



IN REPLY REFER TO:

## United States Department of the Interior

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

NOV 13 2012

Honorable Leonard Masten  
Chairman, Hoopa Valley Tribe  
P.O. Box 1348  
Hoopa, California 95546

Dear Chairman Masten:

Please be advised that the Bureau of Indian Affairs (BIA) has issued the enclosed Finding of No Significant Impact (FONSI) for the May 23, 2011, Environmental Assessment (EA) for the Hoopa Valley Tribe's proposed 2011-2025 Forest Management Plan (FMP). Federal actions connected to the FMP would include issuance of tree cutting permits and approval of funding, timber sales contracts, and burn plans. Also enclosed is a Decision Record indicating that I have decided to proceed in allowing activities associated with the FMP to proceed. Because the federal actions are not expected to result in significant impacts to the quality of the human environment, an Environmental Impact Statement is not required.

Please advertise the enclosed Notice of Availability and Decision Record in the local newspaper or tribal newsletter and post them at the Tribal Office for purpose of public review and comment. Please have a copy of the 2011-2025 FMP EA and the enclosed FONSI available for tribal members and the public to review. Once the public comment and appeal periods have expired, then the activities described in the FMP can be initiated. These concurrent periods will expire at close of business on December 14, 2012.

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,

Acting Regional Director

Enclosures

cc: Darin Jarnaghan, Forest Manager, Hoopa Valley Tribal Forestry

TAKE PRIDE  
IN AMERICA 

**NOTICE OF AVAILABILITY**  
**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**  
**FOR THE 2011-2025 FOREST MANAGEMENT PLAN (FMP)**  
**HOOPA VALLEY INDIAN RESERVATION,**  
**HUMBOLDT COUNTY, CALIFORNIA**

Notice is hereby given that the Bureau of Indian Affairs (BIA), Pacific Regional Office (PRO), has reviewed and adopted an Environmental Assessment (EA) for the Hoopa Valley Tribe's proposed 2011-2025 Forest Management Plan and has reached a Finding of No Significant Impact (FONSI). It has been determined by BIA that the proposed federal actions associated with actions described in the programmatic FMP will not have a significant impact on the quality of the human environment. Therefore, in accordance with 42 USC Section 4332 (2) (C) of the National Environmental Policy Act (NEPA) of 1969, as amended, an Environmental Impact Statement is not required.

The purpose of the proposed 2011-2025 FMP is to help to manage Hoopa Valley Tribal forest resources sustainably in perpetuity in a manner consistent with tribal goals and values. The Preferred Alternative (Proposed Action) includes the following activities. Issuance of funding and permits and approval of plans and contracts by BIA-PRO would be necessary for some of these activities.

- Harvesting an Allowable Annual Cut of 8.889 Million Board Feet per year on an ecologically sustainable basis using tractor, cable and helicopter logging methods (200 to 400 acres to be operated per year for the harvest of conifers and hardwoods)
- Replanting trees, early release, pre-commercial and commercial thinning projects
- Habitat restoration and forest health improvement projects
- Hazardous fuels reduction projects to protect life, property, and firefighter safety
- Using forest materials for biomass fuels at co-generation facility
- Using prescribed burning for multiple purposes
- Firewood cutting by Reservation residents
- Urban housing tree removal
- Maintaining roads and decommissioning closed or dead end roads
- Upgrading existing road culverts to withstand 100-year storm events

Issuance of the FONSI is a finding on environmental effects, not a decision to proceed with an action, therefore cannot be appealed. Regulations at 25 CFR Part 2.7 require a 30-day appeal period after the decision to proceed with the action is made by BIA before the action may be implemented.

Public comments regarding the FONSI will be accepted until close of business on December 14, 2012. For information or to obtain a copy of the FONSI and/or to view the Environmental Assessment for the proposed 2011-2025 Forest Management Plan, please contact Jeff Lindsey, Forest Planner, with the Hoopa Tribal Forestry Division at (530) 625-4284 ext. 121, or contact Jay Hinshaw, Environmental Compliance Coordinator, with the Bureau of Indian Affairs at (916) 978-6021. Alternatively, Jay Hinshaw may be contacted via mail at: Bureau of Indian Affairs, 2800 Cottage Way, Rm. W-2820, Sacramento, California 95825.

## **FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

### **2011-2025 FOREST MANAGEMENT PLAN (FMP) HOOPA VALLEY INDIAN RESERVATION, HUMBOLDT COUNTY, CALIFORNIA**

The Bureau of Indian Affairs (BIA), Pacific Regional Office (PRO) has reviewed and adopted the May 23, 2011, Environmental Assessment (EA) of the Hoopa Valley Tribe's Forest Management Plan Alternatives for the Period 2011-2025. The Tribe proposes to implement activities described in the FMP including annual timber harvesting, firewood cutting by Reservation residents, forest health and forest improvement projects, prescribed burning, planting/release, pre-commercial thinning, habitat restoration, hazardous fuels reduction, and other forest-related projects. The federal actions connected to this project would include the issuance of funding and permits and approval of plans and contracts.

