

**DECISION MEMO**  
**for**  
**FRAZIER PARK COMMUNITY DEFENSE ZONE PROJECT**

**Mount Pinos Ranger District**  
**Los Padres National Forest**  
**USDA Forest Service**  
**Kern County, California**

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## **INTRODUCTION**

Site-specific environmental review has been completed and is documented in a project case file for the Frazier Park Community Defense Zone Project. This Decision Memo is a record of determination that no extraordinary circumstances exist and my decision to proceed with the Frazier Park Community Defense Zone (CDZ) Project.

## **DECISION**

It is my decision to approve the treatment of hazardous fuels on about 174 acres of National Forest System (NFS) lands around the community of Frazier Park. This project is located on the Mount Pinos Ranger District of the Los Padres National Forest. Legal locations are: Sections 25, 26, and 35, Township 9 North, Range 20 West; Section 6, Township 8 North, Range 19 West; and Section 31, Township 9 North, Range 19 West.

The Frazier Park CDZ project will implement four categories of actions: 1) conversion of vegetation to a less flammable condition to increase defensible space and firefighter safety (Forest Plan S7) on NFS lands within 300 feet of dwellings and occupied structures; 2) widen an existing fuelbreak to a width from 300-500 feet about two miles long (97 acres) located above the northern boundary of town; 3) disposal of accumulations of cut plant materials; and 4) vegetation treatments to maintain the effectiveness of the CDZ over time. The following is a discussion of each category.

### **COMMUNITY DEFENSIBLE SPACE**

The Forest Service and/or adjacent landowners or other cooperators will be authorized to reduce the amount of dead and standing vegetation within a variable width strip (not to exceed 300 feet) of NFS land along the boundary adjacent to the community (see map in **Appendix A**). Authorized treatments will be prescribed according to plant community to reduce fire spread and achieve desired conditions as described in **Table 1**. Individual property owners will not be authorized to fall conifers because of the need to apply Sporax<sup>®</sup> to cut stumps in a timely manner to prevent annosus root disease. This project implements a recommendation in the Mt. Pinos Communities Wildfire Protection Plan prepared by the Mt. Pinos Communities Fire Safe Council.

### **FUELBREAK CONSTRUCTION**

An existing fuelbreak on the hillside south of the community of Frazier Park, will be widened to 300 - 500 feet for its length of approximately 2 miles, by the Forest Service to improve its effectiveness for fire suppression efforts in the event of a wildfire (see map in **Appendix A**). The prescription for vegetation removal will vary according to plant community as described in **Table 1**. Vegetation removal will be applied in a non-linear pattern leaving some islands and uneven or scalloped edges to blend in with the surrounding landscape.

<b>Table 1 – Desired Conditions and Prescribed Treatments by Plant Community</b>	
<b>Plant Community</b>	<b>Desired Conditions and Prescribed Treatments</b>
<b>Forest</b>	The desired condition is to create a shaded fuelbreak with no more than 40% canopy cover (Forest Plan S4) to prevent fire from moving through tree crowns. Cut selected trees with chainsaw or shred with a masticator. Borax (registered as Sporax) would be applied to freshly cut stumps for control of annosus root rot disease (Forest Plan S5). Leave trees would represent a diversity of age and size classes, to the extent possible. Understory accumulations of shrubs, dead material, and lower branches on leave trees (ladder fuels) would be cut to retard the spread of fire across the ground and up trees into the canopy.
<b>Sagebrush/rabbit brush/scrub oak Flannel bush</b>	The desired condition is to leave no more than 5% of the area in standing brush.
<b>Canyon live oak</b>	The desired condition is to prune the lower branches as not to carry fire from the ground to the crown of the tree.

## **DISPOSAL OF CUT PLANT MATERIALS**

Accumulations of cut plant materials will be shredded and left in place as ground cover, stacked in piles and burned by the Forest Service, or removed from the site.

## **COMMUNITY DEFENSE ZONE MAINTENANCE**

The fuelbreak and defense zones adjacent to structures will be maintained over time to retain effectiveness as per Los Padres National Forest Land Management Plan (Forest Plan) (USDA 2005) Appendix K – Guidelines for Development and Maintenance of WUI Defense and Threat Zones. Maintenance in forest and scrub oak communities will consist of cutting or masticating understory vegetation every three to ten years to maintain a shaded fuelbreak. Sage/rabbit brush communities resprout more readily, so maintenance will consist of cutting or masticating shrubs every few years to maintain effectiveness. CDZ maintenance will include hand or mechanical treatments of invasive and non-native plant species, as needed.

## **PROJECT STANDARDS AND DESIGN FEATURES**

All *Los Padres National Forest Land Management Plan* (Forest Plan) (USDA 2005a) standards will be met. This decision includes the following project-specific design standards:

- Weed prevention measures will be used to minimize the introduction and spread of noxious weeds as per Appendix M of the Forest Plan. The *Frazier Park Community Defense Zone Fuels Reduction Project Noxious Weed Risk Assessment* was completed (July 5, 2007) (USDA 2007a) and is on file at the Mount Pinos Ranger District office. If present, noxious weeds will be pretreated to reduce abundance by hand pulling, grubbing, or torching. As

needed, weed prevention measures will include cleaning equipment, vehicles, tires, and footwear prior to entering the project area. Where work occurs in areas of known weed infestation, personnel will apply the above measures to reduce the risk of transporting weed seed into uninfested areas. Project areas will be monitored for noxious weeds after project implementation and if present will be treated by hand pulling, grubbing, or torching.

- Treatments near roads will maintain strategic residual vegetation to discourage unauthorized off-highway vehicle use (Forest Plan S37).
- Live riparian vegetation (willow) will be maintained.
- Applicable Best Management Practices (BMP) for water quality protection will be adhered to (USDA 2000). Applicable BMPs are listed in **Appendix B** with a short description of how they will be implemented.
- Region 5 Soil Quality Standards (FSH R5 Supplement 2509.18-95-1, 1995) will be met. Fine organic matter (plant litter, duff, and woody material less than 3 inches in diameter) will be maintained over at least 50 percent of the treated area. Heavy equipment will not be operated on wet soils (BMP 5.6).
- If a raptor nest is encountered during project implementation, the tree where the nest is found will be maintained and necessary buffers or adjustments in management activities will be established by a qualified biologist (Forest Plan S18).

## REASONS FOR DECISION

The reason for this decision is to work towards *Los Padres National Forest Land Management Plan* (Forest Plan) (USDA 2005) goals to improve the ability of southern California communities to limit loss of life and property (Goal 1.1). As part of this goal, desired condition is to have vegetation treated to enhance community protection and reduce the risk of loss of human life, structures, improvements, and natural resources from wildland fire (Forest Plan Part 1, Page 19). Firefighters will have improved opportunities for tactical operations and safety. This project would be part of a larger system of vegetation treatments designed to meet goals described in the 10-Year Comprehensive Wildland Fire Strategy (USDA/USDI 2001) for using a collaborative approach to reduce wildland fire risks to communities.

This project also supports program emphasis for the “Mt. Pinos” Place as described in the Forest Plan (USDA 2005), where desired condition includes maintaining the natural appearing backdrop to rural communities and program emphasis includes actively managing vegetation to maintain healthy conifer stands and protect communities (Forest Plan Part 2, Pages 65 and 66).

This decision is designed to achieve the following project-specific goals:

- Reduce wildfire risk to homes and properties in the urban interface of the Frazier Park community.
- Create safer conditions for the public and firefighters during a wildfire.
- Coordinate with fuel hazard reduction occurring on adjacent private property in collaboration with Kern County Fire Department and the Mount Pinos Communities Fire Safe Council.

## PUBLIC INVOLVEMENT AND ISSUES

A description of this project was included in the Los Padres National Forest Schedule of Proposed Actions since April 2005. Letters describing treatments in more detail and inviting comments were mailed to 213 potentially interested agencies, organizations, tribal representatives and individuals and adjacent property owners on March 30, 2006.

A total of 12 groups or individuals expressed interest in the Frazier Park project. Of those 12, two requested to be put on the mailing list and four expressed support for the project. Issues raised include concerns about air quality, erosion, economics, cutting of trees, noxious weeds, and use of Sporax. A list of commenters, comments received during the public scoping period and throughout the planning process, and disposition of issues raised can be found in **Appendix C**.

A copy of the Draft Decision Memo was mailed to all groups and individuals who expressed interest in the project on August 23, 2007. A legal notice initiating the 30-day comment period was published in the Bakersfield Californian, newspaper of record, on August 27, 2007. No comments were received during the 30-day comment period.

## REASONS FOR CATEGORICAL EXCLUSION

Based on the following information, it is my determination that this activity will be of limited size, duration, and degree of disturbance. The environmental impacts of the proposed action are minimal. All practicable means to avoid or minimize environmental harm have been adopted. I find the proposed action qualifies under the provisions of FSH 1909.15, 31.2 - Categories of Actions for Which a Project File or Case File and Decision Memo are Required, Category 6: *Timber stand and/or wildlife habitat improvement activities*. This category is appropriate because the project includes brush control and incidental thinning to reduce fire hazard, one of the examples listed in Subcategory b.

A Forest Service interdisciplinary team (IDT) consisting of: fire and fuels specialists, archaeologist, wildlife biologist, botanist, recreation specialist, forester, and NEPA specialist designed and evaluated the project. Past experience and environmental review reveal that no extraordinary circumstances exist that might cause the action to have significant effects upon the human environment. This proposed action is therefore excluded from further documentation in either an environmental assessment or environmental impact statement. The following conditions were considered in determining whether extraordinary circumstances exist.

