Monument Fire Recovery Project
Record of Decision
and
Non-Significant Amendment #57

USDA Forest Service
Pacific Northwest Region

Malheur National Forest
Prairie City Ranger District

Grant and Baker Counties
John Day, Oregon

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Record of Decision and
Non-Significant Forest Plan Amendment #57

Introduction

This Record of Decision (ROD) documents my decision and rationale for the selection of Alternative 4 to be implemented for the Monument Fire Recovery Project. It also includes a non-significant Malheur Forest Plan amendment. Amendment #57 re-delineates Dedicated and Replacement Old Growth areas and allows for site specific snag distribution that better meets the needs of cavity nesters but would not meet Forest Plan standards within the salvage harvest and commercial thinning areas.

In July 2002, the Monument Fire burned 24,525 acres, of which 20,186 acres were on the Prairie City Ranger District, Malheur National Forest. The other portions of the fire were on the Wallowa-Whitman National Forest or private lands. The Monument Fire Recovery Project area refers to approximately 8,588 acres of the fire that burned outside the Monument Rock Wilderness on the Malheur National Forest. The project area is located approximately 23 air miles southeast of Prairie City, Oregon.

The Monument Recovery Project area lies within the Upper North Fork Malheur River and Little Malheur River watersheds, which is part of the Upper Malheur sub-basin, of the Middle Snake/ Boise Basin. The impacted forested vegetative area is characterized primarily as a hot-dry/warm-dry biophysical environment. These forests are characterized by open grown ponderosa pine to multistoried mixed conifer stands dominated by ponderosa pine. The two major soil types include volcanic ash soils and residual loam/clay soils. The clay/loam soils located in the Camp Creek area are shallow and highly erodable. Both watersheds are important to rebuilding and sustaining populations of bull trout. Bull trout are not present in streams in the Upper North Fork Malheur watershed within the project area. Bull trout were historically present in the Little Malheur watershed but currently do not occupy the site because of warm water temperature. The Little Malheur River is currently on the Oregon DEQ 303(d) list of streams for exceeding the 64 degree F water temperature standard.

The Malheur National Forest Land and Resource Management Plan (Forest Plan), as amended, has allocated lands within the project area to Management Area (MA) 1, General Forest; MA 2, Rangeland; MA 4A, Big Game Winter Range; MA 13, Dedicated Old Growth; and MA 14, Visual Corridors (FEIS, Vol.1, Map 4). There are no inventoried roadless areas within the project area (FEIS, Vol. 1, pp. 285 and 293).

Monument Fire Recovery Project - Whitman Unit - Wallowa-Whitman National Forest

A fire recovery project was also analyzed and a decision reached on the Wallowa-Whitman National Forest portion of the Monument Fire. Karyn L. Wood, Wallowa-Whitman Forest Supervisor, signed the Record of Decision on March 11, 2004 for the Final Environmental Impact Statement (FEIS) for the Monument Fire Recovery Project on the Whitman Unit. This decision will implement an alternative that includes: salvage harvest by helicopter only, 746 acres (8.7 million board feet); resting the West Camp grazing unit; closing roads; relocating a trailhead; reforest by planting 1,205 acres; planting 292 acres of riparian habitat; and treating noxious weeds. These activities were considered as cumulative effects in this analysis. The teams from the Malheur and Wallowa-Whitman Forests worked closely to address cumulative impacts between projects and to insure consistency between

analysis documents. A specific impact addressed in the Wallowa-Whitman FEIS is the haul of approximately 5-6 million board feet of timber harvested on the Malheur National Forest portion of the Monument Fire.

Purpose and Need/Proposed Action

The purpose of this action is to meet the direction assigned to National Forest System land in the planning area by the Malheur Land and Resource Management Plan (Forest Plan) and to bring existing conditions toward the desired future condition.

The action is needed here and now to:

- **Fuels: Reduce levels of dead and dying standing and down fuel**, to reduce the potential for future high-severity fires and restore a low-intensity/ frequent-fire regime.
- **Forest Vegetation Structure: Improve forest vegetation resilience** to insects, disease, wildfire, and other disturbances; restore ecologically appropriate structural and compositional characteristics of upland and riparian vegetation.
- **Forest Vegetation: Restore tree vegetation** for wildlife habitat, stream shade, and for future timber products.
- **Old Growth: Replace Dedicated Old-Growth (DOG) and Replacement Old-Growth (ROG) areas** that burned and are no longer in suitable old-growth condition. Re-delineate an additional DOG and ROG to bring them in compliance and direction with the Malheur Forest Plan.
- **Water Quality: Improve watershed condition and reduce road-related impacts**. Recommendations from the Monument Roads Analysis report include (1) decommissioning specific roads and old skid trails that are contributing sediment and concentrating flows, resulting in adverse impacts to water quality and native fish habitat, and (2) reducing road densities where deer and elk security habitat has been affected by the fire.
- **Economics: Capture the economic value** of those trees that are surplus to other resource needs, and to provide raw materials and jobs to aid in community stability.

This action is needed in order to comply with the goals and objectives outlined in the Malheur Forest Plan, which guides natural resource management activities and establishes management standards for lands administered by the Malheur National Forest.

The needs for the proposed action are derived from the differences between current conditions and desired resource conditions. Desired conditions are based on Forest Plan direction and management objectives. The proposed action is designed to move resource conditions closer to the desired conditions and address the management direction provided by the Malheur Forest Plan as amended. For a more detailed discussion on the purpose and need for action refer to the FEIS, Vol.1 – pages 6 through 12.

