

**WINTER FIRE SALVAGE AND REHABILITATION PROJECT
AND FOREST PLAN AMENDMENT #21
DECISION NOTICE/FINDING OF NO SIGNIFICANT ACTION**

INTRODUCTION

The Winter Fire Salvage and Rehabilitation Project Environmental Assessment (EA) covers approximately 8,638 acres of burned National Forest System land on the Paisley Ranger District. The project area lies west of Summer Lake and east of Winter Ridge beginning around Harvey Flat and ending at an area known as the Punchbowl. The Summer Lake fifth field watershed encompasses the entire project area, which is comprised of the Wooley and Foster Creek sub-watersheds. Access to the project area is initially by State Highway 31 followed by Forest Service Roads 29, 3100.014, 3100.041, 3100.030, 3100.314, 3100.018, 3100.021 and 2100.041. The project area boundary is approximately 11 miles by road from the city of Paisley.

The proposed project is located in T. 32 S., R. 16 E., Sections 3, 4, 9, 10, 15, 16, 22, 23, 26-28, 34, and 35 and within T. 33 S., R. 16 E., Sections 1, 2, 3, and 10-14.

The project area consists of ponderosa pine, mixed conifer, and juniper woodlands with numerous small meadows and aspen groves interspersed. The project area, consisting only of Federal lands, encompasses six management areas as allocated in the Forest Plan: Management Area 1 (mule deer forage and cover on winter range), Management Area 3 (old growth habitat for dependent species [*pine marten*] above the management requirement level), Management Area 5 (timber and range production), Management Area 6b (scenic view sheds), Management Area 14 (old growth dependent species [*goshawk*] habitat) and Management Area 15 (fish and wildlife habitat and water quality) (EA pages 5-6).

DECISION

It is my decision to implement Alternative 2 (EA pages 16-20) as modified, with all associated mitigation and management requirements and resource protection measures (EA pages 22-24) of the Winter Fire Salvage and Rehabilitation Project EA and Forest Plan Amendment #21 (EA Appendix C). This alternative follows all applicable laws and regulations such as: State Water and Air Quality Standards; the National Environmental Policy Act (NEPA); and the National Forest Management Act (NFMA). The alternative is also consistent with and implements the Forest Plan as amended.

This alternative would use silvicultural treatments along with associated resource projects to restore and maintain the desirable ecosystem values as described by the Forest Plan. The intent is to recover a portion of the commercial volume (dead) that will be lost if left standing, and to maintain the health and abundance of the trees that provide or will provide forest structures and habitats necessary for a variety of late and old structured stand dependent species. The partial cutting and harvesting of dead ponderosa pine and mixed conifer forest (EA page 17) and retaining

the dead trees inside riparian zones or retention areas (EA pages 18-19) and other non-harvest areas within and outside the project area would accomplish this need. Habitat improvements include conifer reforestation on a variety of commercial and non-commercial forestland and riparian sites (EA pages 19-20) and road closures (EA page 20).

Alternative 2 as described in the Environmental Assessment includes an estimated 2,997 acres of salvage logging, generating about 17.554 million board feet (mmbf) of salvage volume. Since presenting this EA to the public, Forest Service crews have further evaluated these treatment areas, and have better identified the areas to be harvested. Included in the 2997 acres of treatment were areas of non-commercial forestland (mostly juniper), areas that suffered only a low-intensity burn that did not kill many trees, and areas that do not have enough standing dead material to justify salvage logging after snag habitat requirements are left. As a result, it is estimated that Alternative 2 includes about 1875 acres that will be salvage logged (all within the 2997 acres identified in the EA) generating about 9.0 mmbf of salvage volume. The environmental consequences are no different than that identified in the Environmental Assessment, except that salvaging fewer acres will mean more snags left standing and less ground disturbance (see map of salvage units as identified by field crews)

