

**Decision Notice**  
and  
**Finding of No Significant Impact**

for  
Eagle Lake Sewage Ponds Project  
USDA Forest Service, Lassen National Forest  
Eagle Lake Ranger District  
Lassen County, California

Legal Description: T31N, R10E, NE¼NE¼ Section 21, Mount Diablo Meridian (MDM)

## **Decision and Reasons for the Decision**

### **Background**

The Eagle Lake Sewage Ponds (EL Facility) Project involves a 40-acre National Forest System parcel that is completely surrounded by private land. The site is located on the geomorphic province of the Modoc Plateau that is an undulating plateau. Most of the area consists of basalt lava flows and volcanic ash deposits. Average annual precipitation is about 30 inches, most of which occurs as snow in the fall, winter, and spring months. The EL Facility is located on an alluvial terrace underlain by fractured volcanic rock. Soils of the alluvial terrace are silty clay, with permeabilities between 1 x 10<sup>-05</sup> and 1 x 10<sup>-07</sup> cm/sec.

The natural environment of the EL Facility Projects consists of slopes that are generally less than 20 percent, with elevations ranging from approximately 5,393 feet to 5,420 feet. Uplands are covered by an eastside pine forest with very little understory. The uplands lead down to an altered seasonal wetland (Merrill wetlands) and meadow, at the edge of which the existing EL Facility is located. The altered seasonal wetland and adjacent meadow occupies a basin nearly closed, except in the southeastern corner where it is drained by Merrill Creek flowing northeast into Eagle Lake. Common wildlife species such as mule deer (*Odocoileus hemionus*), black bear (*Ursus americanus*), common raven (*Corvus corax*) and coyote (*Canis latrans*) inhabit the area. Water resources in this area consist of seasonal streams, seasonally saturated wetlands, and small depressional seasonal wetlands areas that are closely associated with seasonal runoff and that supports hydric soils and plant species of moist to wet, open flats, such as *Ranunculus alismifolius*, *Castilleja lacera*, *Polygonum polygaloides* ssp. *confertiflorum*, and *Juncus hemiendytus* var. *hemiendytus*. Additionally, water resources in the project area support common aquatic species adapted to seasonal waters such as chironomids, damselfly larvae, may fly larvae, and Pacific tree frogs, (*Pseudacris regilla*).

In the 1970's the EL Facility was constructed with a pond (Primary Pond 1) that covered approximately one acre and spray fields under an operating permit with what is today known as the State of California's Lahontan Region Water Quality Control Board (Lahontan). A spray field for onsite wastewater treatment

is similar to a lawn sprinkler system. (The wastewater is sprinkled over the surface of the field.) Over the years, Lassen NF's method of operating the facility has changed. In the 1980's Lassen NF stopped using the spray fields and created a no discharge facility as directed by the Lahontan. To create the facility, two Ponds (Evaporation Ponds 1 & 2) were constructed that covered approximately five acres. In the early 1990's, the storage capacity of the facility was increased so that the facility could withstand a 100-year storm event without overtopping the banks of the ponds. (A 100-year storm event is based on a statistical technique used to estimate the probability of the occurrence of a given precipitation event. For example, assume there is a 1/100 chance that 6.60 inches of rain would fall in a certain area in a 24-hour period during any given years. Thus, a rainfall total of 6.60 inches in a consecutive 24-hour period is said to have a 100-year recurrence interval and is also referred to as a 100-year storm event.) This increase was created by constructing Primary Pond 2 and Evaporation Pond 3. The expansion resulted in the EL Facility covering approximately 11 acres. Since that time, the footprint of the EL Facility has not changed. However, in the late 1990's, as a result of above average snowfalls, this capacity became a concern; in response, in 2000, the Lassen NF raised the banks of Evaporation Pond 3, to match the height of Evaporation Ponds 1 and 2.

Currently, Lassen NF's operation permit with Lahontan allows approximately 2.6 million gallons of effluent water to be pumped into the facility yearly. For the past ten years Lassen NF has pumped approximately 1.6 million gallons of effluent water into the facility yearly. The facility's function is to service the Lassen NF's Eagle Lake Recreation Area (ELRA). The ELRA consists of five campgrounds with 318 campsites, two group campgrounds: one 100-person site and one 75-person site, two day use areas, two boat launching facilities, a marina (that includes a store, showers, laundry facilities and fish cleaning stations), Camp Ronald McDonald, a research facility and hiking and biking trails. Per data provided by the ELRA concessionaire (LCF 2009), approximately 80,000 people camped in the campgrounds from May to October of 2009. Additionally, according to the front page of Camp Ronald McDonald's® at Eagle Lake website (<http://www.campronald.org/home.php>, accessed on December 10, 2009) their "35 acre, fully handicap-accessible, camp welcomes nearly 1,000 disabled and disadvantaged campers" yearly.

