

**Decision Notice  
And  
Finding of No Significant Impact  
Million Fire Salvage Timber Sale**

**USDA Forest Service  
Rocky Mountain Region  
Rio Grande National Forest  
Divide Ranger District  
Rio Grande County, Colorado**

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**Introduction**

This Decision Notice documents my decision for the Million Fire Salvage Timber Sale project. This Decision Notice contains a brief summary of the environmental analysis completed for this project as well as my decision regarding which alternative to implement and the rationale for my decision. It also contains certain findings required by various laws, and information concerning the rights to administrative review of this decision. The Million Fire Salvage Timber Sale Environmental Analysis, completed for this project is incorporated by reference in this decision document and is attached.

The Million Fire began on June 19, 2002, and burned approximately 9, 222 acres (1,366 acres of private land and 7,856 of National Forest System lands) near South Fork, Colorado. Eleven homes were destroyed.

Burned Area Emergency Rehabilitation (BAER) work started as soon as the fire was contained. The BAER work provided short-term mitigation of the fire's effects and involved projects such as seeding, mulching, erosion control structures, and falling dead trees to trap eroding soil. These measures were implemented on high-risk areas to reduce the likelihood of damage to life and property. BAER treatments have been applied to approximately 4,000 acres of the burned area. Additional Burned Area Rapid Assessment (BARA) projects have been completed in the fire area in the year following the burn.

The Million Fire Salvage Timber Sale project proposes to salvage a portion of the fire-killed trees from the 9,222 acre area burned by the Million Fire. The project boundary lies within the Million Fire Boundary on the Divide Ranger District, Rio Grande National Forest, Colorado. The Environmental Assessment (EA) For Comment for the Million Fire Salvage Timber Sale was prepared and released for public review and comment in June 2003. The EA describes the alternatives of the proposed action and the effects those alternatives may have on the environment.

**Decision**

Based on the environmental assessment (EA) completed for this project, as well as comments received from scoping and the 30-day public review of the EA For Comment, it is my decision to select Alternative 3, with modifications, for implementation.

Million Fire Salvage Timber Sale  
Decision Notice and Finding of No Significant Impact

The Selected Alternative, Alternative 3 as modified, will salvage approximately 550 acres of burned timber, yielding about 2.5 million board feet (mmbf). The Selected Alternative eliminates approximately 10 acres of steeper slopes and areas with sensitive soils from Alternative 3. The Selected Alternative generally limits salvage activities to slopes of 30% or less. The Selected Alternative salvage areas are shown on the attached Selected Alternative Map.

The Selected Alternative includes the following main elements from Alternative 3 with elements added or modified to address public and agency input on the project:

- ◆ Use adaptive management for salvage harvest operations to ensure protection of resources.
- ◆ Monitor operations and salvage areas during harvest to ensure management and resource protection objectives are achieved.
- ◆ Salvage harvest will not occur in:
  - Areas greater than 30% slope, unless for safety reasons.
  - Areas within aquatic or riparian zones.
  - Known heritage resource sites.
  - Inventoried Roadless or unroaded areas.
  - Areas that would negatively affect BAER (Burned Area Emergency Rehabilitation or BARA (Burned Area Rapid Assessment) treatments.
- ◆ Salvage harvest will occur under the following restrictions:
  - Best Management Practices (BMPs) for water quality protection will be applied to all ground-disturbing activities.
  - Best management practices and implementation of watershed protection mitigations will be monitored.
  - Salvage activities are generally limited to slopes 30% or less.
  - Skidding operations will be allowed when soil moisture remains below the plastic limit.
  - Slash will be scattered throughout the stand to limit soil erosion and provide nutrients for the soil.
  - Raptor nests and cavities located in or near the salvage area will be monitored.
- ◆ Reclamation of skid trails and landings may include subsoiling, seeding, fertilizing and mulching with weed-free straw.
- ◆ All logging equipment used off major haul roads will be washed before entering the forest to remove noxious weed seeds.
- ◆ Snags will be retained, at a minimum of 2-3 per acre, in clumps where practical.
- ◆ Re-mulch along Road 345 if the area is disturbed by harvest operations.
- ◆ Access to the salvage harvest areas may occur under the following restrictions:

Million Fire Salvage Timber Sale  
Decision Notice and Finding of No Significant Impact

- No new roads will be constructed or reconstructed.
- Reclaim skid trails, landings and other impacted areas by water barring, scarifying, subsoiling, seeding, and using earthen barriers to block access where necessary after harvest.
- ◆ Log hauling will not occur on weekends or federal holidays.
- ◆ Ten acres will be removed from harvest as compared to Alternative 3.

## **Rationale for the Decision**

In making this decision, I considered applicable laws, regulations, and policy, and the information disclosed in the EA, the planning record, and the Forest Plan. I considered how the alternatives meet the Purpose of and Need for Action and address the issues. I also carefully considered public and agency comment to this project.

I made my decision based upon the best science and information available.

I considered the alternatives presented in the EA, and the potential environmental, social, and economic effects of the alternatives. I selected Alternative 3, as modified, because it best addresses public comments received on the EA and concerns by the interdisciplinary team.

The Selected Alternative best meets the Purpose of and Need for Action for salvaging burned timber using the existing road system while improving wildlife habitat by re-establishing vegetation through ground scarification and mulching. The Selected Alternative protects the soil and watershed resources, and responds to public comment.

The Selected Alternative also best addresses the relevant issues, concerns, and opportunities.

### **Issue 1. Recover the value of burned timber.**

While not recovering the value of all the burned timber, the Selected Alternative does salvage approximately 2.5 mmbf of timber and will contribute to the wood fiber needs of society and results in some positive benefits to the regional economy. The remaining burned timber will not be salvaged in this project due to resource and public concerns.

### **Issue 2. Watershed health.**

I modified Alternative 3 for the Selected Alternative primarily to reduce the potential adverse effects to soils relating to watershed health. While Alternative 3 is expected to have minor, if any, adverse affect on watershed health and may slightly improve the overall watershed condition, eliminating harvest on ten acres of steeper and more sensitive soils will further reduce the potential for any adverse effects due to salvage activities.

Million Fire Salvage Timber Sale  
Decision Notice and Finding of No Significant Impact

Issue 3. Soil health.

Issue 2 and 3 are closely related. I also modified Alternative 3 for the Selected Alternative to reduce the potential adverse effects of salvage activities on soil erosion. While Alternative 3 is expected to have minor adverse effect on soil compaction and nutrients and may slightly reduce erosion; eliminating harvest from ten acres of steeper and more sensitive soils will further reduce the potential for any adverse effects from erosion and compaction due to salvage activities.

The management requirements, mitigation measures, and adaptive management techniques in the Selected Alternative will ensure protection of soils, watershed conditions, and wildlife habitat. I have found that the mitigation measures are effective based on their successful use in similar projects.

I believe the Selected Alternative is a good balanced decision. The Selected Alternative will recover some value in the burned timber; providing wood products needed by society, and regional economic benefits and opportunities, while protecting the forest resources.

It minimizes adverse effects to soils, water, wildlife, recreation, and other resources. The Selected Alternative's management practices and mitigation measures, combined with monitoring and adaptive management, ensure the project's objectives will be achieved in an environmentally sensitive manner.

I considered the economic analysis conducted for this project and find that it is adequate under FSM 1970.6. The responsible official determines the scope, appropriate level, and complexity of economic and social analysis needed.

In addition to the benefits of salvaging burned timber, the Selected Alternative will also provide other fire rehabilitation benefits including seeding areas not already covered by BAER and BARA projects, reducing the cost of reforestation, and providing greater safety within the salvage units.

### **Alternatives Considered**

Three alternatives were considered in detail in the EA. Alternative 1, the no-action alternative represents the existing situation in the burn area. It would salvage no timber and no additional rehabilitation activities would occur. No economic value from the burned timber would be recovered. This alternative does not meet the purpose of and need for the project.