Environmental Impact Statement

I determined that proposed restoration actions and their effects could best be analyzed and disclosed to the public through an environmental impact statement (EIS). A Notice of Intent to prepare an EIS was published in the Federal Register on March 24, 2003. This was followed by release of the Monument Fire Recovery Project Draft

Environmental Impact Statement (DEIS) the week of August 3, 2003. The Notice of Availability for comment on the DEIS was published on August 8, 2003. The final EIS (FEIS) Notice of Availability was published in the Federal Register on March 19, 2004.

Consultation with Tribes

Consultation with the Burns Paiute Tribe, Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Warm Springs Reservation of Oregon occurred prior to and during my decision. During the initial scoping of the project in January 2003, comments were solicited from the Tribes. In March 2003, a meeting to discuss the Monument project held with representatives from the Burns Paiute Tribe (Monument Project Record). Copies of the DEIS were mailed to the Tribes in August 2003.

My decision is guided by the federal government's responsibility to consult with these Tribes. Based on a government-to-government relationship, the purpose of the contact was to exchange information, answer questions, and to work closely and continuously with each other to integrate tribal rights and interests in the planning process. This is one of the several legal obligations that I considered as I made my decision, and consultation with the tribes provided me with valuable information in making that decision.

During consultation, the Burns Paiute Tribe expressed a general concern regarding cultural plants and access management within all the areas burned by the fires in 2002. Cultural plants that have been identified within the project area are in upland areas. The plant sites will be avoided from ground disturbance during salvage harvest and may realize a limited positive effect under Alternatives 2, 3 and 4, as fuel loading is addressed across the landscape (FEIS Vol.1, p.263). Even though the access within the Monument Fire area was not their principal concern, my decision maintains much of the current access for the tribe's needs.

Issues

In response to my proposed action, six significant issues were identified by the public and the Forest Service. These issues were then used to develop alternatives to the Proposed Action. The issues are not in any order of priority. They include:

Snag habitat: The standard for snags in the Malheur Forest Plan is based on species dependent on old structure, green stands. Retaining Forest Plan snag levels may not provide adequate snag habitat for dead-forest-dependent species and primary cavity excavators.

Water quality and Sedimentation: There is concern that salvage harvest should not occur in areas that are severely burned or are located on erosive sites, riparian areas, or steep slopes (see Beschta report recommendations). Harvest on these areas could increase erosion potential in the fire area. The proposed action includes salvage harvest and tractor logging within both RHCAs and severely burned areas.

Salvage harvest would occur within the Riparian Habitat Conservation Areas (RHCAs) of the Little Malheur River: The Little Malheur River is proposed as critical habitat for bull trout. The river has also been identified on the Oregon Department of Environmental Quality 303 (d) list for exceeding water temperature standards. There is concern that harvest activities in the project area could further degrade water quality, and prolong recovery of stream habitat in the fire area.

Commercial Thinning (Green Tree Harvest): The proposed action includes harvest thinning to promote stand resiliency. There is concern that thinning the few remaining live stands of trees would negatively impact their value for wildlife habitat, landbird species habitat, moisture retention, and nutrient recycling.

Economics: Commercial value of fire-killed trees will deteriorate quickly if salvage does not occur within the next year. The recovery value of the timber will have an effect on the local economy. Any delays in harvest would affect the economic viability of timber sales within the fire project area.

Fuels: There is a scientific controversy relevant to benefits of using salvage harvest to reduce fuels in order to reduce potential effects of future fire events. Some science advocates a passive approach to fuels management in burned areas, by recommending that natural processes are best for management of fuels. Others suggest that salvage harvest is the best way to reduce the potential for another cycle of heavy fuel accumulations therefore, limiting future management opportunity to use prescribed fire to restore the landscape to historical conditions.

Soils: Concerns were expressed that using ground based mechanized equipment to harvest timber and reduce fuels would increase soil erosion and decrease soil productivity, especially on severe and moderate severity burned areas.

Additional issues were considered in the assessment of effects, but were not used as the basis for alternative development as they were resolved in other ways (see FEIS, Chapter 1).

Alternatives Considered in Detail

Four action alternatives and a no action alternative were analyzed in the FEIS. The four action alternatives considered in the FEIS examine varying combinations and degrees of harvest activities and other restoration activities. Each was developed to address the significant issues and the purpose and need. For additional details on these alternatives, see the FEIS, Vol.1, Chapter 2 (Alternative 2, Alternative 3, Alternative 4 - Preferred Alternative, Alternative 5, and Alternative 1 -No Action).

A number of other recovery actions outside of activities proposed in the FEIS will be implemented through administrative decisions or ongoing projects. These include post fire grazing guidelines (see FEIS, Volume 2, Appendix G) to protect upland and riparian vegetation, hardwood planting to restore riparian vegetation, and the continued closure of Forest Service Road (FSR) 1672457 that accesses the Little Malheur River trailhead to limit sedimentation.

Alternative 1 - No Action Alternative

The No Action alternative does not propose salvage or additional recovery efforts within the project area. This alternative is the baseline against which the effects of all other alternatives are measured. Activities already planned for the project area, based on previous decisions, such as reforestation, would be implemented as originally determined.

Non-Timber Harvest Projects or Actions Common to Alternatives 2, 3, 4, and 5

To reduce existing water quality related impacts within the project area, road decommissioning and old skid trail obliteration is proposed. Approximately 11.8 miles of open and closed roads would be decommissioned and 2.2 miles of old skid trails would be obliterated. The objective of these projects is to reduce sediment delivery to streams.

These alternatives also include two options for gated road closures. The closures would be gated year-long closures to motorized vehicles and could be open as needed to provide public or administrative access. These closures are necessary to improve big game security and reduce the spread of noxious weeds by motorized vehicles.

Alternatives 2, 3, and 4 would close approximately 7.0 miles while Alternative 5 would close 16.2 miles.