Implementation of this decision is in agreement with the three goals identified in the *Policy Statement for the Lakeview Federal Sustained Yield Unit as Amended*: 1. Sustain and restore a healthy, diverse, and resilient forest ecosystem that can accommodate human and natural disturbances; 2. Sustain and restore the land's capacity to absorb, store, and distribute quality water; and 3. Provide opportunities for people to realize their material, spiritual, and recreational values and relationships with the forest. Consistency of the project with these goals was evaluated and displayed in the environmental assessment (EA pages 101 –107) and also coincides with the purpose of and need for the project, which are:

- ✓ Recover potential commercial value of fire damaged timber for wood products and to support the local economy through the goals outlined above and in the Forest Plan.
- ✓ Reforest non-stocked areas that were burned in a manner that addresses future timber production, mule deer, riparian habitat and scenic viewshed needs.
- ✓ Maintain or improve water quality.
- ✓ Protect soil stability and productivity.

RATIONALE FOR DECISION

I have reviewed the interdisciplinary analysis for this project area; the alternatives; the issues and comments from the public, the Fremont and Winema Resource Advisory Committee, and the interdisciplinary team; the Forest Plan; and conditions in the project area. After this review, I have come to the conclusion that Alternative 2, as modified, meets the purpose and need identified, sufficiently addresses the project issues (EA pages 34, 38-40, 43-45 and 50-52), and is a responsible course of action for the Winter Fire Salvage and Rehabilitation Project.

The Interdisciplinary Team reviewed the transportation system and made recommendations regarding the transportation needs in the area addressing priorities, resource values, environmental and public safety risks, and recreation (EA, pp. 53-54). The final road management proposal was provided to the public for comment during review of the environmental assessment. I have determined this is adequate analysis for this type of project and additional analysis is not needed.

The Interdisciplinary Team conducted an economic analysis that predicts the number of local jobs created and the projected revenue arising from the salvage of timber in the project area (EA, pp 32-34). This analysis is useful for comparing the alternatives, and I have determined it to be an adequate and appropriate analysis given the scope of this project and the issues, and additional analysis is not needed.

I considered two modifications to Alternative 2 to address some common concerns that arose during the public review of the EA. One of these modifications I considered was to restrict all yarding to helicopter yarding, instead of using tractors to yard the 435 harvest acres that appear suited for tractor logging. When the Winter Fire Salvage Rehabilitation project was first presented to the public during the scoping period in October of 2002, the proposed action included only helicopter logging with no tractor logging. During the Interdisciplinary Team's work with the Fremont and Winema Resource Advisory Committee, the committee asked the team to identify any areas that would be appropriate for tractor logging on the premise that tractor logging would result in more local employment. On the basis of this, field crews were able to identify several benches that would be appropriate for tractor logging, and after on-site surveys of soils and archeological resources, the team included tractor logging in the action alternatives.

Several commenters asked me to change the harvest back to helicopter logging only, as they were concerned about the effects of mechanized equipment on burned soil. See pages 34-38 of Appendix E for an evaluation of this proposed modification. The Forest soils scientist's conclusion was that tractor logging would result in no discernable effect on soil compaction, gullyng, rilling, or other erosion, and that tractor logging was appropriate on these sites, meeting Forest standards for protecting soils. Existing roads already access these areas, and the interdisciplinary team identified no adverse effects. Therefore, I see no environmental reason for prohibiting tractor logging on these areas.

A second modification I considered was leaving all ponderosa pine trees larger than 30 inches in diameter at breast height (dbh) that had any green crown remaining. The harvest prescription calls for salvaging all merchantable dead trees (in excess of snag habitat requirements), including ponderosa pine trees that have less than 20% of the pre-fire live crown unburned. The assumption is that trees with less than 20% live crown have been badly enough damaged by the fire that their death is imminent, and this assumption is well supported by the available information. Several commenters asked that these trees be left standing in order to provide quality snag habitat. They also mentioned the chance, however small, that these trees would survive if they were left standing, thereby providing a source of seed for a new forest and a future snag.

