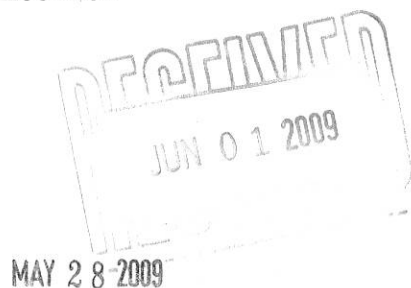




United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

IN REPLY REFER TO:



Mr. Nolan Colegrove, Forest Manager
Hoopa Valley Tribe
P.O. Box 368
Hoopa, CA 95546

Dear Mr. Colegrove:

Please be advised that the Bureau of Indian Affairs (BIA) has reviewed and adopted the programmatic Environmental Assessment for the proposed *10-Year Fuels Management Plan* (Fuels Plan) at the Hoopa Valley Indian Reservation. The BIA has issued a Finding of No Significant Impact (FONSI) for the Fuels Plan (enclosure). Because the Federal actions under the Fuels Plan are not expected to have a significant impact on the quality of the human environment, an Environmental Impact Statement is not required. Please note that our conditional FONSI does not authorize any fuels treatment projects. As individual fuels projects are identified by the Tribe, focused National Environmental Policy Act reviews will need to be completed by the Tribe and BIA before the projects can be initiated.

Please advertise the enclosed *Notice of Availability* and post it at the Tribal Office and place a notice in the local paper for purposes of public review and comment. The comment period will be effective from the date of this letter until the close of business on June 26, 2009. Please have a copy of the FONSI and Environmental Assessment available for tribal members and the public to review at your office.

Similarly, the enclosed Decision Record needs to be advertised and posted. The 30-day appeal period will expire on June 26, 2009.

If you have any questions concerning this letter, please contact Jay Hinshaw, Environmental Compliance Coordinator, at (916) 978-6021, or Ron Recker, Acting Chief, Division of Natural Resources, at (916) 978-6065.

Sincerely,

Regional Director

Enclosures

cc: Clifford Lyle Marshall, Chairman, Hoopa Valley Tribe



FINDING OF NO SIGNIFICANT IMPACT (FONSI)

PROGRAMMATIC 10-YEAR FUELS MANAGEMENT PLAN HOOPA VALLEY INDIAN RESERVATION, HUMBOLDT COUNTY, CALIFORNIA

The Bureau of Indian Affairs (BIA), Pacific Regional Office (PRO) has reviewed and adopted the September 2008 Environmental Assessment (EA) for the Hoopa Valley Indian Reservation Programmatic 10-Year Fuels Management Plan (Fuels Plan). For forest health, re-initiation of cultural burning practices, cultural plant materials enhancement and fire protection purposes, the Hoopa Valley Tribe proposes to conduct a series of fuels treatments at the Reservation using fuels treatments including mechanical removal of non-commercial trees, mastication of small trees, brush, slash, hand-clearing, and prescribed burning. The proposed federal actions would include: approval of possible forest product use/sale permits (biomass/pulp/logs); funding of fuels treatment projects; and approval of burn permits.

In accordance with Federal requirements and Hoopa Valley Tribal goals, the forestland and forest resources at the Hoopa Valley Indian Reservation are managed scientifically for long term sustainability. Under the amended Hoopa Valley Programmatic Forest Management Plan (FMP), Tribal forest management has been certified by SMARTWOOD as ecologically sustainable in perpetuity. The Hoopa Valley Tribe's Fuels Plan EA is tiered to the Tribe's FMP EA; however, the FMP is currently being revised by the Tribe and a new supporting EA is in preparation.

LOCATION

The Fuels Plan area comprises the entire 90,700-acre Hoopa Valley Indian Reservation in northern Humboldt County, California (refer to EA maps on pages 3 and 6).