The Eagle Lake sewage ponds were lined in the 1980's and the liners are beginning to deteriorate. The number of patches required to maintain functionality of the sewage treatment facility have increased considerably the past few years due to the age of the existing lining which has reached its life expectancy. The banks on which the liners were originally placed have crusted over, which are now puncturing the liner. In addition, water fowl of various types use the ponds and are damaging the lining; hunters using the area shoot at the liner, resulting in lining punctures.

The patches are considered temporary fixes to mitigate the potential immediate safety hazard of small leaks in the lining. Complete replacement of the liners is needed to prevent widespread failure of one or more of the ponds' linings. Without the proposed expansion of the facility, draining the ponds and replacing the liners would require closure for at least one season of the Eagle Lake campgrounds, marina and Camp Ronald McDonald. Closure of these recreation facilities would have a negative impact –

political and/or economic – on the public, surrounding communities, and the Lassen National Forest. Finally, the existing storage capacity of the evaporation ponds may be inadequate to handle future capacity increases to the Eagle Lake campgrounds and marina.

Additionally, to reduce the risk of a wildfire damaging the EL Facility and the surrounding timber thinning activities are needed to initiate structural changes that would increase crown base height and remove ladder fuels throughout the stand. Thinning is also needed to maintain individual tree growth, vigorously reduce mistletoe infection and decrease the risk of tree mortality due to insects attacking overstocked stands.

The environmental assessment (EA) documents the analysis of five alternatives to meet this need. Additionally, a sixth alternative that describes and analyzes a prescription for fuels reduction is included in this document.

The Eagle Lake Sewage Ponds Project area is located in T31N, R10E, NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> Section 21, MDM; in Lassen County, California.

I have read the Eagle Lake Sewage Ponds Project Environmental Assessment (EA), reviewed the analysis in the project file, including documents incorporated by reference, and fully understand the environmental effects disclosed therein. I have also considered the comments received during the public scoping. No comments were received during the 36 CFR 215 legal notice and comment period for this project.

## **Decision**

Based upon my review of all the alternatives, it is my decision to select Alternative 3, which is fully described in the EA on pages 16 through 18. My decision is based on a review of the record that shows thorough consideration of the proposal using the best available science. Additionally it is my decision to make the following Non-significant Forest Plan Amendment:

This is a project specific plan amendment to deviate from the following soils standard and guideline which states “The areal extent of detrimental soil disturbance would not exceed 15 percent of the area dedicated to growing vegetation” so that the Eagle Lake Sewer Ponds Project Alternative 3 can be implemented. The Non-significant Forest Plan Amendment is fully described on pages 61 and 62 of the EA.

## **Reasons for the Decision**

When compared to the other alternatives this alternative meets the purpose and needs and at the same does not destroy any portion of the Little Merrill Flats wetlands.

This alternative allows all the liners to be completely replaced before a widespread failure of one or more of the ponds’ linings require the EL Facility to be partly and or fully closed. By assuring EL Facility is not closed there will not be a negative impact – political and/or economic – on the public, surrounding communities, and the Lassen National Forest. Furthermore, by adding a sludge drying bed and an

Evaporation Pond this alternative assures the storage capacity of the evaporation ponds will be adequate to handle future capacity increases to the Eagle Lake campgrounds and marina, multiple years of above average snow fall and the biological treatment process. Finally, thinning activities associated with this alternative will reduce the risk of a wildfire damaging the EL Facility.

## **Alternatives Considered**

### **Alternative 1: Proposed Action**

A 12-acre borrow site and pond expansion area would be cleared. Additionally, approximately 14-acres of forested land would be thinned. Borrow from the borrow site would be used to expand an existing evaporation pond from 2 acres to 5 acres. The expansion would destroy approximately 0.77 acres of the Little Merrill Flats wetlands. Two existing evaporation ponds would be combined into one pond. Also, all ponds would be relined and pond liner leak detection monitoring equipment installed. The barbed wire fencing around the ponds would be removed and replaced with an 8-foot-high chain-link fence. Finally, approximately 16 acres, including the borrow site and any areas disturbed during construction disturbed would be revegetated. Alternative 1 is fully described on pages 7 through 10 of the EA.

### **Alternative 2: No Action**

Under the *No Action* alternative, current management plans would continue to guide management of the project area. None of the proposed actions would occur, as so stated on page 15 of the EA.