In accordance with requirements of the National Environmental Policy Act (NEPA), as amended (42 USC 4321 et seq.), it was necessary to prepare an EA for federal actions associated with several alternatives for revising the Tribe's 2011-2025 FMP. The EA document was prepared by Tribal Forestry Division staff. It contains an analysis of potential environmental impacts that will result from the different alternatives.

#### **LOCATION**

The Hoopa Valley Indian Reservation (HVIR), is comprised of approximately 87,500 acres and is located in Humboldt County, California.

#### **PROJECT DESCRIPTION**

The Preferred Alternative (Proposed Action) includes the following activities:

- Harvesting an Allowable Annual Cut of 8.889 Million Board Feet per year on an ecologically sustainable basis using tractor, cable and helicopter logging methods (200 to 400 acres to be operated per year for the harvest of conifers and hardwoods)
- Replanting trees, early release, pre-commercial and commercial thinning projects
- Habitat restoration and forest health improvement projects
- Hazardous fuels reduction projects to protect life, property, and firefighter safety
- Using forest materials for biomass fuels at co-generation facility
- Using prescribed burning for multiple purposes
- Firewood cutting by Reservation residents
- Urban housing tree removal
- Maintaining roads and decommissioning closed or dead end roads
- Upgrading existing road culverts to withstand 100-year storm events

The Hoopa Valley Tribe and the BIA selected the Preferred Alternative, as summarized above, because it will help to manage Hoopa Valley Tribal forest resources sustainably in perpetuity in a manner consistent with tribal goals and values.

## REASONS FOR ISSUING A FONSI

Based on the analysis and evaluation in the EA, it is the determination of the Regional Director that implementation of the Preferred Alternative will have no significant impact on the quality of the human environment. Therefore, in accordance with NEPA, an Environmental Impact Statement is not required.

This determination is based on the following factors:

1. The public was notified in the Two Rivers Tribune in July 2007 that the current FMP was expiring and comments and input were being solicited for the revised FMP. Twenty-three public FMP planning meetings were held from April 2007 through October 2010. Completed questionnaires regarding the public's impressions and concerns related to the FMP revisions were obtained during Sovereign Day observances in 2007, 2008, 2009, and 2010. The Tribal Council voted on the contents of the draft FMP in February 2011. Two final public meetings were held in March and April 2011 where members of the public were given the opportunity to ask questions. No amendments to the FMP were proposed during those meetings and the FMP was approved by Tribal Council on April 22, 2011.
2. On behalf of the Tribe, the Hoopa Valley Tribal Forestry Division identified and assessed potential environmental effects related to the alternatives outlined in the EA. Alternative courses of action and mitigation measures were considered in response to potential environmental concerns and issues. The final EA was approved and the Preferred Alternative, Alternative 2, was adopted by the Tribal Chairman on January 23, 2012.
3. The EA discloses the environmental consequences of the Preferred Alternative (Proposed Action) and one other alternative (the No Action Alternative). Environmental consequences for these alternatives were analyzed in a draft and final EA document.
4. BIA's Regional Archeologist determined that the 2011-2025 FMP is a planning document with no actual specific undertakings yet identified. As individual federal undertakings are identified under the umbrella of the FMP, the BIA will ensure that potential impacts to Historic Properties are assessed and may, as needed, initiate consultation with the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act. For those future projects where Historic Properties are identified, the Tribe intends to apply avoidance measures whenever possible to ensure a BIA determination of *No Adverse Effect to Historic Properties* from the undertakings. Where avoidance is not feasible, additional consultation may be required and it may be necessary to develop a Memorandum of Understanding and Historic Properties Treatment Plan to include mitigation measures to be implemented by the Tribe that will limit or reduce impacts to Historic Properties.
5. Tribal wildlife biologists analyzed potential project impacts and determined that the proposed project would have an overall net benefit to wildlife resources, but may affect, and is likely to adversely affect, the federally threatened northern spotted owl and Pacific fisher (a

candidate for listing). In accordance with the Endangered Species Act (ESA), formal consultation with the U.S. Fish and Wildlife Service (USFWS) was initiated regarding proposed projects (including this one) described in the Tribe's 2011-2025 FMP. In a March 24, 2009, Biological Opinion (BO), USFWS concurred with this determination and issued incidental take permits and non-jeopardy (of extinction) opinions for each of these species. USFWS's concurrence was predicated on the Tribe's full implementation of mitigation measures contained in the BO, the EA (page 18), the 2011-2025 FMP, and in the BIA's Pacific Region Logging Practices. Together, implementation of these mitigation measures will reduce the anticipated adverse effects to a level deemed to be less than significant (i.e., non-jeopardy findings).