FEDERALLY LISTED THREATENED OR ENDANGERED SPECIES OR DESIGNATED CRITICAL HABITAT, SPECIES PROPOSED FOR FEDERAL LISTING OR PROPOSED CRITICAL HABITAT, OR FOREST SERVICE SENSITIVE SPECIES.

**Wildlife:** A *Biological Assessment for Fish and Wildlife* (Fish and Wildlife BA) (USDA 2007b) was completed for all federally listed Threatened, Endangered, or Proposed (TEP) fish and wildlife species with potential for effects from this project and is on file. Based on analysis presented in the Fish and Wildlife BA, there would be **no effect** on TEP wildlife species or their critical habitats. Treatment areas do not contain typical suitable habitat, species are not expected to occur

within treatment areas, and project implementation will not affect foraging, nesting, or roosting habitat outside the project area.

A *Biological Evaluation for Fish and Wildlife* (Fish and Wildlife BE) (USDA 2007c) was completed and is on file. It addresses potential effects of this project on Forest Service Region 5 Sensitive fish and wildlife species. Determinations resulting from this analysis are that the Frazier Park CDZ project may impact individuals or habitat but is not likely to contribute to a trend toward federal listing or loss of viability for the following species: northern goshawk, California spotted owl, Mount Pinos lodgepole chipmunk, Tehachapi white-eared pocket mouse, pallid bat, southern pond turtle, San Diego horned lizard, California legless lizard, southern rubber boa, yellow-blotched ensatina, Tehachapi slender salamander. None of these species have been observed within or near the project area but the treatment area may contain suitable habitat that could be temporarily altered by the project. IDT review resulted in finding of no extraordinary circumstances in relation to sensitive wildlife species because these species are either well distributed outside of the project area; utilize habitats that will not be impacted; have habits that will protect them from short-term project effects; or are mobile and can temporarily move to other nearby suitable habitats.

**Sensitive Plants:** A *Biological Evaluation for Threatened, Endangered, Proposed, and Sensitive Plant Species* (Botanical BE) (USDA 2007d) was completed and is on file. The project is determined to have no effect on federally listed Threatened, Endangered, or Proposed plant species. For Regional Forester listed sensitive species, the project may affect individuals but is not likely to result in a trend toward federal listing or loss of viability for *Allium howellii* var. *clokeyi*, *Delphinium parryi* ssp. *purpuratum*, *Layia heterotricha*, *Monardella linoides* ssp. *oblonga*, and *Navarretia peninsularis*. This project is not expected to lead to extraordinary circumstances in relation to sensitive plants because surveys were conducted for these species and none were found within the project area.

Biological evaluation determinations are based on the probable occurrence of an adverse impact on any listed individual, no matter how minor or severe the impact, no matter how small or great the probability. NEPA extraordinary circumstances, on the other hand, are based on context and intensity of the impact. A species population as a whole is usually taken into account. Potential impacts of this project on Regional Forester listed Sensitive species are not likely and if they do occur, they would be minor or minimal and associated with individuals and not with populations as a whole.

## FLOOD PLAINS, WETLANDS, OR MUNICIPAL WATERSHEDS

There are no floodplains or wetlands within the project area. The project is within the municipal watershed for Frazier Park. There are three sites where streams that only flow during wet weather cross the project area. Associated riparian conservation areas include 100 feet each side of streams (Forest Plan Appendix E). To meet the critical purpose and need of this project, which is to provide protection to the community of Frazier Park in a timely manner, Forest Plan Standard S8 will be employed to allow use of a masticator throughout the CDZ. Riparian vegetation (willow) will be protected. The IDT does not anticipate any project-generated impacts outside of acceptable limits for maintaining the integrity of the riparian system thus no extraordinary circumstances in relation to streams or municipal watershed.

**Forest Plan Standard  
S8 (Part 3, Page 5)**

Community Protection needs within the WUI Defense Zone take precedence over the requirements of other Forest Plan direction.

The Forest Plan requires application of a registered fungicide to freshly cut live or recently dead conifer stumps to prevent establishment of annosus root disease (S5, Page 5). Sporax<sup>®</sup> (registered fungicide) with active ingredient of borax (used in household cleaning compounds) will be applied to conifer stumps as directed. The interdisciplinary team determined that there would be no effect to water quality because the product will be applied as per product label directions, in low concentrations, Sporax<sup>®</sup> will not substantially contribute boron exposures to humans or concentrations of boron in water or soil. The IDT determined no extraordinary circumstances related to use of Sporax.

#### AMERICAN INDIANS AND ALASKA NATIVE RELIGIOUS OR CULTURAL SITES, ARCHAEOLOGICAL SITES, OR HISTORICAL PROPERTIES OR AREAS.

The project area was surveyed for cultural and historic resources and findings were documented in the *Programmatic Agreement Project Implementation Tracking Form* (USDA 2006b), on file. There are no known heritage resources within the project area. Any heritage resources discovered during project implementation would be protected. Requirements for consultation and compliance with Section 106 of the *National Historic Preservation Act* have been satisfied through inventory, assessment, and protection of known sites. With the implementation of resource protection measures, effects to historic properties and other heritage resources will be negligible and less than effects from past or future wildfires.

Letters were sent to representatives for American Indian Tribes who may have religious or cultural sites that overlap with this project. No issues were raised.

#### CONSIDERATION OF OTHER EXTRAORDINARY CIRCUMSTANCES

There are no inventoried roadless areas, congressionally designated areas, or research natural areas that would be affected by this project.

### CONSISTENCY WITH OTHER LAWS AND REGULATIONS

This project is consistent with programmatic management direction provided by the *Los Padres Land and Resource Management Plan (Forest Plan)* (USDA 2005). The Forest Plan was prepared according to the requirements of the National Forest Management Act and the National Environmental Policy Act, and other laws and regulations (Forest Plan, Part 3, Appendix A). Most (about 85%) of the project is within the Developed Area Interface (DAI) Land Use Zone with remaining portions within Back Country (BC). Community protection areas and fuelbreak construction are suitable in both of these zones (Forest Plan, Part 2, Page 5). My decision to implement this project is consistent with community defense work for which the DAI Land Use Zone is compatible (Forest Plan, Part 1, Page 7). This decision will not change motorized public access in the BC Land Use Zone. This project is within the “Mt. Pinos” Place and will help the Place progress towards desired conditions of maintaining the natural appearing backdrop to rural communities. The project also supports program emphasis to protect communities.

A *Project Level Assessment of Management Indicator Species* (MIS), (USDA 2007e) was completed and is on file. The scope of this project is too small, relative to the landscape, to affect measurable loss or improvement to MIS habitats within the treatment area. On a wider landscape basis, reducing risk of broad-scale severe wildfire will protect habitats for MIS species.

A *Project Level Analysis of "High Priority" Birds with regards to the Migratory Bird Treaty Act* (USDA 2007f) was completed and is on file. Sixty-seven high priority migratory bird species (Memorandum of Understanding between USDA Forest Service and FWS, January 16 and 17, 2001) were reviewed with regards to the potential for impacts from this project. Some of these species have been observed within or near the project area, and treatment areas may contain suitable habitat that could be altered by the project. This project is in compliance with the Migratory Bird Treaty Act. Activities will not have a measurable effect on populations of migratory bird species. The scope of this project is too small relative to the landscape to result in measurable effects on migratory birds.

This project meets water quality objectives provided by the Regional Water Quality Control Plan for protection of beneficial uses by implementation of BMPs (USDA-FS 2000). BMPs were developed in compliance with Section 208 of the *Federal Clean Water Act* of 1972 and were certified by the State Water Quality Resources Control Board and approved by the Environmental Protection Agency. Applicable BMPs for this project are listed in **Appendix B**.

In compliance with *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations*, this decision will not disproportionately affect minority and/or low-income populations.

## ADMINISTRATIVE REVIEW

Since no comments expressing concerns were received during the 30-day comment period which ended September 26, 2007, this decision is not subject to appeal (36 CFR 215.12).

## IMPLEMENTATION DATE

Since no comments expressing concerns about this project were received during the comment period, implementation of this project may take place immediately following publication date of the legal notice of the decision in the Bakersfield Californian newspaper.

## CONTACT PERSON

For further information contact John Madden at the Mount Pinos Ranger District, 34580 Lockwood Valley Rd., Frazier Park, CA 93225; (661) 245-3731.