PROJECT DESCRIPTION

Potential fuels management activities are outlined in detail in the EA prepared jointly by the Holl Consulting, Wildland Rx, and Upstate CA, LLC. The EA was further refined with information received from the Tribe's Forestry Division staff and the BIA's Pacific Regional Office Natural Resources Division and Environmental Division staff. The EA is available for public review at the Hoopa Valley Tribal Office and the Hoopa Forestry Division Office in Hoopa, California, and at BIA-PRO in Sacramento, California.

In the EA, the environmental consequences of alternatives including Alternative 1 (the preferred alternative) and Alternative 2 (the no action alternative) were evaluated. Alternative 2 would consist of continuing to manage fuels at the Reservation under the current management regime (the status quo). Although limited creation and maintenance of fuel breaks and firebreaks and occasional completion of small prescribed fires would occur, overall fuel loading in the Tribe's forestland would continue increasing to unsafe levels. Alternative 1 would consist of implementing a variety of fuels treatment activities on less than 20% (20,000 acres) of the Reservation over the 10-year management period.

Proposed treatments include: creation and maintenance of firefighter defensible space around residences/structures, handlines/firelines around prescribed burns, traditional and shaded fuelbreaks, fuels reduction areas, activity fuels (slash resulting from forest management and/or timber sale activities) treatment, release of plantations, thinning and creation of plantation fire buffers, treatment and/or tree salvage of burned areas and blowdowns, and re-establishment of burning to maintain forest openings and to enhance specific plant and wildlife habitats. Fuels treatment methods would include the widespread use of hand and mechanical clearing and mastication, conducting seasonal pile burns and strategically located prescribed burns.

The Hoopa Valley Tribal Council and BIA-PRO selected Alternative 1 because it will help protect Trust resources, will protect resident and firefighter safety and property, and will reduce the risk of future catastrophic wildfires by reducing fuel loads. Alternative 2, the no action alternative (i.e., not adopting the 10-year Fuels Plan), was rejected because it would not meet the Tribe's safety and forest management needs and would result in the continued build-up of dense hazardous fuels, thus placing Trust resources, responding firefighters, Tribal residents and their property at risk from possible future catastrophic wildfires.

REASONS FOR ISSUING A FONSI

- A. The Hoopa Valley Natural Resources Department staff reviewed the project and interviewed Tribal Council members and consulted the public and Tribal members. Tribal resource experts visited the project area, assessed potential impacts to important cultural and natural resources, and made significance determinations regarding anticipated impacts. The information summarized in the Programmatic Fuels Plan EA allowed BIA to agree with the Tribe's conclusion that the actions will not result in significant impacts to the human environment. The Fuels Plan and supporting EA were presented to the Hoopa Cultural Committee and to Tribal Council and were approved.
- B. The proposed Programmatic Fuels Plan and EA were disclosed to the public. A scoping notice announcing preparation of an Environmental Assessment for the Fuels Plan was published in the Hoopa People Newspaper on March 24 and March 31, 2004. No comments were received by BIA or by the Tribe.
- C. Per Section 106 of the National Historic Preservation Act, the State Historic Preservation Officer will be consulted for each project with a federal nexus involving earth-moving activity or that could otherwise potentially affect Historic Properties. Should cultural resources be inadvertently discovered during the project, work would stop in the area of the discovery and the stipulations of 36 CFR 800.13 would be followed. It is anticipated that there will be no adverse impacts from proposed actions on National Register or National Register-eligible properties through avoidance of any such sites in the project area, by adopting low-impact fuels removal methods, and by minimizing flame lengths during prescribed burning.