The Monument fire adversely impacted a Malheur Forest Plan allocated Dedicated Old Growth area (DOG) and two Replacement Old Growth areas (ROG). Since the late and old forest structure of the stands was destroyed by the fire, they no longer function as habitat for either the pine marten or pileated woodpecker. Suitable forested stands outside the fire were identified to replace the Dedicated Old Growth and Replacement Old Growth Areas. A non-significant Forest Plan amendment is needed to make these adjustments.

Alternative 2

Alternative 2 was developed in response to the purpose and need identified in Chapter 1 of the FEIS. Alternative 2 would implement a series of projects that moves the existing condition of the project area toward the desired future condition.

Alternative 2 would capture the economic value of approximately 30.0 million board feet (MMBF) of dead and dying timber. The salvage harvest method would be implemented mostly with helicopter (88%) and to a lesser degree tractor (12%) logging systems. This includes approximately 601 acres of helicopter salvage harvest in RHCAs. In addition to improve future forest stand resiliency, approximately 223 acres that burned with lower fire intensity would be commercially thinned and salvaged. No new system road construction is proposed. Several short, temporary roads are proposed to access 23 helicopter landings totaling approximately 0.6 miles. Approximately 69.5 miles of road maintenance and 0.2 miles of reconstruction would be required for haul routes.

For a more detailed description of Alternative 2 refer to the FEIS, Chapter 1, pages 13 through 19 and Chapter 2, pages 36 through 39.

Alternative 3

Alternative 3 was developed from public concerns during the initial scoping relating to timber harvest effects on water quality, sedimentation, and cutting of green trees.

Key features in Alternative 3 reduce the risk of sedimentation by eliminating harvest in the RHCAs and not harvesting within 50 feet of the RHCAs for Category 2 and 100 feet for Category 4 streams (perennial and intermittent streams). To address snag habitat and retention of live tree concerns, more dead and dying trees than proposed in Alternative 2 are retained for snag habitat, and green/live trees would not be harvested to provide vegetative diversity.

Alternative 3 would capture the economic value of approximately 14.4 million board feet (MMBF) of dead and dying timber. The salvage harvest method would be implemented mostly with helicopter (89%) and to a lesser degree tractor (11%) logging systems. There is no commercial thinning of green trees and no RHCA salvage harvest. As in Alternative 2, there is no new system road construction proposed. Several short, temporary roads are proposed to access 23 helicopter landings totaling approximately 0.6 miles. Approximately 69.5 miles of road maintenance and 0.2 miles of reconstruction would be required for haul routes.

For a more detailed description of Alternative 3 refer to the FEIS, Chapter 2, pages 39 through 41.

Alternative 4

The focus of Alternative 4 was to provide a different snag management strategy and to retain all the dead and dying trees in the RHCAs from what was proposed in Alternative 2. Concerns were raised during initial scoping that the strategy for managing snag habitat in the Proposed Action may not

meet snag retention needs for primary cavity excavator (PCE) needs. Snags in patches ranging in size from 4 to 90 acres would be left to better meet the needs of PCE species because cavity nesters as a group prefer patches as opposed to single snags retained in uniform, even spaced distribution.

Alternative 4 would capture the economic value of approximately 26.5 million board feet (MMBF) of dead and dying timber. Salvage harvest would be implemented mostly with helicopter (86%) and to a lesser degree tractor (14%) logging systems. There is no RHCA salvage harvest. In addition to improve future forest stand resiliency, approximately 223 acres that burned with lower fire intensity would be commercially thinned and salvaged. No new system road construction is proposed. Several short, temporary roads are proposed to access 22 helicopter landings totaling approximately 0.4 miles. Approximately 69.5 miles of road maintenance and 0.2 miles of reconstruction would be required for haul routes.

For a more detailed description of Alternative 4 refer to the FEIS, Chapter 2, pages 41 through 43 and all the design measures, mitigation and monitoring described in the FEIS, Chapter 2 pages 46 through 55.

Alternative 5

Detailed consideration is given to an alternative considered but not analyzed in the DEIS (#3 Restoration Only, No Timber Harvest) and developed into Alternative 5 in the FEIS. There were numerous public comments on the DEIS requesting that this passive approach to management be fully analyzed in the FEIS and follow recommendations contained in the Beschta Report. This alternative includes many of the restoration activities included in Alternatives 2, 3, and 4. It does not include salvage of dead and dying trees and it does not include commercial/precommercial green tree thinning to improve stand resiliency.

For a more detailed description of Alternative 5 refer to the FEIS, Chapter 2, pages 44 through 45.

Decision and Rationale

It is my decision to select Alternative 4 as the Forest Service recovery plan for the Monument Fire Recovery Project area

During the decision process for this project, I realized that I would not be able to fully satisfy all public concerns, as many of them are mutually exclusive. I have selected an alternative that balances the need to reduce future fuel loading and promote recovery of the burned landscape while capturing the economic value of the dead and dying trees. It also includes a practical restoration approach that reflects sensitivity to all the conflicting public concerns. In making this decision, I considered and balanced numerous factors. First, I had to determine if active or passive management was the best way to manage the area.

Active v. Passive Management

A concern that arose early in the process was how to manage a burned area. Scientific literature exists that could lead one to conclude either active or passive management may be best, depending upon circumstances. Beschta et al. (1995), suggested that “there is no ecological need for intervention on the post-fire landscape,” and that post-fire logging, reseeding, and replanting should be conducted only under limited conditions. The Beschta report also states that there is a lack of knowledge pointing to detrimental ecological effects of salvage harvest measured in association with any particular wildfire. Similarly, in his response to Beschta et al., Everett (1995) comments on the lack of good information, but states that the “custodial” approach advocated by Beschta may be in many cases less desirable than more active management

because of the possible soil degradation in the absence of seeding, and because of possible fuel buildup in the absence of timber harvest. In reaching my decision, I have incorporated ideas presented by both Beschta and Everett and knowledge gained though project monitoring completed on the 1998 Malheur National Forest, Summit Fire Recovery Project.