### **Alternative 3: Expansion of the EL Facility to the North**

An 8-acre stockpile site, pond expansion area and sludge drying area would be cleared. Additionally, approximately 13-acres of forested land would be thinned. The expansion would not destroy any portion of the Little Merrill Flats wetlands. Also, in this alternative an existing Primary Pond would be expanded and converted into the 4<sup>th</sup> Evaporation Pond. A new Primary Pond would be relocated to the north of its existing location. The bank between Evaporation Pond 1 and 2 would be raised so that the ponds function as two separate ponds. Material from the pond expansion and sludge drying area would be stockpile on the stockpile site. Evaporation Ponds 1, 2 and 3 and Primary Pond 1 would be relined. A sludge drying bed would be constructed north on the new Primary Pond 2. Additionally, one water well would be developed east of Primary Pond 1. Alternative 3 is fully described on pages 16 through 18 of the EA

### **Alternatives 4: Deeping of Evaporation Ponds**

A 3-acre stockpile site and sludge drying area would be cleared. Additionally, approximately 20-acres of forested land would be thinned. Deeping the Evaporation Ponds would not destroy any portion of the Little Merrill Flats wetlands. The bank between Evaporation Pond 1 and 2 would be raise so that they ponds function as two separate ponds. Additionally, the depth of Evaporation Ponds 1, 2 and 3 would be increased by approximately two (2) feet. Evaporation Ponds 1, 2 and 3 and Primary Pond 1 and 2 would be relined. A sludge drying bed would constructed north on the Primary Pond 2. Additionally, one water

well would be developed east of Primary Pond 1. Alternative 4 is fully described on pages 18 through 21 of the EA.

### **Alternatives 5: Relining All Ponds**

A 3-acre stockpile site and sludge drying area would be cleared. Additionally, approximately 20-acres of forested land would be thinned. The relining of the ponds would not destroy any portion of the Little Merrill Flats wetlands. The bank between Evaporation Pond 1 and 2 would be raise so that they ponds function as two separate ponds. Evaporation Ponds 1, 2 and 3 and Primary Pond 1 and 2 would be relined. A sludge drying bed would be constructed north on the Primary Pond 2. Additionally, one water well would be developed east of Primary Pond 1. Alternative 4 is fully described on pages 21 through 24 of the EA.

### **Alternative 6: Thinning Prescriptions - for a non-commercial funding alternative**

In compliance with Memorandum and Order No. 2:05-cv-00211-MCE-GGH dated 11/04/2009 from Judge Morrison C. England of the United States District Court Eastern District of California the following Thinning Prescriptions for a non-commercial funding was fully analyzed for alternatives 3, 4 and 5. This alternative was not analyzed in the Environmental Assessment (EA) because implementation direction on the court order arrived after the EA went out for comment. To reduce the risk of a wildfire damaging the EL Facility, thinning activities are needed to initiate structural changes that would increase crown base height and remove ladder fuels throughout the stand. This alternative only describes a prescription for fuels reduction.

#### **Thinning Prescriptions - for the non-commercial funding alternative**

Within the timbered stand, there are two aggregates. Aggregate 1 encompasses the majority of the stand. Trees range in size from 3 to 30 plus inches. The aggregate has a homogeneous structure with approximately 200 trees per acre (TPA). The trees are evenly distributed with crowns that touch. Existing basal area (BA) was calculated at approximately 170 square feet (sq ft).

Aggregate 2 is located in the northwest corner of the stand and is approximately 3 acres. The larger trees are generally found at a wider spacing than aggregate 1 with clumps of smaller trees between. Existing BA was calculated at approximately 80 sq ft.

In Aggregate 1 and 2, the prescription would leave all pines 10 inches dbh and greater. Activity-generated fuels would be mechanically and/or hand piled and burned, removed, or chipped to provide organic matter. Table 1 shows how thinning pines that are less than 10 inches in diameter at breast height (dbh) would result in stand having desirable crown base heights and ladder fuels levels. Additional information about thinning pines that are less than 10 inches can be found in the supplementary fuels information, hereby incorporated by reference, located at the Eagle Lake Ranger District, 477-050 Eagle Lake Road, Susanville, CA 96130 in the project record.