The pine trees larger than 30 inches dbh could provide valuable snag habitat in the near future, even if they do die. The interdisciplinary team provided an analysis of the effects of leaving these

trees standing, and estimated that an average of about 1 tree per 5 acres meets these criteria, resulting in about a 6-8% reduction in estimated salvage volume. Because of the quality snag habitat provided by these legacy trees, I have elected to include this modification to alternative 2, and concur with the effects outlined in Appendix E. I am directing the interdisciplinary team to identify and monitor a minimum of 50 of these trees for at least 5 years in order to determine the survival of these trees and their use as cavity-nesting bird habitat.

Alternative 2, as modified, addresses the need for action to implement the direction and objectives of the Fremont National Forest Land and Resource Management Plan and the Regional Forester's Eastside Forest Plans Amendments by moving treated stands closer to the identified historic range of variability (EA pages 40-45 and 68-72).

Alternative 2 meets Forest Service policy to:

- ∨ Carry out direct habitat improvement projects to achieve wildlife and fisheries objectives and to coordinate with other uses and activities to accomplish habitat management objectives and to reduce detrimental effects on wildlife and fisheries (Forest Service Manual 2202.1).
- ∨ Establish through the Forest planning process objectives for habitat management and/or recovery of populations, in cooperation with States, the Fish and Wildlife Service (FWS) (or National Marine Fisheries Service (NMFS)), and other Federal agencies.
- ∨ Maintain or increase the growth rate, health, species composition, and/or improve the quality of stands for timber or other resource uses according to the direction in the forest plan (Forest Service Manual 2476.02).
- ∨ Avoid all adverse impacts on threatened and endangered species and their habitats except when it is possible to compensate adverse effects totally through alternatives identified in a biological opinion rendered by the FWS; when an exemption has been granted under the act; or when the FWS biological opinion recognizes an incidental taking (Forest Service Manual 2670.31)

Alternative 1 would not meet the purpose of and need for the action. Impacts may be less, but stand conditions would continue to deviate from desired conditions and standards identified by the Forest Plan and Regional Forester's Eastside Forest Plans Amendments. The existing stand conditions in Management Area 3 and Management Area 14 would not provide functional habitat for either species and the designation of new areas for future habitat would not be established with this decision allowing for the effective net loss of habitat. Standing dead trees would not be salvaged for wood fiber, which is inconsistent with the goals of the Sustained Yield Unit, including contributions to the economic stability of the participating communities. New trees would not be planted within the project area, foregoing an opportunity to accelerate the development of a new forest.

Alternative 3 is consistent with the Forest Plan, as amended, and I considered selecting this alternative. This alternative shares many features with Alternative 2, but provides less snag habitat for birds using burned forests, and results in a lower predicted return on investment.

NON-SIGNIFICANT FOREST PLAN AMENDMENT # 21

The purpose of this non-significant amendment is to designate replacement of non-functional habitat for northern goshawk and pine marten species with functional habitat that meets Forest Plan direction.

Wildlife

My decision would redesignate 343 acres from Management Areas 3 and 14 to Management Areas 1 and 5 and 403 acres of Management Area 5 to Management Areas 3 and 14. Lands within these management areas will now be managed using the appropriate standards and guidelines beginning on pages 132, 137, 145, and 196 of the Forest Plan. The 343 acres becoming suitable for timber management activities were previously burned to a point that the remaining live forest structure is no longer suitable or functional as old growth habitat (EA pp. 35 – 40). Under the selected alternative, the grouping of the 403 replacement acres:

- Meets the minimum size requirements.
- Provides 51 acres increase in the total area of Management Area 3 on the Forest and a 9 acres increase in the total area of Management Area 14.
- Provides for future contiguous Late-Old Structure (LOS) habitat in the shortest period of time (EA Appendix C).
- Includes a known active goshawk nest that was not previously included within an old-growth management area.

Timber

My decision will cause a net loss overall of 303 acres in the Forest's available timber production land base since this would be a direct loss of MA 5 acres. This shift in allocations will have a very limited effect on the Forest's short-term timber production potential and should not directly or indirectly change future harvest levels from either the Lakeview Federal Sustained Yield Unit or Fremont National Forest (EA page 35). It is my decision to amend the Forest Plan for these allocation changes and allow salvage and other restoration activities associated with the selected alternative to proceed.