The Monument Fire killed thousands of acres of trees that provided shade to streams; cover and forage for wildlife; timber for future harvest, as well as seed sources for new forests; and changed the scenery and recreation qualities many of you enjoyed prior to the fire. The sum of adverse ecosystem effects of the Monument Fire is almost immeasurable and many of these detrimental conditions will not self-correct in an acceptable period of time. In my judgment, active management is necessary.

The Monument Fire burned at high intensity because of high fuel loads, dry fuel conditions, and a dense understory of ladder fuels across the landscape. These fuel loading are largely due to our past fire suppression efforts, timber harvest, and grazing practices. If some of the burned trees are not removed, there is a significant risk that: 1) future fuel loads will be just as high or higher than they were before the Monument Fire; and 2) another fire with similar or greater devastating results will occur. If such a fire occurs, investments in recovery efforts and favorable gains in streamside shade, cover and habitat for wildlife, live root structures to hold soil in place, and scenery characteristics for recreationists would be lost.

Historically, hot-dry and warm-dry biophysical environments experienced low to moderate severity wildfires. It is important to reduce fuel loads in these biophysical environments and decrease the risk of future high severity wildfires.

In order to pursue active management, I have to make this decision now.

Commercial salvage is the most practical option for removing trees 12” dbh and greater and this can only be accomplished while the material has commercial value. Less than two years after the fire, the commercial value of the majority of the smaller trees less than 12”dbh is already gone. If I had decided not to remove some of the material now, I would not likely be able to remove it later in an efficient manner.

In weighing this decision, I considered both fuel characteristics (amount, size, arrangement, continuity, and moisture content), likelihood of ignition plus impacts on soils during salvage harvest activities. Projected fuel loadings based on existing, fire-killed trees are 2 to 6 times higher than the historical fuel loadings in the project area. Although the majority of this material is in the form of standing snags today, 10 to 30 years after the fire, most of this material is expected to be on the ground, and in a condition that could support a high severity wildfire (FEIS Vol.1, pp. 7-8). A high severity wildfire would likely kill or set back any riparian or coniferous vegetative recovery, again raising stream temperatures and sediment levels. Absent a source of ignition, high fuel loads would not be a problem. However, the Monument Fire area has incurred multiple wildfires per year: greater than 90 percent ignited by lightning. Based on these conditions, I concluded that active restoration is an appropriate course of action.

Implementing this decision will reduce fuel loadings of materials generally 12 inches and larger in diameter. In much of the fire area, heavy fuel loading of material 4 to 10 inches in diameter will still remain. Although this material is standing now, much of it will begin to fall over in the next 10 to 30 years. Additional site-specific fuel treatment needs, such as prescribed fire, may be identified during that time period. These needs could be addressed through separate analysis of specific proposals. I have not

included these actions as a part of the action alternatives, or as a part of this decision because I do not yet know which areas will surface as problems first (i.e., where on-the-ground fuel concentrations will occur first), and because I did not want to implement this additional resource-impacting activity until further watershed recovery has taken place.

Eventually, I would like to reduce fuel loadings to the point where fire can be returned to its natural role, within these hot-dry and warm-dry biophysical environments. This would require that fuel loads be low enough to allow fire to burn through stands without severely damaging them. However, it is likely to be several decades before those reduced fuel loadings can be achieved.

I am confident soil impacts from ground skidding will be minimal and meet plan standards following the removal of dead and dying trees by using the design measures and mitigation identified in Chapter 2. Our past salvage harvest experience on similar soils conditions indicate a low sedimentation risk. This is based on monitoring information from ground skidding on fire damaged soils by our soil scientist on the Summit Fire. The monitoring indicates that effects were very minimal and close to base levels for sediment following harvest activities (FEIS Vol.1, p. 120).

The Monument Fire Recovery Project alone will not bring about full recovery to the fire area. Future activities such as thinning timber stands, regulating cattle grazing, additional reforestation, obliterating old skid trails, decommissioning roads and implementing the Monument Roads Analysis recommendations will likely be needed.

After I concluded that active restoration was appropriate, I weighed the pros and cons of each alternative based on the significant issues listed above. Following is a discussion of these issues and my conclusions.

Snags

One of the more difficult issues to balance was the level of snags to be retained. Looking at the burned area today, there appear to be plenty of snags for wildlife needs. However, this is a short to mid-term condition lasting 10 to 30 years (FEIS Vol.1, p. 90). Since the Monument Fire burned so hot and killed so many trees, once these snags fall over, there will be no replacement snags until the forest is re-established and reaches a size and age to provide snags. Even with reforestation, it is anticipated this will take over 120 years to occur (FEIS Vol.1, p.78).

Snags are important for a number of primary cavity excavator species (FEIS, p. 188-213). The Malheur Forest Plan, as amended, requires enough snags be provided to support populations of cavity dependent species at 100 percent of their population potential across the landscape and, where available, green trees be retained to replace those snags when they fall over or are otherwise no longer suitable.

To evaluate the effects on snag and down wood habitat by each alternative, I considered the analysis information provided by an advisory tool known as DecAID which measures species tolerance levels to snag levels and a more simplistic method by just comparing the amount of suitable forested habitat retained that could be utilized by primary cavity-nester species.

The DecAID modeling displays cavity excavator use or tolerance levels as an overall range for cavity excavator species (FEIS Vol.1, p.196). Values provide a relative difference between alternatives. Tolerance levels have less to do with viability of species and populations, and more to do with the distribution of individuals across a project area. The alternatives represent different levels of snag retention and distribution, and thus would affect woodpecker presence and distribution. Alternatives 1 and 5 will support the highest

tolerance levels for most primary cavity excavators. Of the alternatives with salvage and/or thinning activities, Alternative 3 (salvage activities only) supports the highest tolerance levels for most primary cavity excavators. Alternatives 2 and 4 (salvage and thinning activities) support essentially the same tolerance levels for primary cavity excavators.