**Table 1: Summary of Effects under Alternative 6 for Reducing Fire Hazard.**

Stands	Condition	Flame Length (ft)	Fire Type	Torching Index (TI)	Crowning Index (CI)	Crown Base Height (CBH) (ft)
Aggregate 1	Existing	10	Passive	5	41	7
	Post-Treatment	2	Surface	112	45	26
Aggregate 2	Existing	14	Passive	1	33	5
	Post-Treatment	3	Surface	48	38	14
Project Area	Desired Conditions	< 4.0 ft	Surface	> 30	> 40	15 – 25 +

**Environmental Effects:**

**The Direct, Indirect and Cumulative Effects**

**Air Quality, Engineering, Transportation Systems, Hydrology, Soils, Recreation, Aquatic Wildlife, Botany, Heritage Resources, and Fire and Fuels**

The direct, indirect and cumulative effects for non-commercial funding alternative would be the same as those described on pages 31 to 48, pages 50 to 56 and pages 59 to 61 of the EA.

**Silviculture**

Alternative 6 would change the environmental effects for the action alternatives in the following ways.

**Direct and Indirect Effects to Stand Composition, Stand Structure, and Density**

Under this alternative the forest health objectives and desired conditions identified in the Purpose and Need would not be met. Stands would remain densely stocked, increasing in susceptibility to loss from insect and disease. Table 1 below summarizes the existing and post-treatment stand attributes under this alternative.

Table 1. Summary of Site-specific Stand Attributes for the Non-Commercial Thinning Alternative

Agg	Acres	Upper Diameter	Existing Condition						Post Treatment Stand Conditions					
			BA	SDI	QMD	TPA	CC	CWHR	BA	SDI	QMD	TPA	CC	CWHR
1	varies	10	170	288	12.4	205	44	3M/4M	160	235	17.7	95	40	4M
2	3	10	80	150	10.1	147	35	3P	60	100	12.2	74	24	4P

Immediately after thinning, aggregate 1 would have a noticeable decrease in trees per acre (TPA) with relatively very little change in basal area (BA). Stand density remains above 230. After twenty years, the average stand diameter would increase approximately four inches and basal area would increase to 170 square feet per acre but due to mortality, trees per acre decreases considerably and canopy closure remain relatively the same. Aggregate 2 shows similar results in terms of TPA and BA. The existing stand structure is open so stand density is not projected to be an issue for over twenty years.

## **Direct and Indirect Effects of Harvest Operations and Roads**

The effects of mechanical operations would be the same as those discussed under the Proposed Action.

## **Direct and Indirect Effects on Forest Health**

Thinning would not decrease the risk of stand mortality caused by bark beetles. Thinning would not remove the moderate to heavily infected mistletoe trees. The use of Sporax would not be required under this alternative.

## **Cumulative Effects on Stand Composition, Structure, and Density**

Thinning stands would minimally increase the health and vigor of the remaining trees. Modeling indicates that density-related tree mortality would not be reduced. The forest canopy would not be reduced to a level where the understory vegetation, grass, herbs, and other native brush species would increase.

## **Cumulative Effects on Forest Health**

The risk of bark beetle outbreaks causing large-scale mortality in large, remnant, overstory pines would increase over time, as stands grow increasingly dense. Mistletoe would continue to persist in the stand. Pine reproduction would continue to be infected. Tree growth and form would continue to be impacted. Annosus root disease is expected to remain near current levels throughout the project area.

## **Terrestrial Wildlife Species**

Alternative 6 would change the environmental effects for the action alternatives in the following ways.

### **Northern Goshawk**

#### **Direct and Indirect Effects**

No known nest sites occur in or near the project area (J. Kelley, SPI, person. comm. 2009, J. Carlson, DFG, person. comm. 2009). Although remote sensing indicates that about 5.5 acres of eastside pine 4M exists in the project area, due to the small size of the trees and extensive mortality due to root disease that has opened up the stand, these 5.5 acres do not represent nesting habitat. The forested habitat which encompasses Aggregates 1 and 2, and are proposed for thinning, represent foraging habitat for this species.

Thinning would alter the existing structure of eastside pine forest, changing the existing structural classes to a 4P. According to the California Wildlife Habitat Relationships (CWHR) system, 4P is considered to represent moderate foraging value for goshawks, as do the existing classes of 3M and 4M. Therefore, there should be no substantial change in foraging habitat due to this non-commercial thinning operation. All snags would be retained within the thinning unit, except for

those that require felling due to safety or operability reasons. Snag retention would maintain habitat structure important to a number of prey species.

The presence of an existing sewage facility likely reduces the value of adjacent forest habitat for this species due to chronic human presence and disturbance. Therefore, the minor reductions in habitat quality and quantity in this area is likely of little consequence to this species.

### **Cumulative effects**

The sewage pond goshawk cumulative effects analysis area includes the project area. The analysis area was not expanded beyond this due to lack of any nearby nest site or special habitat features that would warrant including in this assessment.