- D. As individual projects are identified under the Fuels Plan, Tribal biologists will evaluate potential impacts to Federal listed threatened and endangered (T&E) species. Should it be determined that a proposed action may affect T&E species, consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Oceanic and Atmospheric Administration's Fisheries Division (NOAA Fisheries), as appropriate, will be completed in accordance with Section 7 of the Endangered Species Act. Mitigation measures designed to prevent significant adverse impacts to the Northern spotted owl would be implemented. Some prescribed burning will be conducted specifically to enhance spotted owl foraging habitat. The Tribe is actively monitoring the Pacific fisher (a Federal candidate for listing) and its habitat on the Reservation and, in cooperation with FWS, is taking management steps designed to preclude federal listing of the species.
- E. Significant adverse impacts on riparian habitat or Effective Fish Habitat are not expected. Operations and mitigations have been designed to minimize incremental increases in water temperatures and sedimentation, and minimize effects to peak flow. Factors/mitigation contributing to this determination: (1) Riparian reserves established by the Hoopa Valley FMP will be implemented, maintaining streamside canopy cover and stand structure; and (2) any and all protective measures required by NOAA Fisheries will be implemented.
- F. Significant impacts to air quality are not anticipated. Compliance with the Clean Air Act will be accomplished by adherence to rules 207 and 208 issued by the North Coast Unified Air Quality Management District. Prescribed burns and pile burning will be conducted under the authority of a BIA-approved burn plan (which include a smoke management plan) during periods when air pollution levels are relatively low. Although PM-10 emissions would increase due to prescribed burning, the impacts Reservation-wide would be less than significant and would be in compliance with State air quality standards which are more stringent than Federal standards.
- G. Projects implemented under the Fuels Plan are not anticipated to result in significant impacts to public health or safety, or unique geographical features or prime or unique farmlands or water quality.
- H. The actions have been determined to be consistent with ecological sustainable management principles and will not have scientifically highly controversial or uncertain effects to the environment or involve unique or unknown environmental risk.
- I. As described in the EA, the actions will not result in cumulatively significant environmental effects and will not establish a precedent for future actions.
- J. The actions will not result in violation threats to Federal, state, local, or tribal law or other requirements imposed for environmental protection.

Based on the analysis and evaluation described in the EA and the supporting documents, I have selected the preferred alternative (Alternative 1). The no action alternative will not meet the objectives and needs of the Hoopa Valley Tribe. Furthermore, I have determined that the

proposed actions in the preferred alternative are not federal actions significantly affecting the quality of the human environment. Therefore, in accordance with 42 USC section 4332 (2) (C) of the National Environmental Policy Act of 1969, as amended, an Environmental Impact Statement is not required. This FONSI is a finding on environmental effects, not a decision to proceed with an action, therefore cannot be appealed. 25 CFR Part 2.7 requires a 30-day appeal period after the decision to proceed with the action is made before the action may be implemented.

Doh M

Regional Director
Bureau of Indian Affairs
Pacific Regional Office

5/26/09

Date

DECISION RECORD
PROGRAMMATIC 10-YEAR FUELS MANAGEMENT PLAN
HOOPA VALLEY INDIAN RESERVATION,
HUMBOLDT COUNTY, CALIFORNIA

Notice is hereby given that the Bureau of Indian Affairs (BIA), Pacific Regional Office has decided to proceed in implementing Federal actions associated with the Hoopa Valley Tribe's *10-Year Fuels Management Plan* (Plan). These Federal actions will include: approval of possible forest product use/sale permits; funding of fuels treatment projects; and approval of burn permits potentially affecting up to 20,000 acres of the 90,700-Reservation over a 10-year period.

Specific Tribal activities conducted under the Plan may include: creation and maintenance of firefighter defensible space around residences/structures, handlines/firelines around prescribed burns, traditional and shaded fuelbreaks, fuels reduction areas, activity fuels (slash resulting from forest management and/or timber sale activities) treatment, release of plantations, thinning and creation of plantation fire buffers, treatment and/or tree salvage of burned areas and blowdowns, and re-establishment of burning to maintain forest openings and to enhance specific plant and wildlife habitats. Fuels treatment methods would include the widespread use of hand and mechanical clearing and mastication, conducting seasonal pile burns and strategically located prescribed burns.