A further comparison is the amount of acres of suitable habitat protected, in either "reserve patches" specifically established for woodpecker species or non-salvage areas established for other reasons, e.g., wilderness protection, RHCA protection or low economic viability. These areas are particularly important to species such as the black-backed and three-toed woodpeckers that may use un-logged burn areas as source habitats to maintain populations across the landscape. Alternative 1 (the No Action Alternative) and Alternative 5 (no salvage or thinning activities) would maintain snag habitats across the entire fire area. Currently, about 8,319 acres of suitable habitat exists in the project area. Under Alternative 2, about 13,465 (79%) acres of burned forested habitat will not be treated in the project area. Under Alternative 3, about 14,475 (85%) acres of burned forested habitat will not be treated in the project area. Under Alternative 4, about 14, 341 (85%) acres of burned forested habitat will not be treated in the project area. Untreated acres for each alternative include the 11,475 acres of burned forested habitat in the Monument Rock Wilderness area. Once the majority of snags fall, cavity excavators would not likely occupy the area, or they would exist at greatly reduced levels.

There is no overwhelming conclusion I can draw from the analysis to select between the three snag prescriptions, they all provide similar quality snag habitats for the next 30 year period. Alternative 3 is slightly better; it provides better distribution of snag habitat throughout the project and the most acres of protected habitat. Alternative 4 ranks second since it retains 876 more acres of habitat than Alternative 2.

Another factor to consider in managing snags is the risk of blow down and hazard tree cutting during logging operations. The loss of protected snags within the snag clumps inside harvest areas is estimated to be 1 to 2% in Alternatives 2 and 3. Alternative 4 retains the snags in un-harvested patches that would be less affected by wind and would not present a direct hazard during logging.

My selection of Alternative 4 balances the need to reduce fuel loading and retain snag habitat. Alternative 4 will retain 85% of the burned forest snag habitat which is comparable to Alternative 3. By leaving the snags in large patches, there is also less risk under Alternative 4 versus Alternatives 2 and 3 that the retained snag habitat may be cut since logging crews are separated from these potential hazard trees and the snags will be less susceptible to wind throw.

RHCA Salvage

Salvage of dead trees in RHCAs was proposed as a method of reducing future fuel loadings in RHCAs adjacent to the Little Malheur River, and Camp Creek. Under Alternative 2, the proposal was to remove dead trees < 20 inches dbh while leaving dead trees larger than this to provide for future large woody debris (LWD) needs. However, salvage of dead trees < 20 inches dbh in RHCAs could potentially result in a reduction in 18 pools in Camp Creek and 2 pools in the Little Malheur River compared to the No Action Alternative in 5 to 10 years (FEIS Vol.1, p.140). Number of pools under Alternatives 3, 4 and 5 would be the same as the No Action Alternative because salvage would not occur in RHCAs under these alternatives.

Salvaging of dead trees < 20 inches dbh in RHCAs as proposed under Alternative 2 would also result in a long-term reduction in the amount of woody debris available to trap

fine sediment in Camp Creek and the Little Malheur River from future large erosion events such as wildfires or floods. The presence of woody debris in stream channels in forested ecosystems has been shown to be a major factor in determining the recovery rate of stream channels from large-scale disturbance events such as large fires and floods. Levels of woody debris in Camp Creek and the Little Malheur River under Alternatives 3, 4 and 5 would be the same as the No Action Alternative because salvage would not occur in RHCAs under these alternatives.

I selected Alternative 4 because it offers the best protection of RHCAs. The salvage harvest in the RHCAs under Alternative 2 would reduce potential fuel loading in the RHCAs but could not meet the desired fuel loading objective in the Upper Little Malheur River subwatershed RHCAs even with additional handpiling. I did not select Alternative 2, since it did not meet this fuels objective and the salvage would impact RHCAs that have historically supported bull trout populations.

Commercial Thinning

The proposal to commercially thin (green tree harvest) within this large burn drew many negative comments both during scoping and during the review of the DEIS. Many of commenters felt we should retain all live trees to maintain wildlife habitat for such species as pileated and white headed woodpecker, pine martens, and goshawks. Alternative 3 was developed without any thinning to meet this concern.

Our primary objective of the thinning is to improve the resiliency to insects, disease, wildlife, and other disturbances in the remaining over stocked green or live stands. Thinning maintains tree vigor by reducing the stocking levels in these stands. This is a standard practice identified in the Malheur Forest Plan.

The resiliency treatments described in Alternatives 2 and 4 prescribe both thinning and salvage on approximately 223 acres. These areas burned at lower fire intensities with varying degrees of mortality. The mortality was often high enough to change the pre-fire stand structures. The actual thinning will occur primarily within 76 acres. Mortality was high enough in the remaining 147 acres to limit thinning to scattered pockets; most of the harvest in these areas is salvage (Table 2-8, FEIS Vol.1, p. 60).

I feel the effect of thinning on suitable forested wildlife habitat is incidental compared to the need to promote tree vigor in these few remaining green trees. Of the 76 acres of thinning, only 7 acres are considered as suitable habitat for species such as the pileated and white headed woodpeckers and pine martin (FEIS Vol.1, pp. 207 and 208). Thinning also will not change the current stand structure and will not affect cover needs for big game (FEIS Vo.1, p. 215). In the long term, commercial thinning will increase growth of the residual trees and develop a more single story old growth condition, the preferred habitat for white-headed woodpeckers. Stand resiliency will also be promoted that will decrease secondary mortality from insects and disease (FEIS Vol.1.pp. 75-76).