Alternative 2 proposed salvage harvest on approximately 623 acres of the burn area using the existing road system. Approximately 3 mmbf of timber would be salvaged. The salvage harvest includes mitigation measures and burned area rehabilitation activities.

Alternative 3 limits salvage harvest to slopes 30% or less. It proposed salvage harvest on approximately 560 acres of the burn area using the existing road system. Approximately 2.5 mmbf of timber would be salvaged.

Million Fire Salvage Timber Sale  
Decision Notice and Finding of No Significant Impact

Two additional alternatives were considered but eliminated from further detailed analysis. Salvage harvest in the Shaw Mesa / Model T Park area was considered but eliminated from this project analysis due to access concerns. It may be re-evaluated at a later time. A Restoration Alternative proposed through public scooping would have used passive management techniques to rehabilitate the burned area. It was considered but eliminated from further analysis because it would not meet the purpose and need of the project and most of the proposed activities were all ready being conducted as part of the BAER, BARA, and educational projects ongoing on the Divide Ranger District.

## **Public Involvement**

The Forest Service invited public, tribal government, and other agency comment and participation throughout this planning process with publication in the quarterly Rio Grande National Forest *Schedule of Proposed Actions*, public notice in the newspaper of record, public field visits, a scoping letter, and posting on the Rio Grande National Forest website. Seven comment letters were received during scoping.

A letter inviting review and comment on the EA For Comment was sent out to approximately 30 individuals, agencies, and organizations and posted on the Forest's website. The EA For Comment was also made available by public notice in the *Valley Courier* on June 27, 2003. Four letters were received during the 30-day public comment period. These are addressed in Chapter Five in the attached EA.

## **Consistency**

I find the Selected Alternative is consistent with applicable federal, state, and local laws and requirements for the protection of the environment and with agency policy and direction. Applicable laws and regulations were considered in the EA. The Selected Alternative is also consistent with the 1996 Revised Land and Resource Management Plan for the Rio Grande National Forest, as amended.

## **Finding of Significant Impact (FONSI)**

I have reviewed the environmental effects described in the EA and evaluated whether the Selected Alternative constitutes a significant effect on the quality of the human environment or whether the environmental impacts would be significant based on their context and intensity as defined by the National Environmental Policy Act (NEPA) using the criteria in the implementing regulations (40 CFR 1508.27).

I have determined that the implementation of the Selected Alternative will not result in any anticipated effects that exceed the level at which a significant effect on the human, biological, or physical environment in terms of context or intensity would occur. Both beneficial and adverse effects have been considered. The effects from the Selected Alternative are expected to be minor. The effects are not highly uncertain and do not

Million Fire Salvage Timber Sale  
Decision Notice and Finding of No Significant Impact

involve unique and unknown risks. The action will not, in relation with other actions, cause cumulatively significant impacts.

Context

This project is local and would affect only a small portion of the Million Fire Area. Harvesting activities to salvage dead and/or dying trees would occur on approximately 6% of the Million Fire burned area. This area comprises less than 0.02% of the forested lands of the Rio Grande National Forest.

Environmental Effects and Intensity

I find that the Selected Alternative can be implemented without significant effects on economic, cultural, and natural resources as documented in the EA. Adverse effects on soils, water, air, wildlife, recreation and vegetation are judged to be not significant due to the small scale of the operational impacts, the short-term temporary nature of the project, and the mitigation and monitoring measures. There will be some beneficial effects.

Salvage harvesting dead and/or dying trees will not have significant impacts to soil and water because disturbing activities will occur on slopes that are less than 30%, slash left on the site will help reduce erosion, and additional water bars/slash/contour felling will be implemented as necessary. Skid trail impacts will be mitigated by subsoiling, seeding, water barring, mulching, and fertilizing. The implementation of mitigation measures, Watershed Conservation Practices and the adaptive management approach of the project will ensure protection of the watershed. No significant impacts are expected to affect fisheries or other resources.