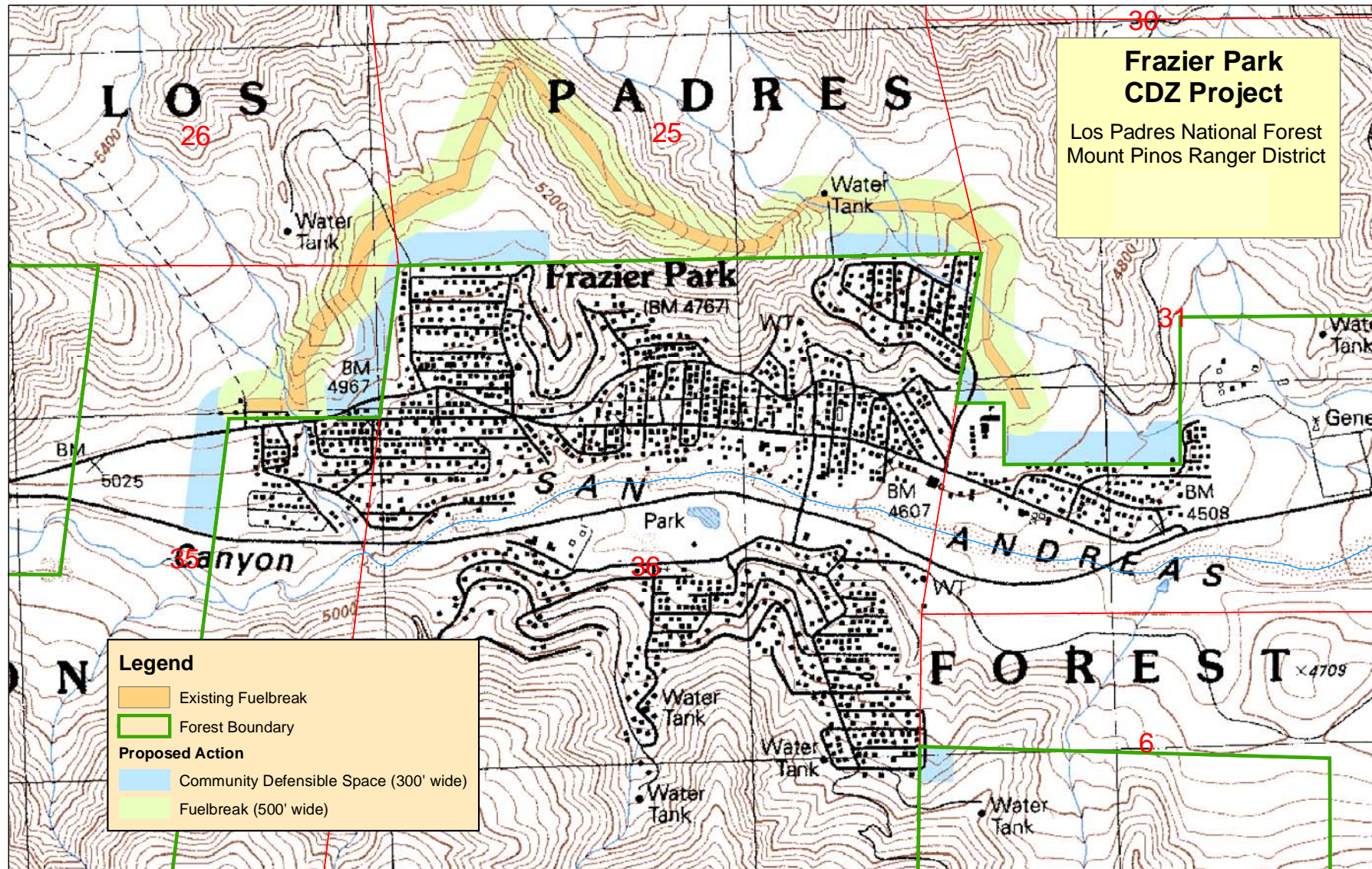
**On File:** The project file with correspondence, Fish and Wildlife BA, Fish and Wildlife BE, Project Level Assessment of Wildlife MIS, Botanical BE, Noxious Weed Risk Assessment, Analysis of "High Priority" Bird Report, and Heritage Tracking Form are incorporated in this decision by reference and are available for review at the Mount Pinos District Office.

  
THOMAS KUEKES  
District Ranger

October 9, 2007  
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DATE



## APPENDIX A





## APPENDIX B

### **Best Management Practices for Frazier Park Project**

Best Management Practices (BMPs) are measures certified by the State Water Quality Board and approved by the Environmental Protection Agency as the most effective way of protecting water quality from impacts stemming from non-point sources of pollution. These practices have been applied to projects across National Forest System lands throughout the Pacific Southwest Region of the Forest Service and have been found to be effective in protecting water quality (USDA 2000). The following is a list of the BMP's that will be applied in implementing the Frazier Park CDZ Project.

#### **BMP 1.8 Streamside Management Zone Designation and BMP 1.19 Streamcourse and Aquatic Protection**

Under the Forest Plan, these areas are known as Riparian Conservation Areas (RCAs). Streams on the southwest and southeast sides of Frazier Park will have 100 foot RCAs, measured slope distance on each side of the stream channel. Because both of these streams are ephemeral, have gentle side slopes, have little to no riparian vegetation, and are not known to have any Threatened, Endangered, Proposed, or Candidate species within or downstream of the project area, brush reduction activities will be allowed within the RCA.

#### **BMP 2.12 Servicing and Refueling of Equipment**

Servicing and refueling will not occur within the RCAs. Service residues, waste oil and other materials must be removed from National Forest land.

#### **BMP 5.1 Soil Disturbing Treatments on the Contour**

Brush will be treated by hand or by tracked vehicles (such as masticator) to minimize ground disturbance. Brush cutters will be operated above ground level.

#### **BMP 5.2 Slope Limitations Mechanical Equipment Operation**

Mechanical treatments will be limited to slopes less than 45% to prevent adverse soil disturbance and sediment production. Water bars will be constructed to minimize soil loss where deemed appropriate.

#### **BMP 5.5 Disposal of Organic Debris**

Cut material may be stacked and burned in piles. Masticated material will be shredded and left scattered to provide ground cover for soil protection. Large woody debris will be left undisturbed wherever it is not deemed a fire hazard.

#### **BMP 5.6 Soil Moisture Limitations for Tractor Operations**

Heavy equipment will not be operated on wet soils.

#### **BMP 5.7 Pesticide Use Planning Process**

The Interdisciplinary Planning Team for the Forest Plan and for the Frazier Park project concluded that Sporax fungicide is safe for use in this project and will not have adverse effects to water quality or hydrologic considerations when applied per product label directions to freshly cut conifer stumps.

#### **BMP 5.8 Pesticide Application According to Label Directions and Applicable Legal Requirements**

Sporax will be applied by granular shaker to cut conifer stumps, as per product label directions.

#### **BMP 5.9 Pesticide Application Monitoring and Evaluation**

Due to the low toxicity and selective application of Sporax, no monitoring and evaluation will be required.

#### **BMP 5.10 Pesticide Spill Contingency Planning**

Spilled Sporax should be swept up and reused or placed in a disposal container ([www.fs.fed.us/foresthealth/pesticide/data/Sporax\\_msds.pdf](http://www.fs.fed.us/foresthealth/pesticide/data/Sporax_msds.pdf)).

**BMP 5.11 Cleaning and Disposal of Pesticide Containers and Equipment**

Sporax application shakers and empty containers will be cleaned or disposed of in accordance with instructions on the product label.

**BMP 5.12 Streamside Wet Area Protection During Pesticide Spraying**

Sporax will not be applied within 50 feet of stream channels.

**BMP 6.1 Fire and Fuel Management Activities**

The proposed action will reduce public and private losses and environmental impacts that result from wildfires by reducing fuel concentrations around structures and along strategically placed fuelbreaks. Mechanical and chainsaw treatments will be used periodically to maintain fuelbreaks in effective condition.

**BMP 6.3 Protection of Water Quality from Prescribed Burning Effects**

Any cut material piled for burning on Forest System lands will be burned by Forest Service personnel.

## APPENDIX C

### FRAZIER PARK CDZ PUBLIC INVOLVEMENT SUMMARY

Mount Pinos Ranger District  
Los Padres National Forest

The following is a list of all commenters responding to scoping efforts. Commenter numbers have been assigned to recognize the source of each issue identified:

Commenter Number	Name/Organization
1	Velia Vega, Adjacent Property Owner
2	Jessica Willis, San Joaquin Valley Unified Air Pollution Control District
3	Wade Biery, Tri-County Watchdogs
4	Janine Tominaga, Mt. Pinos Communities Fire Safe Council
5	Laura (Solorio) Verdugo, Southern California Edison Company
6	Donald S. Tait II, Adjacent Property Owner
7	Larry Munden, Adjacent Property Owner
8	Pete Harrison, Californian for Alternatives to Toxics (CATs)
9	Jeff Kuyper, Forest Watch
10	Lynn Stafford and Mary Ann Lockhart, Condor Group

The following comments were received during the scoping phase of this project. With each comment is an explanation of the issue disposition for that comment.

No.	Issue	Disposition
1	<p>[We are]...very concerned about the threat of wild-fire to our communities. Therefore, we support the Frazier Park Community Defense Zone Project and the Lake of the Woods Community Defense Zone Project. <i>Commenter #3, Commenter #4</i></p> <p>Forest Watch supports efforts to improve ecosystem health and protect communities from wildfire, and works to ensure that fuel management activities are undertaken with minimal impacts to water supplies, sensitive plants and animals, and other forest resources. The Lake of the Woods CDZ and the Frazier Park CDZ projects are consistent with these objectives... <i>Commenter #9</i></p> <p>The Condor Group wishes to give its support to the fire protection plans for Frazier Park and Lake of Woods. They are steps in the right direction. <i>Commenter #10</i></p>	Comments of support noted.