Determination that the Forest Plan Amendment is Not Significant Under NFMA

I have determined that this amendment is not a significant amendment under the National Forest Management Act implementing regulations [36 CFR 219.10(f)]. In reaching this conclusion, I considered the following factors [from Forest Service Handbook (FSH) 1909.12]:

Timing

A change is less likely to result in a significant plan amendment if the change is likely to take place after the plan period (the first decade). This plan amendment is being made immediately and is outside the first decade.

Location and size

The smaller the area affected, the less likely the change is to be a significant change to the Forest Plan. The Winter Fire impacted approximately 34,000 acres, or two percent of the Fremont National Forest. The amendment only affects MA 3 (279 acres), MA 5 (403 acres), and MA 14 (64 acres) for a total of 746 acres or 0.4 percent of the National Forest.

Goals, objectives and outputs

An action is more likely to be a significant Forest Plan amendment if it alters the long term relationship between the levels of goods and services projected by the Forest Plan and particularly if it would forego the opportunity to achieve an output in later years. The amendments are part of my decision to accelerate recovery of the fire area, and in doing so increase the likelihood that future outputs and conditions (wildlife habitat, water quality, desired vegetation conditions and timber production) will be as projected in the Forest Plan.

Management prescription

A change is more likely to require a significant amendment if it would apply to future decisions throughout the planning area. This amendment associated with this decision is for this project and does not apply to other management area or does not change management activities within the specific MA.

Consistency with NFMA Requirements

In all other aspects, I find this decision to be consistent with the Fremont Forest Plan and with the requirements of the National Forest Management Act implementing regulations; specifically:

Silvicultural Practices

Alternative 2 includes timber salvage on lands classified as not suited for timber production during forest planning. Salvage harvest on unsuitable lands is consistent with 36 CFR 219.2 (c)(1).

Even-aged Management/Clearcutting

The selected Alternative includes reforestation and salvage of timber killed by a catastrophic wildfire. According to the requirements of 36 CFR 219.27(d) and 16 USC 1604(k), the limits on opening size do not apply because the opening is a result of a natural catastrophic conditions. The reforestation of the openings will result in even-aged stands where the fire killed all the live trees.

Vegetative Manipulation/Management Requirements

The selected action is consistent with the seven management requirements for 36 CFR 219.27 and the vegetation requirements from 36 CFR 219.27(b).

Maintaining Viable Populations of Fish and Wildlife Species

The selected action is consistent with managing fish and wildlife habitat to maintain viable populations of existing native and desired non-native vertebrate species in the planning area as required in 36 CFR 219.19 (EA Chapter 3).

SCOPING, ANALYSIS, AND PUBLIC INPUT

Internal and external scoping was done as part of the analysis process. Information was gathered from interested private citizens, Tribes, advisory committees, conservation groups, livestock interests, timber industry representatives, environmental groups, the Oregon Department of Fish and Wildlife, Forest specialists, and members of the Interdisciplinary Team (ID Team). From this information, four issues were identified. They included:

1. Failure to utilize fire-killed timber in a timely manner could result in irretrievable resource loss through deterioration. This would not meet the intent of MA 5 to provide for the commercial production of sawtimber (Forest Plan, page 145), nor meet the intent of the Forest Plan, as amended, within the Lakeview Federal Sustained Yield Unit to contribute to the economic stability of the participating communities.
2. Wildlife habitat components and suitability, particularly large dead trees for cavity-dependent species or thermal cover for mule deer, could potentially be negatively impacted by salvage operations.
3. Existing conditions may not produce a new forest stand that can attain the desired vegetative conditions outlined in the Forest Plan, as amended. Failure to reforest the burned areas with ponderosa pine and or utilize silvicultural treatments in lightly burned areas within the fire perimeter could result in a future landscape lacking any significant forest stand structure.
4. Water quality and riparian habitat could potentially be negatively impacted by timber salvage operations or improved through rehabilitation activities.

These issues were used by the ID Team to develop project objectives and alternatives which in turn were presented to the Forest Supervisor. Comments were solicited from the public through publication of a public notice and mailings of the environmental assessment. Comments received were analyzed by the team and incorporated as an appendix to the final document.