Based on WEPP (Water Erosion Prediction Program) modeling predictions (EA, Section 3.5) and the implementation of mitigation measures, there will be minimal additional sediment and possibly less sediment from the salvage activities beyond the effects from the fire. The addition of slash to the project area will assist in decreasing sediment over the next several years.

The Selected Alternative effects to wildlife will be minor and short term. Harvest activities may temporarily displace some wildlife. A slight reduction in foraging, roosting and nesting habitat for snag dependant species may occur in the project area. The Million Fire area outside of the salvage area has an abundance of snags, far more than before the fire. Less than 6% of the Million Fire area is affected by this project.

Recreationists and residents may be affected by noise, visual intrusions, or reduced access during harvest and hauling activities. These effects are expected to be minor and short-term occurring during the active period of salvage operations. The project will change the visual character of the burned landscape, but not be visually detrimental and therefore not significant (EA, Section 3.14).

The transportation system and its users will be affected because of truck traffic associated with the salvage harvest. This will be a minor short-term effect. The Selected Alternative will result in an estimated 400 truckloads of salvaged timber. Mitigation measures will reduce recreation, safety and environmental impacts by not allowing

Million Fire Salvage Timber Sale  
Decision Notice and Finding of No Significant Impact

hauling on weekends, placing signs to warn visitors of log hauling traffic, and requiring appropriate road maintenance.

There could be a potential for an increase in fine fuel loads in the salvage areas over the short term but the salvage harvest will reduce overall fuel levels.

The Selected Alternative will not affect either the short-term or long-term productivity of the Rio Grande National Forest, in terms of sustainability of the resources or outputs associated with them, from the current management direction.

This decision causes no irreversible or irretrievable commitment of resources.

#### Public Health and Safety

The project activities will comply with all state and federal regulations. I find there will be a positive effect on public health and safety because the actions will reduce the risk of standing fire-killed trees posing a hazard to Forest Service personnel and the public.

#### Unique Characteristics of the Area

I find there are no significant effects on unique characteristics of the Rio Grande National Forest such as historic or cultural resources, parklands, prime farmlands, wetlands, floodplains, wild and scenic rivers, Wilderness areas, inventoried roadless areas, or ecologically critical areas. The Selected Alternative will have no adverse effect on districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic places, and there is no loss of significant scientific, cultural, or historical resources.

#### Controversy

While many aspects of forest management tend to be somewhat controversial, the effects of the Selected Alternative on the human environment are unlikely to be highly controversial. No new or unusual methods or activities are proposed. The action does not establish a precedent for future actions with significant effects or represent a decision in principle about future considerations. Similar projects conducted in the future will have to be evaluated under National Environmental Policy Act (NEPA) for the significance of the effects of those specific actions.

#### Uncertainty

The analysis shows the effects are not uncertain and do not involve unique or unknown risk. Similar actions have been implemented within the Million Fire area and in other areas in the West. Monitoring and adaptive management measures will ensure effects are within the expected parameters.

#### Cumulative Impact

I find that the cumulative impacts are not significant because this activity, when considered with other past or reasonably foreseeable actions is not expected to have a cumulatively significant impact (EA, Chapter 3).

Million Fire Salvage Timber Sale  
Decision Notice and Finding of No Significant Impact

Threatened, Endangered, Sensitive Species (TES) and Management Indicator Species (MIS).

A Biological Assessment (BA) and Biological Evaluations (BE) were completed for this project.

The BA (Appendix 3) determined that the proposed action will have No Effect upon Bald Eagle, Southwestern Willow Flycatcher, Mexican Spotted Owl and Uncompahgre Fritillary Butterfly and May Effect, but is Not Likely to Adversely Affect, Canada Lynx. The U.S. Fish and Wildlife Service concurred with the BA's determinations on October 14, 2003.

The BE completed for plant species determined that the proposed action will have No Impact upon plant species listed as sensitive. The wildlife BE determined that the proposal will have No Impact upon the majority of the Forest's sensitive species and May Impact individuals of some species but is not likely to cause a trend towards Federal listing or result in loss of viability in the planning area. Species specific information is included within the BE's (Appendices 2 and 4).