No.	Issue	Disposition
2	<p>What will be done about the pinyon pine trees that have been infected and dried up due to the blight? There are trees in national forest land across Lakeview Drive from our home. They will eventually fall over and possibly create a forest fire when they strike the power lines that are very close to them.</p> <p><i>Commenter #1</i></p>	<p>Blight in Pinyon Pine is outside the scope of the Frazier Park project. John Kelly visited commenter and site. Dead trees within the project area will be cut to meet project objectives. He determined that the trees in question are not on NFS lands and discussed with commenter a strategy for dealing with concerns.</p>
3	<p>The entire San Joaquin Valley Air Basin is classified non-attainment for ozone and the fine particulate matter (PM10). Implementing this project may generate significant air emissions and it may result in the reduction of air quality in the San Joaquin Valley.... Though it is important to maintain property in a fire safe condition, the disposal method [for accumulated natural vegetation] selected can adversely effect local and regional air pollution.... In addition, burning the debris near residential areas can result in causing a smoke nuisance to the community, per District Rule 4102 (Nuisance). Current District rules can be found and downloaded from our website at <a href="http://www.valleyair.org/rules/1ruleslist.htm">http://www.valleyair.org/rules/1ruleslist.htm</a>. Any means to reduce emissions from open burning will benefit air quality. It is for this reason the District recommends that the Mount Pinos Ranger District examine and utilize alternatives to open burning.</p> <p><i>Commenter #2</i></p>	<p>Burning associated with this project will be limited to piles and small areas, limiting the volume of fuels burned at any one time. Alternate methods to burning, such as masticating, will also be employed. Limiting volume of fuels to be burned would reduce potential for generating significant air emissions. Any burning will be implemented in full compliance with air quality standards.</p>
4	<p>Please note that the Ranger District needs to submit a Smoke Management Plan and must obtain final authorization from the District [re: C20060784] before any burn takes place (see District Rule 4106).</p> <p><i>Commenter #2</i></p>	<p>A Smoke Management Plan will be completed and authorization from the Air Quality District will be obtained before any burning takes place.</p>
5	<p>[Southern California Edison Company] SCE has distribution and transmission facilities in the area of your projects, therefore would like to be kept informed on the progress...and what will be done. SCE will need to make sure it's facilities and/or access are not...affected at any time by your proposed projects. I have routed this notice within SCE for comments. As comments are received, I will forward them for your consideration. <i>Commenter #5</i></p>	<p>SCE will be kept informed. SCE facilities and access routes in proximity to the project will be identified and protected. No further comments have been received.</p>
6	<p>A lot of erosion has occurred around Terminal Trail (small portion of fuelbreak on southeast side of project). Not sure why we would want to treat this area. It looks good when it is trimmed. Maintain root strength or keep enough foliage to keep roots alive...chips would just float away as soil erodes easily. <i>Commenter #6</i></p>	<p>Field investigation indicates that there is a forest of small pine in this area where tree crowns are touching, leaving them vulnerable to crown fire. In this area it is desirable to prune and thin smaller trees out to open stand with discontinuous crown closure. Over time trees crowns will grow back together.</p>
7	<p>Commenter expressed interest in who is going to pay and who is liable. <i>Commenter #7</i></p>	<p>Commenter was informed that work on private property would be voluntary, not mandatory with liability on the property owner. Any work on NFS lands would be funded by the Forest Service and Forest Service would be liable.</p>

<p>8</p>	<p>[We].oppose excessive and unnecessary use of the pesticide Sporax (borax),...a substance that does not naturally occur in forests (Sporax is a type of salt mined from Death Valley and deserts).  ...Provide a project specific risk analysis and evaluation of human health safety and environmental impacts within project NEPA documentation if Sporax is to remain part of proposed actions....  [Evaluate] non-borax alternatives evaluated for annosus root disease control ....[D]isclose all relevant scientific views ...  How much total Sporax will be applied...for this project? Over what total acreage will pesticides be applied? Will borax actually be used over all acres proposed for fuel treatments? Will all conifer species stumps receive Sporax? Will any tree species stumps not need Sporax? How much Sporax per stump? What criteria will define when Sporax is applied? Where exactly will Sporax be used within the project area? What kind of terrain, aspect, slope, soils, and vegetation density will borax be applied? Are there any situations or locations where borax will not be used (or needed)?  ...[F]or most ...projects involving annosus prevention, Sporax has only been applied on pine and or fir stumps 14 inches and greater (...some projects have gone as high as 15"). [S]cientific literature, and USFS R5 surveys demonstrate that Sporax need not be applied to stumps less than 18" for control of annosus root disease.... [(Dekker-Robertson 2005, Schmitt et al. 2000, Goheen and Otrosina 1998, Kliejunas 1986 and 1986b)]... Why is the Forest proposing to use different Sporax application criteria?  [Application of] Sporax to all freshly cut conifer stumps...will unnecessarily and drastically increase the total amount of pesticides applied in the project area [and] waste of tax payer money that the Forest must be accountable for.  Dekker-Robertson (2005) reports that "pine stumps should only be treated if they are within one mile of an infected pine stand. The Forest should only be considering applying Sporax on stumps in the project area if ... stands are within one mile of annosus infection centers. Are there infection centers within the project area? At what proximity? In which treatment units?  The Forest has a responsibility to the public to determine what strains of annosus (S or P) are present in the project area.... <i>Commenter #8</i></p>	<p>The Forest Plan requires treatment of freshly cut live or recently dead conifer stumps with registered fungicide (Sporax) to prevent the establishment of annosus root disease (Standard S5, Part 3, Page 5).  Sporax® is a white, odorless, crystalline product. The active ingredient in Sporax® is borax, a naturally occurring mineral made of sodium, boron, oxygen, and water. Borax is used in fertilizer formulations to supply the essential nutrient boron, as a laundry booster and water softener, as a general purpose cleaner, and in fire retardants. Boron compounds occur widely in nature; boron is found in most natural soils.  Borax is practically nontoxic to humans, to birds, to fish, and to aquatic invertebrate animals. Based on the Human Health and Ecological Risk Assessment for Borax (Sproax®) (USDA 2006a) the use of Sproax in the control of annosum root disease does not present a significant risk to humans or wildlife species under most conditions of normal use, even under the highest application rate.  Sporax application rate is about 1 pound per 50 square feet of stump surface. The project area has very few trees to be treated and few of them over one square foot of stump surface. This would equate to 0.02 pounds of Sporax per stump treated. Sporax® will be sprinkled on cut stumps following label directions and will be kept away from water. Limited application in the treatment area limits potential for this chemical to be transported to watercourses. Boron deposits are naturally occurring in the northwestern part of the Lockwood Valley area (CDWR 1989).  Application of Sporax would follow label directions as well as State and Federal rules and regulations. A pesticide use application permit will be filed with the county for application of Sporax and a spill contingency plan will be included in this document. Application would be limited to cut stumps. Sporax will not be applied during wet weather.  Trees that would be treated include pinyon pine and an occasional Jeffrey pine.</p>
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<b>9</b>	CATs supports any alternative which includes no thinning of trees greater than 12 inches in diameter. ...We hope the Forest resists the urge to sell our national forests to timber companies and instead focuses on actions to prevent catastrophic wildfires and protect communities as presented in the projects purpose and need. Less pesticides are always better than more, and borax does not naturally occur in forests. <i>Commenter #8</i>	Cutting of a limited number of trees over 12 inches in diameter is necessary to meet the purpose and need for the project to establish and maintain a fuelbreak around the communities of Frazier Park. Specific design criteria for the fuelbreak include opening the tree canopy so wildfire can not readily move through tree crowns.
<b>10</b>	Any thinning operation has the potential to increase invasive exotic plant infestations and this project is no different. Disturbance of existing populations combined with the increased light availability could likely result in the prolific spread and further establishment of populations throughout the project area....The Forest has thus far failed to include weed vectors into the effects analysis or mitigation. ...The Forest should include steps to prevent the spread of weeds by both vehicles and especially off-road vehicles as part of its weed management strategy. <i>Commenter #8</i>	A noxious weed risk analysis was completed and is referenced in the DM (USDA 2007a). There is low potential for noxious weed spread within the project area. With weeds nearby but not on-site, there is moderate vulnerability of weed spread into the area. Project related weed spread will be minimized by equipment inspection and washing, low disturbance, use of masticator, along with monitoring and mechanical treatment.
<b>11</b>	Reducing the canopy provided by the trees opens up the underlying areas to [invasion from] cheat grass growth. ...It would carry a cool fire very quickly across the [fuel]break.... <i>Commenter #10</i>	We have addressed concern about cheat grass as part of the noxious weed risk assessment.
<b>12</b>	The exclusion of grazers from sensitive areas where weeds exist already or may spread to in order to facilitate the restructuring of soil, provide a competitive advantage to native perennials, and eliminate an additional vector of seed dispersal, is necessary to achieve the desired goals of the Figueroa Mountain Project. <i>Commenter #8</i>	Grazing of Figueroa Mt is outside the scope of the Frazier Park project.
<b>13</b>	The Forest has failed to include revegetation efforts as part of the Figueroa Mountain Project. <i>Commenter #8</i>	Issues concerning revegetation efforts for Figueroa Mt are outside the scope of the Frazier Park project.



## LITERATURE CITED

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\_\_\_\_\_. **2006a.** Human Health and Ecological Risk Assessment for Borax (Sporax®) Final Report. Forest Health Protection; USDA, Forest Service, Rosslyn Plaza Building C, Room 7129C, 1601 North Kent St., Arlington, VA 22209. February 24, 2006.

\_\_\_\_\_. **2006b.** Section 106 of the National Historic Preservation Act of 1966 Programmatic Agreement Project Implementation Tracking Form. Completed by Patricia Likins, Mount Pinos Ranger District, Los Padres National Forest. December 15, 2006.

\_\_\_\_\_. **2007a.** Frazier Park Community Defense Zone Fuels Reduction Project Noxious Weed Risk Assessment by Ken Niessen. Mount Pinos Ranger District, Los Padres National Forest. July 5, 2007.

\_\_\_\_\_. **2007b.** Wildlife Biological Assessment for Wildlife Species by Brigitta VanDerRaay, Mount Pinos Ranger District, Los Padres National Forest. July 10, 2007.

\_\_\_\_\_. **2007c.** Biological Evaluation for Sensitive Wildlife Species by Brigitta VanDerRaay, Mount Pinos Ranger District, Los Padres National Forest. July 9, 2007.

\_\_\_\_\_. **2007d.** Biological Evaluation for Threatened, Endangered, Proposed, and Sensitive Plant Species by Ken Niessen. Mount Pinos Ranger District, Los Padres National Forest. July 2007.