Water Quality/Sedimentation

Sedimentation and stream temperature problems may partially result from native roads located in riparian areas designed for downhill timber removal. An additional concern expressed in response to the proposed Monument Fire Recovery Project is the risk of increasing stream temperature and sedimentation through salvage logging.

Sedimentation

In my decision, I considered a number of factors related to the risk of sediment from salvage activities. These include: the total level of activity (e.g., how many acres are

being salvage harvested or acres of ground skidding); the logging systems to be used and associated mitigation; the location of activities relative to stream channels; and the erosion hazard and other soil characteristics of the lands being salvaged.

The No Action alternative does not include salvage logging or ground disturbing activities and does not present any risk of activity-related sediment. However, it does not correct existing road and old skid trail problems that would decrease long-term fine sediment levels in Camp Creek and the Little Malheur River. Alternative 5 does not include salvage logging but it corrects sedimentation problems identified with existing roads and old skid trails as does Alternatives 2, 3, and 4.

Alternative 2, 3, and 4 include somewhat different levels of helicopter and tractor skidding. All three alternatives require helicopter yarding in the Upper Little Malheur River subwatershed. This area includes approximately 85 to 90% of the salvage and commercial thinning harvest acres in all three alternatives. Alternative 2 includes 601 acres of RHCA salvage harvest using helicopter yarding. There is no RHCA salvage prescribed in Alternatives 3 and 4. Soil disturbance resulting from harvest activities using helicopters will not likely result in an increase in erosion rates. Erosion rates from the fire area are likely to be similar under Alternatives 2, 3, and 4 as Alternative 1 after 2004 due to the recovery of herbaceous ground cover.

Ground skidding during harvest activities has the greatest potential for creating sedimentation problems. Ground skidding is limited to the Swamp Creek subwatershed for Alternatives 2, 3, and 4. No harvest is proposed in any of the RHCAs within Swamp Creek subwatershed for any of the harvest alternatives. The areas to be harvested within Swamp Creek are relatively flat (slopes less than 30%) and contain ash soils having a low to moderate potential for erosion.

I selected Alternative 4 because it limits the risk of sedimentation during salvage harvest, decreases long-term fine levels because roads are decommissioned and old skid trail obliterated, and best meets fuels and economic objectives.

Stream temperature

The Little Malheur River within the project area had elevated stream temperatures prior to the fire, and did not meet State Water Quality Standards for temperature (FEIS Vol.1, p. 132). In some instances, stream temperatures may naturally be above thresholds. In other instances, elevated temperatures may have been the result of prior harvest activities, livestock or wildlife grazing, road construction, or a combination of these activities. The fire further reduced stream shade and, regardless of the alternative selected, stream temperature problems are likely to persist for one or more decades.

None of the alternatives considered for the Monument Recovery Project would directly affect stream temperatures. Although there are differences among the alternatives in the stream protection buffer widths, and measurable stream shade. Salvaging dead trees < 20 inches dbh in RHCAs adjacent to Camp Creek and the Little Malheur River as proposed under Alternative 2 will result in small decreases in current shading. However, the decreases are unlikely to result in increases in water temperatures in these streams.

Since the No Action alternative relies mainly on natural vegetative recovery, high stream temperatures are expected to persist longer under this alternative than under any other alternative considered. Given the importance of stream temperatures to bull trout and other fish native to the fire area, I have determined that taking action to accelerate vegetative recovery is justified.

Economics

Recovering the value of fire-killed and dying timber is important for several reasons. First, capturing the economic value of this timber can help offset the cost of fire-related restoration projects such as fuels reduction and maintenance of roads to limit the risk of sedimentation. Second, providing a viable timber sale is important to the local community by providing job opportunities and personal income. While I recognize the importance of economic considerations, and in particular the importance of forestry and forest products in the local economy, it is important to balance the need to promote recovery.

The No Action alternative does not meet the purpose and need to provide economic benefits to local communities by harvesting a portion of the fire-killed trees or by initiating long-term recovery, and so I did not find it to be an acceptable alternative (FEIS Vol.1, pp. 275 to 280). Alternative 2 would provide the highest level of jobs and personal income and has the highest present net value followed closely by Alternative 4. I did not select Alternative 2 because it would present a potentially greater impact to fish habitat in the RHCAs than either Alternatives 3 or 4. Alternative 3 has the lowest level of job and personal income of the three harvest alternatives. Alternative 5 would not provide timber harvest-related employment or income, and would not meet the purpose and need to capture economic value of the dead timber by harvesting a portion of the fire-killed trees. All action alternatives including Alternative 5 would generate jobs associated with restoration activities such as tree planting, snag falling, and other projects.

Ultimately, in selecting an alternative, economic considerations were important in trying to maintain a viable sale, but were otherwise largely overshadowed by resource considerations. In accelerating ecosystem recovery of the Monument Fire area, I view a timber sale principally as a tool to accomplish resource objectives. My decision to implement Alternative 4 reflects this viewpoint: leaving un-harvested RHCAs to reduce the risk of adverse impacts to streams and aquatic resources; reducing future fuel potential loading; using helicopter logging on steep slopes to protect soils and water quality; and retaining over 300 acres of un-harvested blocks for snag habitat. These components of Alternative 4 all tend to reduce the harvest volume and value of the salvage sale (and thus its economic contribution), but they are also components that I believe will add substantially to the success of the recovery effort.

Fuels

In my decision, I considered a number of factors related to fuel loading, fuel reduction opportunities, projected future fire effects at different fuel loadings by alternative. Alternatives 1 and 5 would not reduce potential future fuel loadings, which would not meet current Forest Plan direction and would increase the risk of a future high-severity wildfire. Alternatives 2, 3, and 4 would reduce potential future (10 to 30 years) fuel loadings to desired levels leading to lower fire severity of future wildfires in the project area.

