial tree decline and mortality across the Project area, and the extent of dead and dying trees is expected to increase with ongoing climatic warming and drying. Conditions resulting from tree mortality can facilitate high-severity wildfires that exhibit extreme fire behavior and spread rapidly, especially when coupled with common weather patterns on the Sierra east slope (e.g., strong winds).

Without action, stand conditions will continue to deteriorate, tree mortality will continue to spread, and the risk of uncharacteristic wildfire will continue to rise. With current fuel conditions, a wildfire in the Project area could be large and virtually impossible to control (i.e. uncharacteristic of NRV fire regime). This would have severe impacts to lives, property, recreation assets, and critical infrastructure in and around TOML. Nationally, the Forest Service has recognized that current forest conditions represent a 'wildfire crisis' (USDA 2023). In response to this crisis, it is critical for the Forest Service to increase the pace and scale of fuels and forest health treatments to reduce



the risk of uncharacteristic high-severity wildfire for forests surrounding TOML.

DECISION

Based upon my review of the Eastern Sierra Climate and Communities Resilience Project Environmental Assessment (EA) Finding of No Significant Impact (FONSI), public comments, and Project record, I have decided to authorize all activities included in the Proposed Action in the 'Initial Decision Area' (see included map), within approximately 43,700 acres of the Project Area. This portion of the Project area has adequate cultural surveys (see rationale below). This decision does not approve the Proposed Action for the entire Project area. All design criteria described in the EA Appendix B as well as the implementation process described in Appendix E are incorporated into this decision and will be implemented in the Project.

I agree with the finding that this Proposed Action will not significantly affect the quality of the human environment. The decision notice and supporting documents, including the EA and FONSI, are available on the Project webpage at: <https://www.fs.usda.gov/project/?project=61827>.

Relationship of this Decision to Subsequent Decisions

This decision is the first in a staged decision-making approach for this Project. The Proposed Action is analyzed in one environmental analysis document (i.e., the EA); however, subsequent decisions would be required to approve activities outside the 'Initial Decision Area' in other portions of the Project area. I have chosen this approach because it allows for immediate treatment in the highest priority portions of the Project area (i.e. Tier 1), while meeting my commitment to tribes that cultural surveys and NHPA consultation will be completed before each decision. For each subsequent decision, the Forest Service will follow appropriate environmental analysis and decision-making procedures, including public involvement.

DECISION RATIONALE

Stand conditions are deteriorating rapidly within the Project area which is evident by expanding tree mortality and high levels of fuels loads which increase the risk of an uncharacteristic wildfire each year (Figure 1).



Figure 1: Existing Conditions at the Inyo Craters

TOML and surrounding area face a high probability that uncharacteristic wildfire could severely impact our community, infrastructure, recreation assets and ecosystem function. I am convinced that every year we do not take action to reduce fuel loads and restore forests toward NRV, the risk of losing these assets increases greatly. Throughout the planning process, I have heard from many local stakeholders who expressed an urgent need to increase the pace and scale of treatments to reduce wildfire risk. I believe that the decision to implement the Proposed Action is essential to addressing community protection as well as moving our forests towards desired conditions outlined in the LMP.

I have heard concerns about the scale and site-specificity of this Project as well as our ability to adequately identify and protect sensitive resources post-decision. Due to the wildfire crisis, there is a need for a much larger scale of treatments than has previously been conducted on Inyo NF. This need is both codified in our 2019 LMP and was expressed in multiple public comments. In some cases, it is neither efficient nor feasible to conduct all resource surveys in advance of environmental analysis for a landscape-level project. This would severely restrict our ability to implement large-scale restoration in the urgent timeframe desired by our stakeholders. Concurrently, due to the increasingly dynamic nature of forest health, we also need to be flexible and agile to respond to new mortality events as they arise. Conducting all resource surveys and treatment planning pre-decision can result in surveys or treatment that do not reflect conditions at time of implementation. As described in the Project implementation plan (EA Appendix E), we would field verify stand conditions, proposed treatments and resource survey needs prior to implementation. The robust suite of 80+ design criteria are included to identify and protect sensitive resources (Appendix A). The post-decision implementation plan also ensures that FS staff review treatments and apply site-specific design criteria to ensure that effects to sensitive resources are within the scope of the EA (i.e. no significant effects). If the agency's review indicates that a proposed treatment would substantially depart from this decision or result in significant effects not analyzed in the EA, the treatment would either be modified or supported by additional NEPA analysis.