Past actions within the project area include a 1966 timber sale and past construction of the existing sewage ponds and associated facilities. The existing ponds are located within the meadow edge, therefore their creation did not impact forested goshawk habitat. The past timber harvest likely focused on larger diameter trees, due to the general lack of market for small diameter trees at the time. This alternative would retain all pines 10 inches in diameter and greater in Aggregates 1 and 2, promoting the large tree component in the area. As a result of the aggregate thinning, long term, large diameter tree recruitment would be created on this landscape by reducing inter-tree competition and seedling growth on the residual trees.

On-going actions include an active grazing allotment and hunting. Livestock are excluded from much of the project area due to existing and proposed exclosure fencing around the existing facility; therefore this activity has little to no effect on goshawk prey habitat. Hunting occurs primarily in the late fall and winter, especially during waterfowl season. Creation of a larger sewage pond may increase waterfowl hunting opportunities in this area. This activity would likely not affect foraging goshawks since they could easily disperse from the area during the time hunters are present.

### **Summary of direct, indirect and cumulative effects, and viability determination for northern goshawk**

It is my determination that the non-commercial funding alternative of the Eagle Lake Sewage Ponds Project may affect individuals of northern goshawks, but is not likely to result in a trend towards federal listing or loss of species viability due to, 1) the site is an existing sewage pond facility, and thus human disturbance in this site likely reduces its value to this species, 2) there is no nesting habitat being affected within the project boundaries, and, 3) the project affects an extremely small number of acres of forested habitat.

### **Pallid Bat**

#### **Direct and indirect effects**

This project would reduce forested habitat in the project area by removing all pines less than 10 inches diameter. However, no large old snags and few large diameter (above 23" dbh) live trees

exist in this area, therefore, the potential for roost trees in this area is low. The portion of the project area where all pines less than 10 inches diameter have been removed would provide habitat for insects that represent prey for this species. Any loss of foraging habitat due to sewer pond or sewer pond component construction is an extremely minor loss relative to the amount of open forest and meadow, sagebrush, and other vegetated openings that provide foraging habitat for this species on the District.

Thinning would alter the existing structure of eastside pine forest, changing the existing structural classes to a 4P. All snags would be retained within Aggregates 1 and 2, except for those that require felling due to safety or operability reasons. Due to this being a thinning of pine trees that are below 10 inches in diameter, and due to snag retention, potential roost trees should not be affected in this area. Thinnings that retain large diameter snags and trees would likely benefit this species by encouraging understory vegetation and invertebrate populations while retaining potential roost sites. Thus, actions associated with Aggregates 1 and 2 proposed in this alternative are consistent with suggested conservation measures for this species, which include reducing overstocked stand conditions and implementing vegetation treatments to create open understories that allow for unencumbered flight (USDA 2001, Vol. 3, chapter 3, part 4.4, page 55). Harvests that create openings while retaining roost trees (such as snags, as per this project) within or adjacent to the harvested area may improve habitat for some forest-dwelling bats (Grindal 1996).

### **Cumulative effects**

The established sewage pond project area boundary was considered sufficient as a cumulative effects analysis area for pallid bats because, 1) no spatially-oriented standards and guidelines or LOPs are associated with this species, 2) pallid bats form maternity colonies and thus individuals do not have defined spatial territories that can be mapped or assessed, and, 3) there are no areas within or adjacent to the analysis area that represent unique habitat opportunities for these species that would warrant expanding the project area to include.

The past timber sale, in 1966, removed larger diameter trees from this area, which served to reduce this structural component important to this species for roost sites. This alternative would retain all pines 10 inches in diameter and greater in Aggregates 1 and 2, promoting the large tree component in the area. The proposed thinning would serve to reverse some long-term vegetative trends common throughout the Eagle Lake RD, such as increase densification of eastside pine forests that have likely been detrimental to this species, which prefers more open forest conditions. Long term, the thinnings should also promote the achievement of a large tree component that is deficient in this area.

On-going projects include grazing and hunting. Hunting would not affect this species or its habitat, and due to exclosure fences little livestock grazing occurs on the project area.

Construction of the existing evaporation ponds, which occurred within the existing meadow area, would have reduced foraging habitat, since this species is not known to forage over water.

**Summary of proposed action direct, indirect and cumulative effects, and viability determination, pallid bat**

It is my determination that the proposed activities of the non-commercial funding alternative of the Eagle Lake Sewage Ponds Project may affect individuals of pallid bats, but is not likely to result in a trend towards federal listing or loss of species viability due to, 1) low potential for effects to roost trees and 2) habitat improvement through the thinning of all pines less than 10 inches diameter.