\_\_\_\_\_. **2007e.** Project Level Assessment of Management Indicator Species by Brigitta VanDerRaay, Mount Pinos Ranger District, Los Padres National Forest. July 9, 2007.

\_\_\_\_\_. **2007f.** Project Level Analysis of "High Priority" Birds with regards to the Migratory Bird Treaty Act by Brigitta VanDerRaay. Mount Pinos Ranger District, Los Padres National Forest. April 2006.

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**DECISION MEMO**  
**for**  
**LAKE OF THE WOODS COMMUNITY DEFENSE ZONE PROJECT**

**Mount Pinos Ranger District**  
**Los Padres National Forest**  
**USDA Forest Service**  
**Kern County, California**

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## **INTRODUCTION**

Site-specific environmental review has been completed and is documented in a project case file for the Lake of the Woods Community Defense Zone Project. This Decision Memo is a record of determination that no extraordinary circumstances exist and my decision to proceed with the Lake of the Woods Community Defense Zone (CDZ) Project.

## **DECISION**

It is my decision to approve the treatment of hazardous fuels on about 175 acres of National Forest System (NFS) lands around the community of Lake of the Woods. This project is located on the Mount Pinos Ranger District of the Los Padres National Forest. Legal locations are: Sections 33 and 34, Township 9 North, Range 20 West; and Sections 3 and 4, Township 8 North, Range 20 West.

The Lake of the Woods CDZ project will implement four categories of actions: 1) conversion of vegetation to a less flammable condition to increase defensible space and firefighter safety (Forest Plan S7) on NFS lands within 300 feet of dwellings and occupied structures; 2) construct a 300-500 foot wide fuelbreak about 1.5 miles long (90 acres) located above the southern boundary of town; 3) disposal of accumulations of cut plant materials; and 4) vegetation treatments to maintain the effectiveness of the CDZ over time. The following is a discussion of each category.

## **COMMUNITY DEFENSIBLE SPACE**

The Forest Service and/or adjacent landowners or other cooperators will be authorized to reduce the amount of dead and standing vegetation within a variable width strip (not to exceed 300 feet) of NFS land along the boundary adjacent to the community (see map in **Appendix A**). Authorized treatments will be prescribed according to plant community to reduce fire spread and achieve desired conditions as described in **Table 1**. Individual property owners will not be authorized to fall conifers because of the need to apply Sporax<sup>®</sup> to cut stumps in a timely manner to prevent annosus root disease. This project implements a recommendation in the Mt. Pinos Communities Wildfire Protection Plan prepared by the Mt. Pinos Communities Fire Safe Council.

## FUELBREAK CONSTRUCTION

A 300-500 foot wide fuelbreak, approximately 1.5 miles long, will be constructed by the Forest Service on the hillside south of the community of Lake of the Woods to facilitate fire suppression efforts in the event of a wildfire (see map in **Appendix A**). Location of the fuelbreak was designed to tie in with existing openings and Kern County brush reduction projects. The prescription for vegetation removal will vary according to plant community as described in **Table 1**. Vegetation removal will be applied in a non-linear pattern leaving some islands and uneven or scalloped edges to blend in with the surrounding landscape.

<b>Table 1 – Desired Conditions and Prescribed Treatments by Plant Community</b>	
<b>Plant Community</b>	<b>Desired Conditions and Prescribed Treatments</b>
<b>Forest</b>	The desired condition is to create a shaded fuelbreak with no more than 40% canopy cover (Forest Plan S4) to prevent fire from moving through tree crowns. Cut selected trees with chainsaw or shred with a masticator. Borax (registered as Sporax) would be applied to freshly cut stumps for control of annosus root rot disease (Forest Plan S5). Leave trees would represent a diversity of age and size classes, to the extent possible. Understory accumulations of shrubs, dead material, and lower branches on leave trees (ladder fuels) would be cut to retard the spread of fire across the ground and up trees into the canopy.
<b>Sagebrush/rabbit brush/scrub oak Flannel bush</b>	The desired condition is to leave no more than 5% of the area in standing brush.
<b>Canyon live oak</b>	The desired condition is to prune the lower branches as not to carry fire from the ground to the crown of the tree.

## DISPOSAL OF CUT PLANT MATERIALS

Accumulations of cut plant materials will be shredded and left in place as ground cover, stacked in piles and burned by the Forest Service, or removed from the site.

## COMMUNITY DEFENSE ZONE MAINTENANCE

The fuelbreak and defense zones adjacent to structures will be maintained over time to retain effectiveness as per Los Padres National Forest Land Management Plan (Forest Plan) (USDA 2005) Appendix K – Guidelines for Development and Maintenance of WUI Defense and Threat Zones. Maintenance in forest and scrub oak communities will consist of cutting or masticating understory vegetation every three to ten years to maintain a shaded fuelbreak. Sage/rabbit brush communities resprout more readily, so maintenance will consist of cutting or masticating shrubs every few years to maintain effectiveness. CDZ maintenance will include hand or mechanical treatments of invasive and non-native plant species, as needed.

## PROJECT STANDARDS AND DESIGN FEATURES

All *Los Padres National Forest Land Management Plan* (Forest Plan) (USDA 2005a) standards will be met. This decision includes the following project-specific design standards:

- Weed prevention measures will be used to minimize the introduction and spread of noxious weeds as per Appendix M of the Forest Plan. The *Lake of the Woods Community Defense Zone Fuels Reduction Project Noxious Weed Risk Assessment* was completed (July 5, 2007) (USDA 2007a) and is on file at the Mount Pinos Ranger District office. If present, noxious weeds will be pretreated to reduce abundance by hand pulling, grubbing, or torching. As needed, weed prevention measures will include cleaning equipment, vehicles, tires, and footwear prior to entering the project area. Where work occurs in areas of known weed infestation, personnel will apply the above measures to reduce the risk of transporting weed seed into uninfested areas. Project areas will be monitored for noxious weeds after project implementation and if present will be treated by hand pulling, grubbing, or torching.
- Treatments near roads will maintain strategic residual vegetation to discourage unauthorized off-highway vehicle use (Forest Plan S37).
- Live riparian vegetation (willow) will be maintained.
- Applicable Best Management Practices (BMP) for water quality protection will be adhered to (USDA 2000). Applicable BMPs are listed in **Appendix B** with a short description of how they will be implemented.
- Region 5 Soil Quality Standards (FSH R5 Supplement 2509.18-95-1, 1995) will be met. Fine organic matter (plant litter, duff, and woody material less than 3 inches in diameter) will be maintained over at least 50 percent of the treated area. Heavy equipment will not be operated on wet soils (BMP 5.6).
- If a raptor nest is encountered during project implementation, the tree where the nest is found will be maintained and necessary buffers or adjustments in management activities will be established by a qualified biologist (Forest Plan S18).

## REASONS FOR DECISION

The reason for this decision is to work towards *Los Padres National Forest Land Management Plan* (Forest Plan) (USDA 2005) goals to improve the ability of southern California communities to limit loss of life and property (Goal 1.1). As part of this goal, desired condition is to have vegetation treated to enhance community protection and reduce the risk of loss of human life, structures, improvements, and natural resources from wildland fire (Forest Plan Part 1, Page 19). Firefighters will have improved opportunities for tactical operations and safety. This project would be part of a larger system of vegetation treatments designed to meet goals described in the 10-Year Comprehensive Wildland Fire Strategy (USDA/USDI 2001) for using a collaborative approach to reduce wildland fire risks to communities.

This project also supports program emphasis for the “Mt. Pinos” Place as described in the Forest Plan (USDA 2005), where desired condition includes maintaining the natural appearing backdrop to rural communities and program emphasis includes actively managing vegetation to maintain healthy conifer stands and protect communities (Forest Plan Part 2, Pages 65 and 66).

This decision is designed to achieve the following project-specific goals:

- Reduce wildfire risk to homes and properties in the urban interface of the Lake of the Woods community.
- Create safer conditions for the public and firefighters during a wildfire.
- Coordinate with fuel hazard reduction occurring on adjacent private property in collaboration with Kern County Fire Department and the Mount Pinos Communities Fire Safe Council.

## **PUBLIC INVOLVEMENT AND ISSUES**

A description of this project was included in the Los Padres National Forest Schedule of Proposed Actions since April 2005. Letters describing treatments in more detail and inviting comments were mailed to 213 potentially interested agencies, organizations, tribal representatives and individuals and adjacent property owners on March 30, 2006.

A total of 12 groups or individuals expressed interest in the Lake of the Woods project. Of those 12, two requested to be put on the mailing list and four expressed support for the project. Issues raised include concerns about air quality, erosion, economics, cutting of trees, noxious weeds, and use of Sporax. A list of commenters, comments received during the public scoping period and throughout the planning process, and disposition of issues raised can be found in **Appendix C**.

A copy of the Draft Decision Memo was mailed to all groups and individuals who expressed interest in the project on August 23, 2007. A legal notice initiating the 30-day comment period was published in the Bakersfield Californian, newspaper of record, on August 27, 2007. No comments were received during the 30-day comment period.

## **REASONS FOR CATEGORICAL EXCLUSION**

Based on the following information, it is my determination that this activity will be of limited size, duration, and degree of disturbance. The environmental impacts of the proposed action are minimal. All practicable means to avoid or minimize environmental harm have been adopted. I find the proposed action qualifies under the provisions of FSH 1909.15, 31.2 - Categories of Actions for Which a Project File or Case File and Decision Memo are Required, Category 6: *Timber stand and/or wildlife habitat improvement activities*. This category is appropriate because the project includes brush control and incidental thinning to reduce fire hazard, one of the examples listed in Subcategory b.