ALTERNATIVES CONSIDERED

Two potential alternatives and the no-action alternative were developed and evaluated by the ID Team. I felt these alternatives were a reasonable range given the need for the project.

Alternative 1 would forgo any harvest or rehabilitation activities at this time. Under this alternative the remaining fire-damaged ponderosa pine and mixed conifer stands would continue to experience changes in species composition and/or increased stand density further departing from

the desired condition of single storied LOS stands as identified in the Regional Forester's Eastside Forest Plans Amendments. Shade tolerant white fir would continue to overtake ponderosa pine, changing the species composition over time. The increase in white fir as well as the development and persistence of shrub fields would further delay the ability of the area to develop into single-storied pine stands maintained by periodic fire. Because of the fire, overall wildlife habitat has changed and would recover over an extended period of time with natural succession. Road densities, thermal cover in the winter range, habitat effectiveness, and water quality would remain the same.

Alternative 2, as presented to the public in the EA, would implement harvest and rehabilitation projects across portions of the project area. Approximately 2,997 acres of ponderosa pine and mixed conifer forests would be partially cut, removing only the standing dead which is merchantable in size and in excess of Forest Plan standards and guidelines for snag and downwood requirements. Specific areas would be designated for retention of all existing snag habitat specifically for dependent species (Lewis's and black-backed woodpeckers). Restoring future forest structure on both suitable and non-suitable sites would also be accomplished by reforesting sites where trees can be planted. The action would also restore functional areas for pine marten and goshawk by redesignating replacement stands, opening forage areas and maintaining mature ponderosa pines and healthy white fir where they exist. Approximately 15.8 million board feet (mmbf) of wood volume would be harvested from 16 units. Approximately 2,562 acres would be logged using helicopters and 435 acres logged using ground-based systems on existing or designated skid trails. This decision, a modified version of Alternative 2, changes these acreages and volumes as previously discussed (p.2, paragraph 2).

Activities associated with this alternative include:

- *Reforesting to an adequate stocking level 762 acres of suitable forestland within the harvest units for future forest management.
- *Reforesting 131 acres of non-suitable forestland within the harvest units but to no defined stocking standard. Focus is on re-establishing the presence of ponderosa pine for a future seed source where none presently exists.
- *Reforesting to an adequate stocking level 211 acres of suitable forestland outside the harvest units for future forest management.
- *Reforesting 13 acres of riparian sites along the lower reaches of Foster Creek.
- *Closure of approximately 2.63 miles of road following completion of the harvesting.
- *Minor re-construction of 2.6 miles of system road prior to harvesting.

Alternative 3 as described in the EA would implement harvest and rehabilitation projects across portions of the project area. Approximately 3,347 acres of ponderosa pine and mixed conifer forests would be partially cut, removing only the standing dead which is merchantable in size. Snag retention would be accomplished by implementation of the Forest Plan Standards and Guidelines for providing habitat for 100 percent of potential population levels of cavity excavators

(EA page 21) rather than utilizing additional designated snag retention areas.

Actions restoring future forest structure and wildlife habitat on both suitable and non-suitable sites, restoring functional habitat areas for pine marten and goshawk, opening forage areas and maintaining live mature ponderosa pines and healthy white fir where they exist are the same as proposed in Alternative 2. Approximately 17.6 million board feet (mmbf) of wood volume would be harvested from 16 units. Approximately 2,912 acres would be logged using helicopters and 435 acres is anticipated to be logged using ground-based systems on existing or designated skid trails.

The other activities associated with this alternative are the same as described above for Alternative 2.