There will be no effect to any of the species analyzed in the Management Indicator Species (MIS) Report except for the Mountain Quail and the Hairy Woodpecker.

**MIS**

**Early and Mid Seral Coniferous Forest Habitat (Mountain quail)**

**Direct and Indirect Effects to Habitat**

1) Post-project, the thinning would alter a variable amount of existing acres of 3 and 4M, and 3 acres of 3P to 4P. The 3 acres of 4P as a result of thinning would continue to represent mid-seral forested habitat.

2) Post-treatment, the thinned units would have a decrease in canopy closure, resulting in a P canopy condition. CWHR 8.2 considers P canopy coverage categories for eastside pine to provide High reproductive and foraging values for mountain quail; while the M canopy coverage provides Moderate reproductive and foraging values (all canopy cover classes provide High values for cover). Therefore, the post-project P classification is considered to provide higher habitat value than would the current M conditions.

3) Due to effects of machinery involved with timber harvest there would be an expected reduction in shrub cover. Long-term, due to opening of canopy in the thinned unit shrub cover should recover to or surpass the pre-treatment levels. Revegetation of native plants within the borrow area would help to restore some shrub cover to this site. The creation of the evaporation pond would not affect existing montane shrub cover, since these do not exist in the meadow area on which the pond would be created.

**Cumulative Effects to Habitat in the Analysis Area.**

The cumulative effects analysis for this habitat was retained at the project area boundary due to there being no unique habitat conditions adjacent to the project that would warrant extending the project boundary to include (size class 3s and 4s are a common size class in eastside pine), nor are there any spatial territories or other features delineated for mountain quail management that could be included.

Past timber harvest in the analysis area has been limited to a 1966 sale. This sale would have primarily have removed larger diameter, mature trees from the project area, which would not have reduced the existing amount of early- or mid-seral forest habitat. By removing mature trees, this past sale may have resulted in a greater amount of early- to mid-seral forest in the area. Although the removal of pine trees less than 10 inches diameter may contribute to a minimal increase in the health and vigor of the remaining trees the forest canopy would not be reduced to a level where the understory vegetation, grass, herbs, and other native brush species would increase.

On-going actions include an active grazing allotment and hunting. Livestock are excluded from much of the project area due to existing and proposed exclosure fencing around the existing facility, and thus would have little to no cumulative effects to mountain quail habitat. Hunting occurs primarily in the late fall and winter, especially during waterfowl season, as evidenced by shotgun shells around the perimeter of the existing sewage ponds. Creation of a larger sewage pond may increase waterfowl hunting opportunities in this area. This activity would not directly affect early- and mid-seral forests in the project area.

#### **Cumulative Effects Conclusion:**

As a result of this alternative, a variable amount of early- and mid-seral forest types would be converted to 4M as a result of the thinning of all pines under 10 inches diameter. Another 3 acres would be altered, but would remain as mid-seral forested habitat.

**There would be no changes to the Summary of Mountain Quail Status and Trend at the Bioregional Scale.**

#### **Snags in Green Forest Ecosystem Component (Hairy woodpecker)**

##### **Direct and Indirect Effects to Habitat.**

The low numbers of snags was considered when designing the thinning portion of the sewage pond project, and thus proposes to retain all existing snags >15" dbh, other than those needed to be felled for safety or operability reasons. Therefore, this project would not substantially affect the existing snag density within the aggregate thinning area, as snags >15" dbh would generally be felled during silvicultural treatments only as needed for operability and as hazards along roads, at landing locations, and other cases where human safety is endangered by the snags.

##### **Cumulative Effects to Habitat in the Analysis Area.**

The cumulative effects analysis for this habitat was retained at the project area boundary due to there being no unique habitat conditions adjacent to the project that would warrant extending the project boundary to include, nor are there any spatial territories or other features delineated for hairy woodpecker management that could be included.

Past actions within the project area include a 1966 timber sale and past construction of the existing sewage ponds and associated facilities. The creation of the existing ponds did not impact

forested habitat; the ponds are located within the meadow edge. Therefore, no effect to snag habitat occurred with this past construction.

The past timber harvest likely focused on larger diameter trees, due the general lack of a market for small diameter trees at the time, and old sales often felled snags due to the perceived fire hazard they represented. Therefore, this past sale likely reduced existing snags at the time, and by removing live green trees, reduced the potential for future large snags. The thinning of all pines under 10 inches diameter would not represent cumulative loss of snags, due to all snags being retained except for those that may be required to be felled for safety or operability reasons.

On-going actions include an active grazing allotment and hunting. Neither activity would affect snags within green forest.

**Cumulative Effects Conclusion:**

Snags within the aggregate thinning area would remain largely unaffected.