A Forest Service interdisciplinary team (IDT) consisting of: fire and fuels specialists, archaeologist, wildlife biologist, botanist, recreation specialist, forester, and NEPA specialist designed and evaluated the project. Past experience and environmental review reveal that no extraordinary circumstances exist that might cause the action to have significant effects upon the human environment. This proposed action is therefore excluded from further documentation in either an environmental assessment or environmental impact statement. The following conditions were considered in determining whether extraordinary circumstances exist.

FEDERALLY LISTED THREATENED OR ENDANGERED SPECIES OR DESIGNATED CRITICAL HABITAT, SPECIES PROPOSED FOR FEDERAL LISTING OR PROPOSED CRITICAL HABITAT, OR FOREST SERVICE SENSITIVE SPECIES.

**Wildlife:** A *Biological Assessment for Fish and Wildlife* (Fish and Wildlife BA) (USDA 2007b) was completed for all federally listed Threatened, Endangered, or Proposed (TEP) fish and wildlife species with potential for effects from this project and is on file. Based on analysis presented in the Fish and Wildlife BA, there would be **no effect** on TEP wildlife species or their critical habitats. Treatment areas do not contain typical suitable habitat, species are not expected to occur within treatment areas, and project implementation will not affect foraging, nesting, or roosting habitat outside the project area.

A *Biological Evaluation for Fish and Wildlife* (Fish and Wildlife BE) (USDA 2007c) was completed and is on file. It addresses potential effects of this project on Forest Service Region 5 Sensitive fish and wildlife species. Determinations resulting from this analysis are that the Lake of the Woods CDZ project may impact individuals or habitat but is not likely to contribute to a trend toward federal listing or loss of viability for the following species: northern goshawk, California spotted owl, Mount Pinos lodgepole chipmunk, Tehachapi white-eared pocket mouse, pallid bat, southern pond turtle, San Diego horned lizard, California legless lizard, southern rubber boa, yellow-blotched ensatina, Tehachapi slender salamander. None of these species have been observed within or near the project area but the treatment area may contain suitable habitat that could be temporarily altered by the project. IDT review resulted in finding of no extraordinary circumstances in relation to sensitive wildlife species because these species are either well distributed outside of the project area; utilize habitats that will not be impacted; have habits that will protect them from short-term project effects; or are mobile and can temporarily move to other nearby suitable habitats.

**Sensitive Plants:** A *Biological Evaluation for Threatened, Endangered, Proposed, and Sensitive Plant Species* (Botanical BE) (USDA 2007d) was completed and is on file. The project is determined to have no effect on federally listed Threatened, Endangered, or Proposed plant species. For Regional Forester listed sensitive species, the project may affect individuals but is not likely to result in a trend toward federal listing or loss of viability for *Allium howellii* var. *clokeyi*, *Delphinium parryi* ssp. *purpuratum*, *Layia heterotricha*, *Monardella linoides* ssp. *oblonga*, and *Navarretia peninsularis*. This project is not expected to lead to extraordinary circumstances in relation to sensitive plants because surveys were conducted for these species and none were found within the project area.

Biological evaluation determinations are based on the probable occurrence of an adverse impact on any listed individual, no matter how minor or severe the impact, no matter how small or great the probability. NEPA extraordinary circumstances, on the other hand, are based on context and intensity of the impact. A species population as a whole is usually taken into account. Potential impacts of this project on Regional Forester listed Sensitive species are not likely and if they do occur, they would be minor or minimal and associated with individuals and not with populations as a whole.



## FLOOD PLAINS, WETLANDS, OR MUNICIPAL WATERSHEDS

There are no floodplains or wetlands in the project area. The project area is located within the municipal watershed for Lake of the Woods. There are seven sites where streams that only flow during wet weather cross the project area. Associated riparian conservation areas include 100 feet each side of streams (Forest Plan Appendix E). To meet the critical purpose and need of this project, which is to provide protection to the community of Lake of the Woods in a timely manner, Forest Plan Standard S8 will be employed to allow use of a masticator throughout the CDZ. Riparian vegetation (willow) will be protected. The IDT does not anticipate any project-generated impacts outside of acceptable limits for maintaining the integrity of the riparian system thus no extraordinary circumstances in relation to streams or municipal watersheds.

**Forest Plan Standard  
S8 (Part 3, Page 5)**  
Community Protection  
needs within the WUI  
Defense Zone take  
precedence over the  
requirements of other  
Forest Plan direction.

The Forest Plan requires application of a registered fungicide to freshly cut live or recently dead conifer stumps to prevent establishment of annosus root disease (S5, Page 5). Sporax<sup>®</sup> (registered fungicide) with active ingredient of borax (used in household cleaning compounds) will be applied to conifer stumps as directed. The interdisciplinary team determined that there would be no effect to water quality because the product will be applied as per product label directions. In low concentrations, Sporax<sup>®</sup> will not substantially contribute boron exposures to humans or concentrations of boron in water or soil. The IDT determined no extraordinary circumstances related to use of Sproux.

## AMERICAN INDIANS AND ALASKA NATIVE RELIGIOUS OR CULTURAL SITES, ARCHAEOLOGICAL SITES, OR HISTORICAL PROPERTIES OR AREAS.

The project area was surveyed for cultural and historic resources and findings were documented in the *Programmatic Agreement Project Implementation Tracking Form* (USDA 2006b), on file. There are no known heritage resources within the project area. Any heritage resources discovered during project implementation would be protected. Requirements for consultation and compliance with Section 106 of the *National Historic Preservation Act* have been satisfied through inventory, assessment, and protection of known sites. With the implementation of resource protection measures, effects to historic properties and other heritage resources will be negligible and less than effects from past or future wildfires.

Letters were sent to representatives for American Indian Tribes who may have religious or cultural sites that overlap with this project. No issues were raised.

## INVENTORIED ROADLESS AREAS (IRA)

About 71 acres of the project area are in Sespe-Frazier IRA. The 2001 Roadless Rule prohibits the construction of new roads and reconstruction of existing roads in inventoried roadless areas. Management actions that do not require construction of new roads are still allowed (36 CFR Part 294). This project has been determined by the Responsible Official to meet the exception to the prohibition on cutting and removing timber from an inventoried roadless area at 36 CFR 294.13(b)(1)(ii) which provides for maintenance or restoration of an ecosystem such as to reduce the risk of wildfire. The project also complies with the requirement for cutting or removing generally small timber in an inventoried roadless area to reduce the risk of wildfire at FSM 1925.04a

2. a. (2). IDT review resulted in finding of no extraordinary circumstances associated with activities in IRAs because there will be no road construction or reconstruction, IRA values will not be altered, and the project is directly adjacent to the community of Lake of the Woods.

## CONSIDERATION OF OTHER EXTRAORDINARY CIRCUMSTANCES

There are no congressionally designated areas or research natural areas that would be affected by this project.

## CONSISTENCY WITH OTHER LAWS AND REGULATIONS

This project is consistent with programmatic management direction provided by the *Los Padres Land and Resource Management Plan (Forest Plan)* (USDA 2005). The Forest Plan was prepared according to the requirements of the National Forest Management Act and the National Environmental Policy Act, and other laws and regulations (Forest Plan, Part 3, Appendix A). Most (about 90%) of the project is within the Developed Area Interface Land Use Zone. My decision to implement this project is consistent with community defense work for which this zone is compatible (Forest Plan, Part 1, Page 7). Remaining portions of the project are in Back Country Land Use Zone that allows motorized access. The decision will not change motorized access. This project is within the “Mt. Pinos” Place and will help the Place progress towards desired conditions of maintaining the natural appearing backdrop to rural communities. The project also supports program emphasis to protect communities.

A *Project Level Assessment of Management Indicator Species (MIS)*, (USDA 2007e) was completed and is on file. The scope of this project is too small, relative to the landscape, to affect measurable loss or improvement to MIS habitats within the treatment area. On a wider landscape basis, reducing risk of broad-scale severe wildfire will protect habitats for MIS species.

A *Project Level Analysis of “High Priority” Birds with regards to the Migratory Bird Treaty Act* (USDA 2007f) was completed and is on file. Sixty-seven high priority migratory bird species (Memorandum of Understanding between USDA Forest Service and FWS, January 16 and 17, 2001) were reviewed with regards to the potential for impacts from this project. Some of these species have been observed within or near the project area, and treatment areas may contain suitable habitat that could be altered by the project. This project is in compliance with the Migratory Bird Treaty Act. Activities will not have a measurable effect on populations of migratory bird species. The scope of this project is too small relative to the landscape to result in measurable effects on migratory birds.

This project meets water quality objectives provided by the Regional Water Quality Control Plan for protection of beneficial uses by implementation of BMPs (USDA-FS 2000). BMPs were developed in compliance with Section 208 of the *Federal Clean Water Act* of 1972 and were certified by the State Water Quality Resources Control Board and approved by the Environmental Protection Agency. Applicable BMPs for this project are listed in **Appendix B**.

In compliance with *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations*, this decision will not disproportionately affect minority and/or low-income populations.

## ADMINISTRATIVE REVIEW

Since no comments expressing concerns were received during the 30-day comment period which ended September 26, 2007, this decision is not subject to appeal (36 CFR 215.12).

## IMPLEMENTATION DATE

Since no comments expressing concerns about this project were received during the comment period, implementation of this project may take place immediately following the publication date of the legal notice of the decision in the Bakersfield Californian newspaper.