6. On May 3, 2011, in accordance with ESA, formal consultation was initiated with the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) for projects described in the 2011-2025 FMP. Throughout this consultation, NMFS reviewers have verbally indicated to Tribal Forestry Division staff that a Biological Opinion concurring with the Tribe's "May Affect, Not Likely to Adversely Affect" determination for the threatened Southern Oregon-Coastal California (SONCC) coho salmon is forthcoming. In a letter dated September 12, 2012, NMFS indicated that its Biological Opinion is estimated to be provided to the Tribe on (or about) December 31, 2012.

7. As described in the EA, no significant impacts to air or water quality, soils, or riparian/wetland resources are anticipated to result from the proposed action. Slash/debris piles and under burning will be done in accordance with a BIA-approved burn plan on approved burn days when impacts to air quality will be less than significant. Annual timber harvests are proposed to be conducted at levels significantly below those that were conducted at the Reservation during the 1950's and 1960's. Unlike during those previous periods, the Tribe's timber harvest program is now SMARTWOOD-certified, meaning that it has been determined by a third party forestry practice auditing organization to be managed sustainably in perpetuity.

## **FINDING**


Based on the information and analysis contained in the EA, it is my determination that approval of the funding and permits and plans related to proposed 2011-2025 FMP and consequent implementation of the Preferred Alternative does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, in accordance with 42 USC Section 4332 (2) (C) of NEPA, as amended, an Environmental Impact Statement is not required.

The 2011-2025 FMP EA document is available for review at the Hoopa Valley Tribal Forestry Division Office, as well as at the U.S. Department of the Interior, Bureau of Indian Affairs, Pacific Regional Office located at 2800 Cottage Way, Rm. W-2820, Sacramento California, 95825. Contacts are: Jeff Lindsey, Forest Planner, with the Hoopa Tribal Forestry Division at (530) 625-4284 ext. 121, and Jay Hinshaw, Environmental Compliance Coordinator, with the Bureau of Indian Affairs at (916) 978-6021. Alternatively, Jay Hinshaw may be contacted via

regular mail at: Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Rm. W-2820, Sacramento, California 95825. Comments on this FONSI and EA will be accepted until close of business on December 14, 2012.

This FONSI is a finding on environmental effects, not a decision to proceed with an action, and therefore cannot be appealed. Regulations at 25 CFR Part 2.7 require a 30-day appeal period after the decision to proceed with the action is made by BIA before the action may be implemented.

Acting

  
\_\_\_\_\_  
Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office

NOV 13 2012

\_\_\_\_\_  
Date

## **DECISION RECORD**

### **2011-2025 FOREST MANAGEMENT PLAN (FMP) HOOPA VALLEY INDIAN RESERVATION, HUMBOLDT COUNTY, CALIFORNIA**

The Bureau of Indian Affairs (BIA), Pacific Regional Office (PRO) recently issued a Finding of No Significant Impact (FONSI) for the proposed 2011-2025 Forest Management Plan at the Hoopa Valley Indian Reservation. In accordance with requirements of the National Environmental Policy Act (NEPA), it was necessary to prepare an environmental assessment (EA) document for the proposed project. The Hoopa Valley Tribe (HVT) prepared an EA dated May 23, 2011, and the BIA reviewed and adopted the document. The Tribe proposes to implement activities described in the FMP including annual timber harvesting, firewood cutting by Reservation residents, forest health and forest improvement projects, prescribed burning, planting/release, pre-commercial thinning, habitat restoration, hazardous fuels reduction, and other forest-related projects. The federal actions connected to this project would include the issuance of funding and permits and approval of plans and contracts.

#### **LOCATION**

The Hoopa Valley Indian Reservation (HVIR), is comprised of approximately 87,500 acres and is located in Humboldt County, California.

#### **PROJECT DESCRIPTION**

The Preferred Alternative (Proposed Action) includes the following activities:

- Harvesting an Allowable Annual Cut of 8.889 Million Board Feet per year on an ecologically sustainable basis using tractor, cable and helicopter logging methods (200 to 400 acres to be operated per year for the harvest of conifers and hardwoods)
- Replanting trees, early release, pre-commercial and commercial thinning projects
- Habitat restoration and forest health improvement projects
- Hazardous fuels reduction projects to protect life, property, and firefighter safety
- Using forest materials for biomass fuels at co-generation facility
- Using prescribed burning for multiple purposes
- Firewood cutting by Reservation residents
- Urban housing tree removal
- Maintaining roads and decommissioning closed or dead end roads
- Upgrading existing road culverts to withstand 100-year storm events

#### **DECISION**

I have decided to proceed in approving and moving forward with actions in the Preferred Alternative for the Hoopa Valley Tribe's proposed 2011-2025 Forest Management Plan for the Hoopa Valley Indian Reservation. This alternative will help to manage Hoopa Valley Tribal forest resources sustainably in perpetuity in a manner consistent with tribal goals and values.

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 this 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) to 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.

*Carmen J. Davis*  
\_\_\_\_\_  
Acting Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office

NOV 13 2012  
\_\_\_\_\_  
Date