## **Public involvement**

A proposal for the Eagle Lake Sewage Ponds Project was listed in the Schedule of proposed Actions (SOPA) starting on October 1, 2008. The proposal was provided to the public and other agencies for comment during scoping which began on April 27, 2009. The scoping package was mailed to 11 individuals and organizations with interest in the EL Facility Project. Additionally, the agency sent a tribal specific letter to nine tribal representatives. Between April 1, 2009 and October 13, 2009 three consultation meeting were held with the Tribes. On October 30, 2009, the agency initiated consultation with the California State Historic Preservation Office (SHPO) requesting concurrence with a finding of “no historic properties affected.” Between May 1, 2009 and October 7, 2009 three meetings and one teleconference were held with individuals and organizations to discuss the EL Facility Project. Two letters and one phone call to review draft comments were received during the scoping period. Copies of the letters received and draft comments may be found at the Eagle Lake Ranger District, 477-050 Eagle Lake Road, Susanville, CA 96130 in the project record.

On December 22, 2009 the Pre-decisional EA was sent to those who participated during scoping and a legal notice announcing the 30-day comment period on the Pre-decisional EA was published in the *Lassen County Times*. No comments were received during the comment period. Two letters received outside the comment period were not considered.

## **Finding of No Significant Impact**

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts as stated in the regulations for implementing NEPA, 40 CFR Parts 1500-1508. These regulations include a definition of “significantly” as used in NEPA and require considerations of both

Context and ten elements of Intensity. The eleven elements of this definition are critical to reducing paperwork through use of a finding of no significant impact when an action would not have a significant effect on the human environment, and is therefore exempt from requirements to prepare an environmental impact statement (EIS). Thus, an EIS for the Lake Sewer Ponds Project will not be prepared. I base my finding on the following:

**(a) Context:**

The project is located on 40-acre National Forest System parcel that is completely surrounded by private land. The 40-acre parcel is located approximately 20 miles northwest of Susanville, California and approximately two miles southwest of Eagle Lake on the Eagle Lake Ranger District of the Lassen NF.

Since the 1970's the EL Facility has been operated by the Lassen NF as a wastewater treatment facility to support Lassen NF's Eagle Lake Recreation Area (ELRA). Lassen National Forest's operation permit with California's Lahontan Region Water Quality Control Board allows approximately 2.6 million gallons of effluent water to be pumped into the facility yearly. For the past ten years Lassen NF has pumped approximately 1.6 million gallons of effluent water into the facility yearly. The ELRA consists of five campgrounds with 318 campsites, two group campgrounds; one 100 person site and one 75 person site, two day use areas, two boat launching facilities, a marina (that includes a store, showers, laundry facilities and fish cleaning stations), Camp Ronald McDonald, a research facility and hiking and biking trails. Per data provided by the ELRA concessionaire (LCF 2009), approximately 80,000 people camped in the campgrounds from May to October of 2009. Additionally, according to the front page of Camp Ronald McDonald's® at Eagle Lake website (on December 10, 2009) their "35 acre, fully handicap-accessible, camp welcomes nearly 1,000 disabled and disadvantaged campers" yearly.

**(b) Intensity:**

**(1) Impacts both beneficial and adverse.**

Effects determinations are summarized in the Eagle Lake Sewage Ponds project EA (pages 31 to 61) and supporting analysis. Both beneficial and adverse effects have been taken into consideration when making the determination of significance. Beneficial effects have not, however, been used to offset or compensate for potential significant adverse effects.

**(2) Public health or safety.**

There will be no significant effects on public health and safety, because of project design features, which includes the implementation erosion control plan to address water quality concerns related to the expansion of the EL Facility (see EA page 36 to 42) and a smoke management plan to address air quality concerns related to prescribed burning (see EA page 31).

**(3) Unique characteristics of the geographic area.**

There will be no significant effects on unique characteristics of the area. The two cultural sites in the project area were determined not eligible for the National Register of Historic Places and as such they were released from management (see EA pages 56). Additionally, the entire Little Merrell Flats wetlands

including that portion of Little Merrell Flats wetlands located in the project area will continue to exist upon completion of the project (see EA pages 40 and 41).

**(4) Highly controversial.**

The effects on the quality of the human environment are not likely to be highly controversial. There is no known scientific controversy over the impacts of the project (see EA pages 31 to 61).

**(5) Degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk because the Forest Service, as a whole, manages many biological treatment systems throughout the United States. Many of these facilities treat wastewater. Established engineering practices and procedures are also readily available in the environmental industry to guide the design, construction, and monitoring of the facilities proposed. As such, this project does not involve unique or unknown risks to the human environment (see Engineering Report page 2).