How the Proposed Action Meets the Purpose and Need

The purpose of this Project is: 1) to improve community wildfire resilience; 2) to improve ecosystem health; and 3) to prepare the landscape for the reintroduction of beneficial fire. Fuels treatments are essential to reduce the accumulation of fuels that has occurred across the landscape, to improve the safety of communities, and allow for a greater opportunity for fire personnel to safely and effectively respond to a fire. Ecological thinning is necessary to restore forests and ecosystems in the Project area to desired conditions as identified in the LMP and to intercept increasing competition-induced tree mortality, spreading insect related tree mortality, and overall ecosystem degradation. To address this issue, there is a need to be able to adapt treatments to ensure the Project considers restoration holistically across the landscape while also ensuring that effective and timely treatments are applied on the ground. Additionally, fuels reduction and ecological thinning treatments are necessary to create conditions for the eventual reintroduction of fire which would further improve ecosystem health and function, and resistance and resilience to disturbances. The Proposed Action includes actions and design criteria which address each of these needs.

When reviewing the EA and FONSI, I considered the potential of not approving treatments (No Action Alternative). The analysis demonstrates that current conditions throughout much of the Project are conducive to extensive, uncharacteristic, high-severity wildfire. If I selected the No Action Alternative, wildfires occurring under moderate to high fire danger conditions would likely exhibit very high to extreme fire behavior, which could have long-term impacts to our community, infrastructure, recreation assets and ecosystem function. Comparatively, under the Proposed Action, there would be a reduction of both live and dead surface and aerial fuel loading which is predicted to reduce fire behavior (i.e. flame lengths, rates of spread, scorch heights) (see EA Section 3.1). Furthermore, the analysis demonstrates that, without treatment, forest stand conditions would continue to degrade. Tree densities would continue to be high, resulting in a high potential for competition-induced mortality and a likely reduction in the resilience of stands to climate change, drought, and insect infestation (see EA Section 3.2). Additionally, the analysis demonstrates that, without treatment, the ability to implement prescribed and managed fire as desired in our LMP strategic fire management zones would be severely restricted, and in many areas, potentially infeasible.

How the Proposed Action Considered Public Comments

I appreciate the public feedback I received during the comment period. I have carefully considered these comments, and our interdisciplinary team made modifications to the Final EA and FONSI as well as the Draft Decision Notice and other documents to address public comments as well as comments made during tribal consultation. We added more site-specific maps, added and adjusted design features, updated supporting analysis in the EA, updated the Implementation Plan and eliminated the Heritage Implementation Plan (HIP). Some comment topics are discussed below; further detail on how all comments were considered and addressed is included in EA Appendix H. I believe the Proposed Action is responsive to public concerns while also still meeting the purpose and need.



I have heard concerns from our local Tribes as well as other stakeholders about conducting cultural resource surveys and National Heritage Preservation Act (NHPA) Section 106 consultation after a signed decision. As a result, I have committed to signing multiple decisions for the Project area. My first decision is limited to those areas that have been previously adequately surveyed for cultural resources (approximately 43,700 acres), so that NHPA Section 106 consultation can be undertaken using the Region 5 Section 106 National Historic Preservation Act (NHPA) Programmatic Agreement (R5PA), as was requested by Tribes. Additional cultural resource surveys, tribal consultation and public involvement will be completed prior to my authorization of actions in additional portions of the Project area via subsequent decision notices; however, the environmental effects disclosed in the Final EA are not anticipated to change and should be sufficient to inform subsequent decisions.

Some commenters expressed concern that treatments proposed in Inventoried Roadless Areas (IRA) are not consistent with the Roadless Rule and that the EA does not explain why it is necessary to remove trees up to 24 inches. I believe the Draft EA provided sufficient rationale for how the treatments are consistent with the Roadless Rule, which is supported by our Regional Forester's administrative review in November 2023. The IRA effects analysis was modified in both the IRA Specialist Report and EA Section 3.9 to provide greater detail on the relationship of diameter to desired stand conditions, in terms of both wildfire risk and ecosystem composition/structure objectives. We chose to use growth potential and NRV diameter distribution as indicators of what constitutes a characteristically "small" or "large" diameter tree, rather than current average diameter because historic disturbance (e.g. logging or lack of fire) has led to a greater density of smaller trees, skewing current diameter distributions. Across the IRA, when compared to NRV, there is an excess of trees (per acre) <24 inches. The vast majority of trees proposed for removal in IRA are actually <10 inches dbh (81%). However, there is also an excess of trees (per acre) in the 10–24-inch size class. The limited amount of thinning proposed within the 10–24-inch dbh size class is generally targeted at declining/unhealthy trees or those impacted by pests or pathogens, with the intent of protecting healthy larger and older trees as well as more fire- and drought-tolerant species. Thinning trees in the 10–24-inch size class is necessary to reduce the risk of crown fire by creating a discontinuous canopy. It also reduces mortality potential for larger, older trees from competition, insects, and diseases and has the additional benefit of increasing stand heterogeneity and wildlife habitat mosaic complexity. Overall, I believe that the effects analysis strongly supports the need to remove trees up to 24 inches "to maintain or restore the characteristics of ecosystem composition and structure" within IRA.