Alternative 2 would do the most to reduce fuel loadings since harvest would occur in both upland and RHCAs. The uplands would be reduced to an average of 8 tons per acre within the treatment units, 5-15 tons per acre being the desired range of fuel loading. Alternative 2 would reduce fuel loadings to 26 tons per acre in the Little Malheur River RHCA and 50 tons per acre in the Camp Creek RHCA. The additional post-harvest fuel treatments (hand piling) in the Little Malheur RHCAs would still not meet the desired fuel loading of 15 tons per acre. Handpiling was not a viable option as a post-harvest fuel treatment in the Camp Creek RHCA so the fuel loading would be well above the desired fuel loading.

Alternative 3 would reduce fuel loadings to 14 tons per acre in treatment units, due to higher numbers of snags retained in treatment units for benefit of other resource values. Alternative 4 would reduce fuel loadings to an average of 8 tons per acre in treatment units, leaving snag concentrations outside of treatment areas for benefit of other resource values.

I selected Alternative 4 because it reduces fuel loadings in treatment areas to a level which would lead to low to moderate fire behavior in a future wildfire event, while maintaining snag patches, sufficient snag habitat and eliminating harvest in RHCAs that could effect stream habitat.

Soils

In deciding whether or not to actively pursue salvage harvest, reducing the potential for soil erosion and maintaining soil productivity were important considerations from the very beginning of our recovery planning effort. In the original design of Alternative 2 (Proposed Action) it was recognized that existing sensitive soil conditions in the Upper Little Malheur subwatershed would be a major erosional problem if any ground skidding was proposed to remove the salvage. To avoid these erosional impacts, helicopter yarding was the only logging system proposed in this subwatershed. All three of the harvest alternatives followed this logging design and have the same minimal risk of surface erosion. This approach was also followed in the design of the associated helicopter log landings and temporary roads for Alternatives 2, 3, and 4. All the landings were located in stable upland areas and the new access roads to these landings are limited to 0.4 to 0.6 miles of temporary road.

The ground skidding proposed in the Swamp Creek subwatershed in Alternatives 2, 3, and 4 was thoroughly analyzed to ensure the risk of surface erosion is minimized. The use of helicopter logging systems was considered in this subwatershed as mitigation to reduce soil impacts and subsequent erosion. Helicopter logging would result in insignificant (less than 1%) amounts of displacement compared to the tractor logging that would increase detrimental soil conditions by 5 to 7%. The tractor logging will be below the 20% standard identified in the Forest Plan. This standard is appropriate for the soils found in the project area (FEIS Vol.1, pp.109 and 122).

Conversely, if my only objective were to eliminate any potential of harvest-related soil disturbance and complete only the restoration proposals, I would have selected Alternative 5. Alternative 5 would not salvage dead and dying trees, construct any temporary road, but would decommission roads and obliterate old skid trails. Although Alternative 5 affords soils a high degree of protection, I did not select it because it does not respond fully to the purpose and need for action to recover the potential value of fire-killed and dying trees and does not reduce potential fuel loading.

Alternative 1 (No Action) would provide the highest level of down woody material for soil productivity and would not generate any harvest-related soil disturbance. However, the watershed condition class would improve more slowly under Alternative 1 that under the action alternatives. I did not select this alternative because trees would not be planted, increasing the length of time to establish ground cover, roads would not be decommissioned and old skid trails would not be obliterated.

If the decision was based solely on erosion potential between the harvest alternatives, Alternative 3 has slight edge with fewest acres of ground skidding and Alternative 2 the worst since there is the most acres of ground skidding. But the different is very slight. In selecting Alternative 4, I have provided a balanced approach for managing the recovery area. This alternative provides for the salvage of dead and dying trees, minimizes harvest-related soil disturbance,

and protects and improves watershed health by implementing fire-related restoration projects (FEIS – Chapter 2, page 7). Alternative 4 does the best job of responding to all the elements of the purpose of and need for action while providing a high level of protection for all resources, including soils.

Other Public Concerns

In addition to the significant issues, concern was expressed during the public scoping and in the comments on the DEIS about salvage harvest within unroaded areas, closure of open roads to motorized vehicles, and the salvage harvest of both dead and dying trees.

Unroaded Areas

A number of unroaded areas of various sizes ranging from 20 to 1,000 acres were identified by the public that are either contiguous to the roadless Monument Rock Wilderness or within the interior of the project area. Except for the wilderness area there are no inventoried roadless areas within the Upper Little Malheur subwatershed. The Swamp Creek subwatershed contains a large portion of the Glacier Mountain Inventoried Roadless Area and a small inclusion of the Flag Creek Inventoried Roadless Area but are not contained or adjacent to the project area.

The IDT carefully analyzed these unroaded areas identified by the public (FEIS Vol.1, pp. 293 to 297) for special management consideration based on current Forest Service direction. This analysis indicated that these unroaded areas did not meet the size standards nor did they contain roadless characteristics for future consideration as a roadless area. I do not feel we are limiting any future management options with salvage harvest in these areas.