**(6) Precedent for future actions with significant effects or decisions in principle about future considerations.**

The Eagle Lake Sewage Ponds Project is site-specific and is not likely to establish a precedent for future actions with significant effects, because the significant issue that was identified from public comments was addressed by the development of Alternatives 3, 4 and 5 (see EA pages 16 to 24). The implementation of this decision will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Any future projects within or adjacent to the project area require additional site-specific analysis and separate decisions as required under NEPA..

**(7) Relationship to other actions with individually insignificant but cumulatively significant impacts.**

As shown on pages 31 through 60 in the EA, all resources have addressed cumulative effects and concluded the cumulative impacts are not significant.

**(8) Adverse effects on properties listed or eligible for National Register of Historic Places, or loss of significant scientific/cultural/historical resources.**

The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because a cultural resource analysis was conducted for the Eagle Lake Sewer Ponds Project in conformance with regulations of the National Historic Preservation Act (NHPA), 1966, as amended (P.L. 89-665, 80 Stat.915); the National Environmental Protection Act (1969), Archaeological Resources Protection Act of 1979 (ARPA), Native American Grave Protection and Repatriation Act (1990: P.L. 101-601), and American Indian Religious Freedom Act (1978: P.L. 95-341), and as called for by the First Amended Regional Programmatic Agreement among the U.S.D.A. Forest Service, Pacific Southwest Region, California, State Historic Preservation Officer, and Advisory Council On Historic Preservation, regarding “The Process For

Compliance With Section 106 Of The National Historic Preservation Act For Undertakings On The National Forests Of The Pacific Southwest Region (USDA 2001) (Regional PA)”. Two cultural sites in the project area were determined not to be eligible for the National Register of Historic Places (see EA pages 56). Additionally, a letter dated February 11, 2010, from the California State Historic Preservation Office stated they concurred that the two cultural sites were not eligible for the National Register of Historical Places.

**(9) The degree to which this action may adversely affect an endangered or threatened species or critical habitat.**

The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because no federally listed terrestrial, aquatic, or botanical species exist within or adjacent to the project area (see EA pages 49, 50, and 53).

**(10) Whether the action threatens a violation of Federal, State, or local law or requirement imposed for the protection of the environment.**

The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA pages 1, 13-15, 24- 29 and 61 - 63).

## **Findings required by other laws and regulations**

### **Forest Plan Consistency**

With the exception of the following Forest Plan amendment this decision is consistent with the 1992 *Lassen National Forest Land and Resource Management Plan* (LRMP) and 1993 *Record of Decision* (ROD) as amended by the *Herger-Feinstein Quincy Library Group Forest Recovery Act* (HFQLG) *Final Environmental Impact Statement* (FEIS), *Final Supplemental Environmental Impact Statement* (FSEIS) and RODs (1999, 2003), the *Sierra Nevada Forest Plan Amendment* (SNFPA) FSEIS and ROD (2004), and the *Sierra Nevada Forests Management Indicator Species* (SNF MIS) Amendment FEIS and ROD (2007).

The Non-significant Forest Plan Amendment:

This is a project specific plan amendment to deviate from the following soils standard and guideline which states “*The areal extent of detrimental soil disturbance would not exceed 15 percent of the area dedicated to growing vegetation*”. The 40-acre parcel, where the EL Facility is located, has been managed as an administrative site, since its construction. The administrative use of this 40-acre parcel for the EL Facility is consistent with the Forest Plan goals to manage the ELRA.

Integrated design features require certain project-specific measures be taken to meet Standards and Guidelines and applicable Best Management Practices. Additionally, as discussed further in the resource reports, this project is also in compliance with the *National Forest Management Act* (1976), the *Endangered Species Act* (1973), the *National Historic Preservation Act* (1966, as amended), the *Clean*

*Water Act* (1972, as amended), the *Clean Air Act* (1963, as amended), and the *Migratory Bird Treaty Act* (1918, as amended).

## **Administrative Review or Appeal Opportunities**

Since no comments expressing concerns were received during the 30-day comment period, this decision is not subject to appeal [36 CFR 215.12(e) (1)].

## **Implementation**

Project implementation may begin immediately.

## **Contact person**

For additional information concerning this decision or the Forest Service appeal process, contact Theresa M. Frolli, Eagle Lake Ranger District, 477-050 Eagle Lake Rd., Susanville, CA 96130, (530) 257-4188.

/s/ John Exline

March 10, 2010

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John Exline  
Acting Forest Supervisor  
Lassen National Forest

Date:

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