An MIS analysis (EA Section 3.17) for this project was also completed and determined that the proposed action and its relationship to MIS species and the habitat types they represent, is not expected to impact the viability of these species in the future nor will it cause a significant population shift or change in population numbers within the planning area or Forest as a whole.

I concur with the determinations made within these documents.

Civil Rights

There are no civil rights issues, and none of the alternatives have any civil-rights-related effects because the Selected Alternative actions have no effect on rights protected under civil rights law. Local tribal governments were consulted during the analysis. The project will have no effect on local tribes.

Legal Requirements for Environmental Protection

I find the Selected Alternative is consistent with all applicable federal, state, and local laws and requirements for the protection of the environment. The Selected Alternative is also consistent with the Revised Land and Resource Management Plan for the Rio Grande National Forest, as amended.

**Finding and Conclusion**

Based on the environmental assessment and the above considerations, I find that the Selected Alternative is not a major action that will constitute a significant effect on the human environment. Therefore, it does not require the preparation of an environmental impact statement.

Million Fire Salvage Timber Sale  
Decision Notice and Finding of No Significant Impact

## **Implementation**

Pursuant to 36 CFR 215.9(a), if no appeal is filed, implementation of this decision may occur on, but not before, the fifth day from the close of the appeal filing period.

## **Right to Appeal or Administrative Review**

This Decision is subject to administrative review (appeal) pursuant to 36 CFR 215. Pursuant to 36 CFR 215.13 (b), only those individuals or organizations who submitted substantive comments during the comment period may file an appeal.

Any appeal of my Decision must be fully consistent with 36 CFR 215. It is an appellant's responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed. Appeals (including attachments) must be in writing and contain, as a minimum, the following information (§ 215.14):

- (1) Appellant's name and address (§ 215.2), with a telephone number, if available;
- (2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- (3) When multiple names are listed on an appeal, identification of the lead appellant (§ 215.2) and verification of the identity of the lead appellant upon request;
- (4) The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- (5) The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251, subpart C (§ 215.11(d));
- (6) Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- (7) Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- (8) Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
- (9) How the appellant believes the decision specifically violates law, regulation, or policy.

Notices of Appeal that do not meet the requirements of 36 CFR 215.14 will be dismissed.

A written notice of appeal must be filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the Appeal Deciding Officer within 45 days

Million Fire Salvage Timber Sale  
Decision Notice and Finding of No Significant Impact

following the date of publication of legal notice of this Decision in the *Valley Courier*, published in Alamosa, Colorado. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an appeal (§ 215.15 (a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

Electronic appeals must be in Microsoft Word or RTF. Other electronic forms of appeals such as Word Perfect and PDF are not acceptable. Electronic appeals should be sent to: [appeals-rocky-mountain-regional-office@fs.fed.us](mailto:appeals-rocky-mountain-regional-office@fs.fed.us). For electronically mailed comments or appeals, the sender should normally receive an automated electronic acknowledgment from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgment of the receipt of the comments, it is the sender's responsibility to ensure timely receipt by other means.

Notices of appeal must be filed with:  
Attn: Appeal Deciding Officer  
USDA, Forest Service, Region 2  
P.O. Box 25127  
Lakewood, CO 80225-0127

Fax: 303-275-5134

Email: [appeals-rocky-mountain-regional-office@fs.fed.us](mailto:appeals-rocky-mountain-regional-office@fs.fed.us)

### **For Additional Information**

A copy of the EA is available for review at the Rio Grande National Forest, Divide Ranger District, 13308 West Highway 160, Del Norte, CO 81132. The EA is also posted on the Rio Grande National Forest web site:

<http://www.fs.fed.us/r2/riogrande/planning/planning.htm>

For a copy of this Decision Notice and the EA, or for additional information, please contact Steve Brigham, Project Leader at (719) 657-3321.

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THOMAS MALECEK

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Date

District Ranger  
Divide District  
Rio Grande National Forest