## CONTACT PERSON

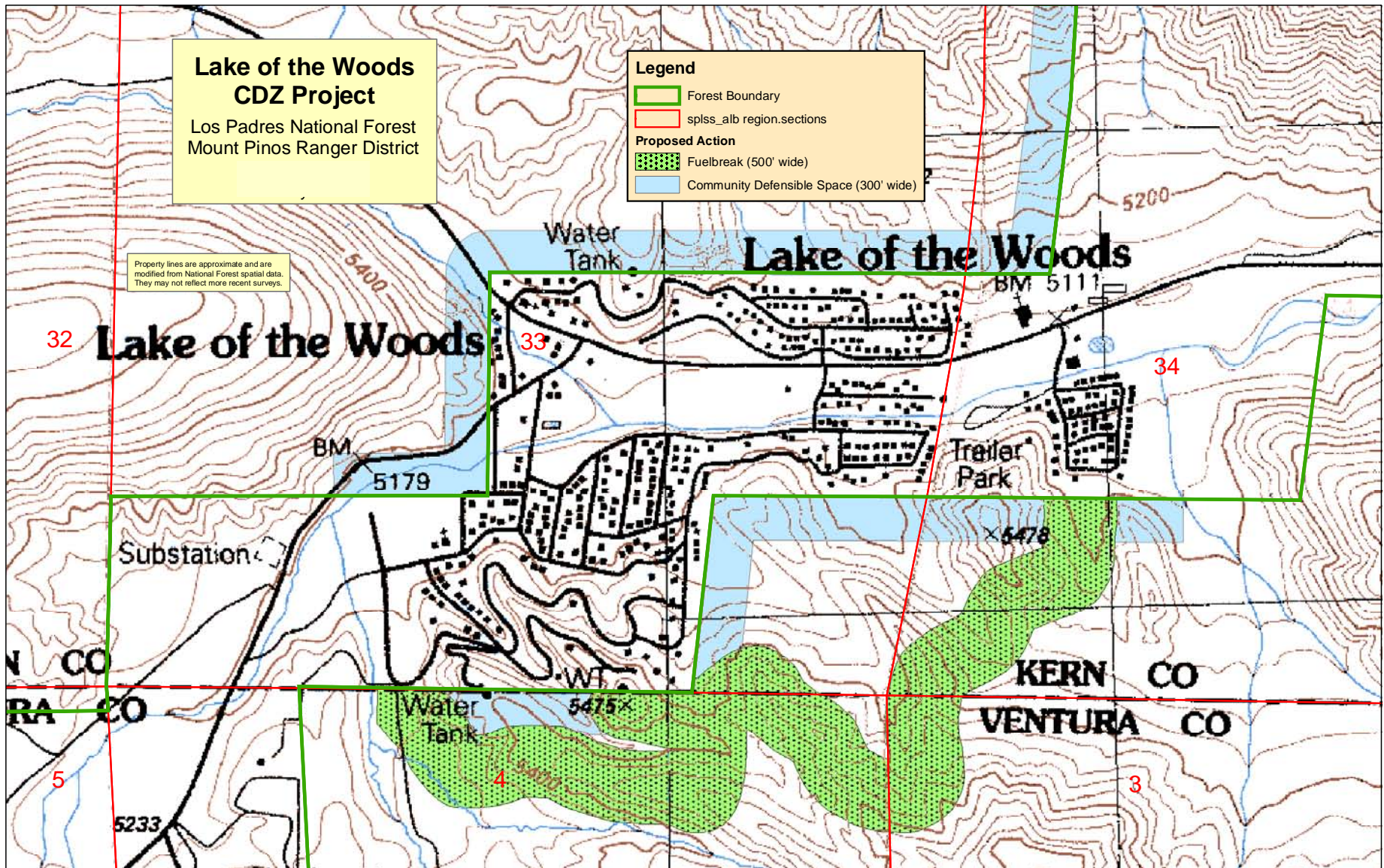
For further information contact John Madden at the Mount Pinos Ranger District, 34580 Lockwood Valley Rd., Frazier Park, CA 93225; (661) 245-3731.

**On File:** The project file with correspondence, Fish and Wildlife BA, Fish and Wildlife BE, Project Level Assessment of Wildlife MIS, Botanical BE, Noxious Weed Risk Assessment, Analysis of "High Priority" Bird Report, and Heritage Tracking Form are incorporated in this decision by reference and are available for review at the Mount Pinos District Office.

  
THOMAS KUEKES  
District Ranger

\_\_\_\_\_  
October 9, 2007  
DATE

## APPENDIX A





## APPENDIX B

### **Best Management Practices for Lake of the Woods Project**

Best Management Practices (BMPs) are measures certified by the State Water Quality Board and approved by the Environmental Protection Agency as the most effective way of protecting water quality from impacts stemming from non-point sources of pollution. These practices have been applied to projects across National Forest System lands throughout the Pacific Southwest Region of the Forest Service and have been found to be effective in protecting water quality (USDA 2000). The following is a list of the BMP's that will be applied in implementing the Lake of the Woods CDZ Project.

#### **BMP 1.8 Streamside Management Zone Designation and BMP 1.19 Streamcourse and Aquatic Protection**

Under the Forest Plan, these areas are known as Riparian Conservation Areas (RCAs). Streams on the southwest and southeast sides of Lake of the Woods will have 100 foot RCAs, measured slope distance on each side of the stream channel. Because both of these streams are ephemeral, have gentle side slopes, have little to no riparian vegetation, and are not known to have any Threatened, Endangered, Proposed, or Candidate species within or downstream of the project area, brush reduction activities will be allowed within the RCA.

#### **BMP 2.12 Servicing and Refueling of Equipment**

Servicing and refueling will not occur within the RCAs. Service residues, waste oil and other materials must be removed from National Forest land.

#### **BMP 5.1 Soil Disturbing Treatments on the Contour**

Brush will be treated by hand or by tracked vehicles (such as masticator) to minimize ground disturbance. Brush cutters will be operated above ground level.

#### **BMP 5.2 Slope Limitations Mechanical Equipment Operation**

Mechanical treatments will be limited to slopes less than 45% to prevent adverse soil disturbance and sediment production. Water bars will be constructed to minimize soil loss where deemed appropriate.

#### **BMP 5.5 Disposal of Organic Debris**

Cut material may be stacked and burned in piles. Masticated material will be shredded and left scattered to provide ground cover for soil protection. Large woody debris will be left undisturbed wherever it is not deemed a fire hazard.

#### **BMP 5.6 Soil Moisture Limitations for Tractor Operations**

Heavy equipment will not be operated on wet soils.

#### **BMP 5.7 Pesticide Use Planning Process**

The Interdisciplinary Planning Team for the Forest Plan and for the Lake of the Woods project concluded that Sporax fungicide is safe for use in this project and will not have adverse effects to water quality or hydrologic considerations when applied per product label directions to freshly cut conifer stumps.

#### **BMP 5.8 Pesticide Application According to Label Directions and Applicable Legal Requirements**

Sporax will be applied by granular shaker to cut conifer stumps, as per product label directions.

#### **BMP 5.9 Pesticide Application Monitoring and Evaluation**

Due to the low toxicity and selective application of Sporax, no monitoring and evaluation will be required.

#### **BMP 5.10 Pesticide Spill Contingency Planning**

Spilled Sporax should be swept up and reused or placed in a disposal container ([www.fs.fed.us/foresthealth/pesticide/data/Sporax\\_msds.pdf](http://www.fs.fed.us/foresthealth/pesticide/data/Sporax_msds.pdf)).

**BMP 5.11 Cleaning and Disposal of Pesticide Containers and Equipment**

Sporax application shakers and empty containers will be cleaned or disposed of in accordance with instructions on the product label.

**BMP 5.12 Streamside Wet Area Protection During Pesticide Spraying**

Sporax will not be applied within 50 feet of stream channels.

**BMP 6.1 Fire and Fuel Management Activities**

The proposed action will reduce public and private losses and environmental impacts that result from wildfires by reducing fuel concentrations around structures and along strategically placed fuelbreaks. Mechanical and chainsaw treatments will be used periodically to maintain fuelbreaks in effective condition.

**BMP 6.3 Protection of Water Quality from Prescribed Burning Effects**

Any cut material piled for burning on Forest System lands will be burned by Forest Service personnel.



## APPENDIX C

### LAKE OF THE WOODS CDZ PUBLIC INVOLVEMENT SUMMARY

Mount Pinos Ranger District  
Los Padres National Forest

The following is a list of all commenters responding to scoping efforts. Commenter numbers have been assigned to recognize the source of each issue identified:

Commenter Number	Name/Organization
1	Velia Vega, Adjacent Property Owner
2	Jessica Willis, San Joaquin Valley Unified Air Pollution Control District
3	Wade Biery, Tri-County Watchdogs
4	Janine Tominaga, Mt. Pinos Communities Fire Safe Council
5	Laura (Solorio) Verdugo, Southern California Edison Company
6	Donald S. Tait II, Adjacent Property Owner
7	Larry Munden, Adjacent Property Owner
8	Pete Harrison, Californian for Alternatives to Toxics (CATs)
9	Jeff Kuyper, Forest Watch
10	Lynn Stafford and Mary Ann Lockhart, Condor Group

The following comments were received during the scoping phase of this project. With each comment is an explanation of the issue disposition for that comment.

No.	Issue	Disposition
1	<p>[We are]...very concerned about the threat of wild-fire to our communities. Therefore, we support the Frazier Park Community Defense Zone Project and the Lake of the Woods Community Defense Zone Project. <i>Commenter #3, Commenter #4</i></p> <p>Forest Watch supports efforts to improve ecosystem health and protect communities from wildfire, and works to ensure that fuel management activities are undertaken with minimal impacts to water supplies, sensitive plants and animals, and other forest resources. The Lake of the Woods CDZ and the Frazier Park CDZ projects are consistent with these objectives... <i>Commenter #9</i></p> <p>The Condor Group wishes to give its support to the fire protection plans for Frazier Park and Lake of Woods. They are steps in the right direction. <i>Commenter #10</i></p>	Comments of support noted.