Some commenters expressed concern that the Project would not adequately protect core marten habitat and could have negative effects on marten habitat and movement. We added additional analysis to EA Section 3.5 EA to address marten habitat and connectivity. A tradeoff exists between the loss of habitat value that occurs when forests are thinned to reduce the severity of future fires and the loss of habitat that occurs when untreated stands are consumed by wildfire. Treatments to reduce fire severity can be beneficial if they do not reduce the density of important habitat elements, such as the largest size classes of trees, snags, and logs as this Project aims to do (North et al. 2009). The measures outlined in the Project to retain the density of snags, logs, and the largest size classes of trees are expected to yield long-term benefits for marten habitat. The retention of snags, large logs, and mature trees maintains structural complexity within the habitat and contributes to a more resilient habitat. By strategically preserving these important habitat elements, I aim to reduce the



risk of uncharacteristic and habitat-destroying wildfires.

During both scoping and the comment period for the Draft EA, I heard concerns that mowing treatment could affect Bi-State sage grouse (BSSG). In response, we refined the Proposed Action to clarify where mowing could occur and modified the analysis. I am only authorizing mowing in highly selective and strategic areas where the goal is either to protect lives, infrastructure, or BSSG habitat. These areas are limited to 50 feet along certain roads or up to 300 feet around other infrastructure. The analysis supports that mowing will strategically mitigate wildfire risk and allow for safer conditions for firefighters and that the targeted areas are lower quality BSSG habitat due to their proximity to human activity. In addition, we added and modified design criteria to reduce the potential for impacts of this treatment type on BSSG and their habitat, including extending the limited operating period (LOP) within high and moderately suitable sage-grouse habitat from March 1 to August 15. Further details can be found in EA Section 3.5 and in the Biological Assessment.

As summarized in the EA, there is potential for the Proposed Action to have some adverse—albeit short-term and not significant—impacts to wildlife, vegetation, air quality, soils, water quality, and recreation and scenery. However, the importance of implementing these treatments to reduce the risk of wildfire to communities and critical infrastructure, cultural resources and natural resources cannot be overstated. There is a clear and demonstrated need to reduce the risk of wildfire to communities and ecosystems, to reduce the potential for extreme fire behavior and to improve and restore forest health. For these reasons, within the Initial Decision Area, I am choosing to implement the Proposed Action and associated design features, while also recognizing the potential for some adverse impacts to resources.

Other Alternatives Considered

In addition to the Proposed Action, I considered several other alternatives the public recommended during scoping and the comment period, including no action, reduced scale (i.e. treating only Tier 1, approximately 11,700 acres around the town of Mammoth Lakes and not treating IRA) and reduced scope (further limitations on thinning in IRA). None of these alternatives would meet all aspects of the purpose and need for the Project, so they were not analyzed in detail. Rationale provided in EA Section 2.3.

PUBLIC INVOLVEMENT

A list of agencies, organizations, and individuals consulted regarding this proposal is included in the Project record and public involvement information summarized in EA Sections 1.5 and 1.6.

A scoping letter announcing the proposed Project was sent on October 17, 2022, via email or postal mail to over 140 people, agencies, and organizations. We received a total of 13 individual scoping letters which were used to modify or clarify the Proposed Action, consider alternatives to the Proposed Action, and focus the environmental analysis. A legal notice announcing the 30-day comment period on the Draft Environmental Assessment and Finding of No Significant Impact was published on November 16, 2023. We received 17 comment letters. The summary of comments received during the 30-day comment period and how they were considered is found in the EA Appendix.



FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

My decision complies with all applicable law, regulation, and policy as documented in the FONSI as well as EA Section 4. The Proposed Action was developed in accordance with and does not threaten to violate any Federal, State or local laws or requirements for protecting the environment (i.e., Clean Air Act, Clean Water Act, Endangered Species Act, National Environmental Policy Act, National Forest Management Act, National Historic Preservation Act). The activities under the Proposed Action were also reviewed and found to be consistent with the Inyo National Forest Land Management Plan.

In considering both the EA and the FONSI, I have determined that the Proposed Action will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

The proposed decision was subject to pre-decisional administrative review (aka objection process) pursuant to 36 CFR 218, Subparts A and B. A legal notice announcing the 45-day objection period was published in the *Inyo Register*, the newspaper of record, on May 15, 2024. Notice of the availability of the draft decision and Environmental Assessment was sent to the project mailing list, including those who submitted project-specific written comments during scoping or the 30-day public comment period of the Draft Environmental Assessment. Upon the objection period's completion on July 15, 2024, I received three objections. However, none of the objectors were eligible to object therefore they were not formally considered.