The BIA made this decision because the proposed actions will help protect Trust resources, will protect resident and firefighter safety and property, and will reduce the risk of future catastrophic wildfires by reducing existing fuel loads and the continued build-up of hazardous fuels. A decision otherwise (the No Action Alternative) would have threatened the lives and safety of Tribal residents and firefighters and would have increased the risk of Trust asset/natural resource loss from potential wildfires.

This decision may be appealed to the Interior Board of Indian Appeals, 801 N. Quincy Street, Suite 300, Arlington, VA 22203, in accordance with the regulations in 43 CFR 4.310-4.340. Your notice of appeal to the Board must be signed by you or your attorney and must be mailed within 30 days of the date of this decision. It should clearly identify the decision being appealed. If possible, attach a copy of the decision. You must send copies of your notice of appeal to (1) the Assistant Secretary – Indian Affairs, U.S. Department of the Interior, 1849 C Street, N.W., MS-4140-MIB, Washington, D.C. 20240, (2) each additional interested party known to you, and (3) this office. Your notice of appeal sent to the Interior Board of Indian Appeals must certify that you have sent copies to these parties. If you are not represented by an attorney, you may request assistance from this office in the preparation of your appeal. If you file a notice of appeal, the Board of Indian Appeals will notify you of further appeal procedures.

If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.



Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

5-26-09

Date

NOTICE OF AVAILABILITY
FINDING OF NO SIGNIFICANT IMPACT
AND ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED
10-YEAR FUELS MANAGEMENT PLAN

HOOPA VALLEY INDIAN RESERVATION,
HUMBOLDT COUNTY, CALIFORNIA

Notice is hereby given that the Bureau of Indian Affairs (BIA), Pacific Regional Office, has reviewed and adopted an Environmental Assessment for the Hoopa Valley Tribe's proposed *10-Year Fuels Management Plan* (Plan). The proposed federal actions for this Plan would include: approval of possible forest product use/sale permits; funding of fuels treatment projects; and approval of burn permits potentially affecting up to 20,000 acres of the 90,700-Reservation over a 10-year period. The BIA has made a Finding of No Significant Impact (FONSI) and has determined that the Federal actions will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement is not required.

Proposed activities conducted under the Plan may include: creation and maintenance of firefighter defensible space around residences/structures, handlines/firelines around prescribed burns, traditional and shaded fuelbreaks, fuels reduction areas, activity fuels (slash resulting from forest management and/or timber sale activities) treatment, release of plantations, thinning and creation of plantation fire buffers, treatment and/or tree salvage of burned areas and blowdowns, and re-establishment of burning to maintain forest openings and to enhance specific plant and wildlife habitats. Fuels treatment methods would include the widespread use of hand and mechanical clearing and mastication, conducting seasonal pile burns and strategically located prescribed burns.

Environmental protective measures listed in the Tribe's approved and amended Forest Management Plan (FMP), certified as ecologically sustainable (Reservation-wide) by SMARTWOOD, will be followed to reduce impacts (note: the FMP is currently being revised). These measures are designed to protect the integrity of the local wildlife, fisheries, vegetation, soils, watershed, and air resources. In addition, focused environmental reviews will be conducted for projects developed under the Fuels Plan. Consultation with the State Historic Preservation Officer, National Oceanic and Atmospheric Administration's Fisheries Division, U.S. Fish and Wildlife Service, or other regulatory agencies will be completed as deemed necessary to ensure adequate protection of federal laws.

Public comments on BIA's FONSI will be accepted through the close of business on June 26, 2009. For information or to obtain a copy of the FONSI and/or to view the Environmental Assessment, please contact Jeff Lindsey at the Hoopa Valley Tribal Forestry Office at (530) 625-4284 extension 121, or Jay Hinshaw, Forestry Branch Environmental Compliance Coordinator, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Sacramento, California 95825. Mr. Hinshaw or his supervisor can be reached by telephone at (916) 978-6000.