No.	Issue	Disposition
2	<p>What will be done about the pinyon pine trees that have been infected and dried up due to the blight? There are trees in national forest land across Lakeview Drive from our home. They will eventually fall over and possibly create a forest fire when they strike the power lines that are very close to them.</p> <p><i>Commenter #1</i></p>	<p>Blight in Pinyon Pine is outside the scope of the Lake of the Woods project. John Kelly visited commenter and site. Dead trees within the project area will be cut to meet project objectives. He determined that the trees in question are not on NFS lands and discussed with commenter a strategy for dealing with concerns.</p>
3	<p>The entire San Joaquin Valley Air Basin is classified non-attainment for ozone and the fine particulate matter (PM10). Implementing this project may generate significant air emissions and it may result in the reduction of air quality in the San Joaquin Valley.... Though it is important to maintain property in a fire safe condition, the disposal method [for accumulated natural vegetation] selected can adversely effect local and regional air pollution.... In addition, burning the debris near residential areas can result in causing a smoke nuisance to the community, per District Rule 4102 (Nuisance). Current District rules can be found and downloaded from our website at <a href="http://www.valleyair.org/rules/1ruleslist.htm">http://www.valleyair.org/rules/1ruleslist.htm</a>. Any means to reduce emissions from open burning will benefit air quality. It is for this reason the District recommends that the Mount Pinos Ranger District examine and utilize alternatives to open burning.</p> <p><i>Commenter #2</i></p>	<p>Burning associated with this project will be limited to piles and small areas, limiting the volume of fuels burned at any one time. Alternate methods to burning, such as masticating, will also be employed. Limiting volume of fuels to be burned would reduce potential for generating significant air emissions. Any burning will be implemented in full compliance with air quality standards.</p>
4	<p>Please note that the Ranger District needs to submit a Smoke Management Plan and must obtain final authorization from the District [re: C20060784] before any burn takes place (see District Rule 4106).</p> <p><i>Commenter #2</i></p>	<p>A Smoke Management Plan will be completed and authorization from the Air Quality District will be obtained before any burning takes place.</p>
5	<p>[Southern California Edison Company] SCE has distribution and transmission facilities in the area of your projects, therefore would like to be kept informed on the progress...and what will be done. SCE will need to make sure it's facilities and/or access are not...affected at any time by your proposed projects. I have routed this notice within SCE for comments. As comments are received, I will forward them for your consideration. <i>Commenter #5</i></p>	<p>SCE will be kept informed. SCE facilities and access routes in proximity to the project will be identified and protected. No further comments have been received.</p>
6	<p>A lot of erosion has occurred around Terminal Trail (small portion of fuelbreak on southeast side of project). Not sure why we would want to treat this area. It looks good when it is trimmed. Maintain root strength or keep enough foliage to keep roots alive...chips would just float away as soil erodes easily. <i>Commenter #6</i></p>	<p>Field investigation indicates that there is a forest of small pine in this area where tree crowns are touching, leaving them vulnerable to crown fire. In this area it is desirable to prune and thin smaller trees out to open stand with discontinuous crown closure. Over time trees crowns will grow back together.</p>
7	<p>Commenter expressed interest in who is going to pay and who is liable. <i>Commenter #7</i></p>	<p>Commenter was informed that work on private property would be voluntary, not mandatory with liability on the property owner. Any work on NFS lands would be funded by the Forest Service and Forest Service would be liable.</p>

<p>8</p>	<p>[We].oppose excessive and unnecessary use of the pesticide Sporax (borax),...a substance that does not naturally occur in forests (Sporax is a type of salt mined from Death Valley and deserts).  ...Provide a project specific risk analysis and evaluation of human health safety and environmental impacts within project NEPA documentation if Sporax is to remain part of proposed actions....  [Evaluate] non-borax alternatives evaluated for annosus root disease control ....[D]isclose all relevant scientific views ...  How much total Sporax will be applied...for this project? Over what total acreage will pesticides be applied? Will borax actually be used over all acres proposed for fuel treatments? Will all conifer species stumps receive Sporax? Will any tree species stumps not need Sporax? How much Sporax per stump? What criteria will define when Sporax is applied? Where exactly will Sporax be used within the project area? What kind of terrain, aspect, slope, soils, and vegetation density will borax be applied? Are there any situations or locations where borax will not be used (or needed)?  ...[F]or most ...projects involving annosus prevention, Sporax has only been applied on pine and or fir stumps 14 inches and greater (...some projects have gone as high as 15"). [S]cientific literature, and USFS R5 surveys demonstrate that Sporax need not be applied to stumps less than 18" for control of annosus root disease.... [(Dekker-Robertson 2005, Schmitt et al. 2000, Goheen and Orosina 1998, Kliejunas 1986 and 1986b)]... Why is the Forest proposing to use different Sporax application criteria?  [Application of] Sporax to all freshly cut conifer stumps...will unnecessarily and drastically increase the total amount of pesticides applied in the project area [and] waste of tax payer money that the Forest must be accountable for.  Dekker-Robertson (2005) reports that "pine stumps should only be treated if they are within one mile of an infected pine stand. The Forest should only be considering applying Sporax on stumps in the project area if ... stands are within one mile of annosus infection centers. Are there infection centers within the project area? At what proximity? In which treatment units?  The Forest has a responsibility to the public to determine what strains of annosus (S or P) are present in the project area.... <i>Commenter #8</i></p>	<p>The Forest Plan requires treatment of freshly cut live or recently dead conifer stumps with registered fungicide (Sporax) to prevent the establishment of annosus root disease (Standard S5, Part 3, Page 5).  Sporax® is a white, odorless, crystalline product. The active ingredient in Sporax® is borax, a naturally occurring mineral made of sodium, boron, oxygen, and water. Borax is used in fertilizer formulations to supply the essential nutrient boron, as a laundry booster and water softener, as a general purpose cleaner, and in fire retardants. Boron compounds occur widely in nature; boron is found in most natural soils.  Borax is practically nontoxic to humans, to birds, to fish, and to aquatic invertebrate animals. Based on the Human Health and Ecological Risk Assessment for Borax (Sproax®) (USDA 2006a) the use of Sproax in the control of annosum root disease does not present a significant risk to humans or wildlife species under most conditions of normal use, even under the highest application rate.  Sporax application rate is about 1 pound per 50 square feet of stump surface. The project area has very few trees to be treated and few of them over one square foot of stump surface. This would equate to 0.02 pounds of Sporax per stump treated. Sporax® will be sprinkled on cut stumps following label directions and will be kept away from water. Limited application in the treatment area limits potential for this chemical to be transported to watercourses. Boron deposits are naturally occurring in the northwestern part of the Lockwood Valley area (CDWR 1989).  Application of Sporax would follow label directions as well as State and Federal rules and regulations. A pesticide use application permit will be filed with the county for application of Sporax and a spill contingency plan will be included in this document. Application would be limited to cut stumps. Sporax will not be applied during wet weather.  Trees that would be treated include pinyon pine and an occasional Jeffrey pine.</p>
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<b>9</b>	CATs supports any alternative which includes no thinning of trees greater than 12 inches in diameter. ...We hope the Forest resists the urge to sell our national forests to timber companies and instead focuses on actions to prevent catastrophic wildfires and protect communities as presented in the projects purpose and need. Less pesticides are always better than more, and borax does not naturally occur in forests. <i>Commenter #8</i>	Cutting of a limited number of trees over 12 inches in diameter is necessary to meet the purpose and need for the project to establish and maintain a fuelbreak around the communities of Lake of the Woods. Specific design criteria for the fuelbreak include opening the tree canopy so wildfire can not readily move through tree crowns.
<b>10</b>	Any thinning operation has the potential to increase invasive exotic plant infestations and this project is no different. Disturbance of existing populations combined with the increased light availability could likely result in the prolific spread and further establishment of populations throughout the project area....The Forest has thus far failed to include weed vectors into the effects analysis or mitigation. ...The Forest should include steps to prevent the spread of weeds by both vehicles and especially off-road vehicles as part of its weed management strategy. <i>Commenter #8</i>	A noxious weed risk analysis was completed and is referenced in the DM (USDA 2007a). There is low potential for noxious weed spread within the project area. With weeds nearby but not on-site, there is moderate vulnerability of weed spread into the area. Project related weed spread will be minimized by equipment inspection and washing, low disturbance, use of masticator, along with monitoring and mechanical treatment.
<b>11</b>	Reducing the canopy provided by the trees opens up the underlying areas to [invasion from] cheat grass growth. ...It would carry a cool fire very quickly across the [fuel]break.... <i>Commenter #10</i>	We have addressed concern about cheat grass as part of the noxious weed risk assessment.
<b>12</b>	The exclusion of grazers from sensitive areas where weeds exist already or may spread to in order to facilitate the restructuring of soil, provide a competitive advantage to native perennials, and eliminate an additional vector of seed dispersal, is necessary to achieve the desired goals of the Figueroa Mountain Project. <i>Commenter #8</i>	Grazing of Figueroa Mt is outside the scope of the Lake of the Woods project.
<b>13</b>	The Forest has failed to include revegetation efforts as part of the Figueroa Mountain Project. <i>Commenter #8</i>	Issues concerning revegetation efforts for Figueroa Mt are outside the scope of the Lake of the Woods project.

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