FINDING OF NO SIGNIFICANT IMPACT

Based on my review of the likely effects of this project and experience with similar proposals, I have determined that this action will not significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not necessary. This determination was made considering the following factors:

- a) In terms of context (40 CFR 1508.27(a)): This project is site-specific and by itself, does not have international, national, region-wide or statewide importance.
- b) In terms of intensity (40 CFR 1508.27(b)):
 - 1) Impacts can be both beneficial and adverse: for this project, there are no known significant irreversible resource commitments or irretrievable losses of timber production, recreation opportunity, wildlife habitats, soil productivity, or water quality (EA, Chapter 3 and Appendix E, pp. 34 - 38);
 - 2) There will be no adverse effects to public health and safety, and the only impacts identified will be short-term in context and duration (for the period of the salvage/road/reforestation work) (EA, pages 16, 22, 24, 99-100 and 101);
 - 3) The project (salvage, road reconstruction and closure, reforestation, and Forest Plan amendment) is not located in the proximity of and/or adjacent to parklands, prime farmlands, or ecologically critical areas, nor any recommended Wild and Scenic Rivers or Inventoried RARE II areas or areas adjacent to remaining RARE II areas that are greater than 5,000 acres (EA, pages 16-19, 50-54, 68, 73-81 and 97);
 - 4) There are no known significant cumulative effects between this and other projects implemented or planned on areas separated from the affected area of this project beyond those disclosed in the final EIS for the Fremont National Forest Land and Resource Management Plan, as amended (EA Chapter 3, Cumulative Effects);
 - 5) The environmental effects are typical for this type of salvage project, and invoke no unique or unknown risks. The scope of the effects will be limited to the immediate geographic areas (EA, Chapter 3). The mitigation measures are those that the agency has successfully used before, and should be effective

- (EA, pages 22-24). There is no harvesting planned in the Riparian Habitat Conservation Areas and total road reconstruction is limited (EA, pages 16-22);
- 6) A decision to salvage fire burned timber, complete associated road reconstruction/closure and reforestation does not establish a precedent for other actions that may be implemented to satisfy the goals and objectives stated in the Fremont National Forest Land and Resource Management Plan, as amended (EA Chapter 1). Any future actions will be evaluated through the NEPA process;
 - 7) There are no known effects between this project and/or other projects implemented or planned associated with any wetlands or floodplains (EA, page 101);
 - 8) There will be no adverse effects to sites listed on, or eligible for, the National Register of Historic Places (EA, page 60);
 - 9) A Biological Assessment has been completed with various effect determinations for threatened or endangered species. The U.S. Fish and Wildlife Service has been consulted and concurs with a finding of no short- or long-term adverse effects on populations or habitat for the bald eagle, Oregon spotted frog, or Canada lynx (EA, pages 73, 75, also Wildlife Biological Assessment). There will be no direct or indirect effects to fish habitat (EA, pages 97-98);
 - 10) The actions do not threaten a violation of Federal, State or local law or regulations (EA, pages 1-7, 73-81, 96-97, 99 and 101);
 - 11) The effects upon the quality of the human environment are not likely to be controversial (EA, pages 8-10, Chapter 3 and Appendix E)

ADMINISTRATIVE REVIEW AND APPEAL OPPORTUNITIES

This decision is subject to administrative review (appeal) pursuant to Forest Service regulations at 36 CFR 215.7. A written Notice of Appeal, in duplicate, must be filed with Regional Forester, USDA Forest Service, Pacific Northwest Region, ATTN: APPEALS, P.O. Box 3623, Portland, Oregon 97208-3623 by July 14, 2003; 45 days from the date that the legal notice announcing this decision appeared in the Klamath Falls *Herald and News* (May 29, 2003). Appeals must meet the content requirements of 36 CFR 215.14. If an appeal is filed, implementation will not occur prior to 15 days following the date of the appeal disposition. If multiple appeals are filed, the disposition date of the last appeal will control the implementation date. If no appeal is received, implementation of this project will not occur prior to 50 days (45 day appeal period, plus 5 days) following the date on which the legal notice announcing this decision appeared in the *Herald and News*.

CONTACT PERSON

Questions regarding this decision should be directed to Katie Blazer, Environmental Coordinator, at the Paisley Ranger District, P.O. Box 67, Paisley, Oregon 97636 or phone (541) 943-3114.

/s/Karen Shimamoto
Fremont-Winema National Forests Supervisor

May 22, 2003

Date

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