IMPLEMENTATION DATE AND CONTACT INFORMATION

Implementation can begin following the signing of this decision. For other further information concerning the Eastern Sierra Climate and Communities Resilience Project, contact Elisabeth McElwee, Elisabeth.mcelwee@usda.gov, (304) 546-0026, Mammoth Lakes Ranger District; 2510 Main St., Mammoth Lakes, CA 93546

LESLEY YEN

Forest Supervisor

19 Sept 2024

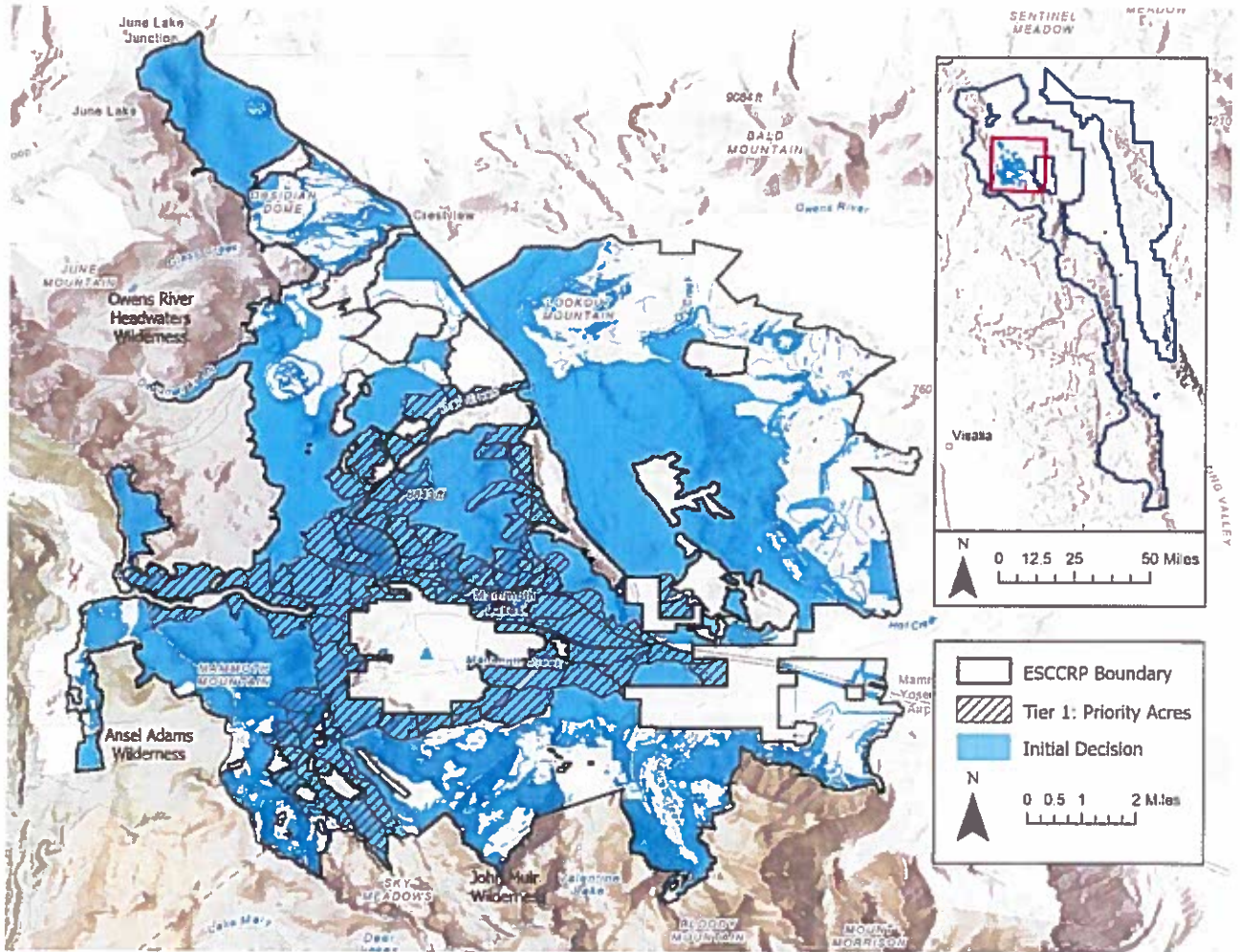
Date

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MAP



REFERENCES

North, Malcolm P., Kip M. Van de Water, Scott L. Stephens, and Brandon M. Collins. 2009. Climate, rain shadow, and human-use influences on fire regimes in the eastern Sierra Nevada, California, USA. *Fire Ecology* 5, no. 3: 20-34.

U.S. Department of Agriculture Forest Service. 2023. California’s Wildfire and Forest Health Crisis; A State of Emergency in our National Forests. Version 1.1. U.S. Forest Service, Pacific Southwest Region. April 2023. 25 p.