Road Closures

In deciding whether to leave all the roads open or close some roads, I considered the concerns of a variety of users and the impacts of the existing roads on water quality and wildlife habitat. The obvious benefits of leaving all roads open include allowing the maximum access for recreationists, providing current access for range permittees, meeting the needs of the Burns Paiute Tribe for access, and maintaining the current administrative access for future resource management. The adverse impacts of leaving all the roads open include water quality problems associated with sediment production from some roads, reduction of big game security, and increased risk of noxious weed spread by motorized vehicles. In balancing these needs and impacts, I selected Alternative 4. I believe the road closures and decommissioning identified in this alternative maintain adequate access yet correct critical resource problems associated with a number of problem roads (FEIS Vol.1, pp.107, 126, 145, 224, 255, and 269). Approximately 11.8 miles of road will be permanently closed by decommissioning and 7.0 miles will be yearlong gated closures but can be opened when the need arises. Alternatives 2 and 4 included these same closures. Alternative 5 included the same decommissioning but increased the number of gated closures to 16.2 miles. I had the option in my decision to include these additional closures within Alternative 4. However, I decided to forgo these additional closures until access needs for recovery projects such as the tree planting is completed. Following completion of the recovery projects, these closures can be reconsidered.

Salvage of Dead and Dying Trees

A number of public comments were received relating to our proposal to include the harvest of both dead and dying trees. The concerns were raised that many of these dying trees could survive and should be retained. From the beginning of the project, our silviculturists worked closely with Forest Service scientists from the Blue Mountains Pest Management Center in

LaGrande, Oregon to assess which of the fire damage tree were likely to survive. These scientists have developed a rating system that provides an aid in making these survival determinations. (FEIS, Vol.1, pp. 12 and 13) This group from the Pest Center also spent time in the field with the silviculturists on the Monument project area to review some of the damaged stands and go over the rating system. I am confident that by using this rating system that those trees likely to survive will be retained.

Changes in Environmental Conditions between the Draft and Final EIS

I need to explain a change that developed after the DEIS was completed relating to the higher tree mortality in the low to moderate severity burn areas. Our initial mortality estimates in 2002 were based on burn severity mapping utilizing post-fire aerial photographs, walk through exams, and limited number of stratified stand exams. The following 2003 field season additional field observations and plots were taken to determine mortality in light to moderately burn damaged stands. It was very obvious that mortality is much higher in these stands than originally estimated. The Malheur Forest Staff Silviculturist also verified these higher mortality estimates.

The higher mortality levels changed many of the resiliency treatments to salvage treatments in the FEIS. In the DEIS, 844 acres were proposed for commercial thinning or shelterwood harvest in the resiliency treatment areas. This decreased to 223 acres of resiliency treatments in the FEIS identified in Alternative 4 as a result of updated mortality information. The increased mortality made the need for thinning unnecessary in many areas; there are no longer stands with closely spaced trees that will benefit from commercial thinning. Even in the remaining acres identified as resiliency treatments in Alternative 4, the majority of the harvest is salvage with only 76 acres of actual commercial thinning of live trees (see previous discussion in ROD under commercial thinning).

This new tree mortality information resulted in a change to the forest structure stage mapping in the light to moderate burn severity areas. Many of the stands were reclassified from young forest multi-stories (YFMS) and old forest multi-storied (OFMS) to understory reinitiation (UR) and stem exclusion – open canopy (SEOC) and stand initiation (SI). Based on the new forest structure information, the estimate of the amount big game cover habitat in the project area was changed.

The big game cover estimates in the DEIS were based mainly on walk through field observations by the wildlife biologist during the fall following the fire. The mortality in these stands appeared light with little change from the previous forest structure, the fire severity was generally light to moderate. Many of these stands were originally proposed for commercial thinning in the resiliency treatments. Based on 2003 data, the updated forest structure mapping indicates that there is little marginal cover remaining. Currently many of the dead and dying trees that appear to be live will lose their green canopy. Those trees will not contribute to cover for analysis purposes (FEIS Vol.1, p. 213). In the DEIS, all 844 acres of resiliency treatments were located in forested stands identified as marginal cover in DEIS. We disclosed in the DEIS that in order to implement the commercial thinning a non-significant amendment to the Malheur Plan was needed. Our new estimates used in the FEIS show only 3 acres of marginal cover within the 223 acres of resiliency treatments. Only salvage is permitted in these 3 acres of cover which would not change the marginal cover rating, so an amendment was not needed to implement Alternative 4.

Cumulative Effects from Ongoing and Proposed Activities

In selecting Alternative 4, I directed the IDT to consider the likely effects of past, present, and future activities (FEIS Vol.1, p. 62) in combination with the proposed activities of the Monument Fire Recovery Project within the Upper Little Malheur and Swamp Creek subwatersheds. Two of the activities, salvage harvest in the Wallowa-Whitman portion of the fire and livestock grazing were special concerns in many of the DEIS comment letters. Our analysis of the Wallowa-Whitman salvage harvest does indicate some limited cumulative effects to wildlife habitat particularly snag habitat (FEIS Vol1., pp. 211 and 212). Approximately 20% of the 24,525 acres will be salvage harvested on either National Forest System lands (Malheur and Wallowa-Whitman or on private land). This still leaves a large area of snag habitat that will be available over the next 10 - 30 years within the Monument Fire area. This effectively limits the cumulative effects of salvage harvest on snag habitats. No cumulative effects to water quality, fish habitat, or soil productivity were identified since these activities occur in a different subwatershed. The Wallowa-Whitman FEIS also considered salvage efforts on the Malheur National Forest's portion of the Monument Fire, including haul of as much as 5-6 million board feet of timber through the Wallowa-Whitman National Forest's portion of the fire (Monument Fire Recovery Project Record of Decision -Wallowa-Whitman National Forest).

The cumulative effects of grazing were also thoroughly analyzed in respect to seedling survival, effects on sedimentation, fish habitat, sensitive plants, noxious weed spread, and water quality. Grazing practices will follow the Post-Fire Grazing Guidelines (FEIS Vol.2, Appendix G) and the mitigation developed for seedling protection (FEIS Vol.1, p. 53). Following these procedures, cumulative effects will be minimal as described in the FEIS.

The large number of other ongoing and proposed actions contributed to my decision to select a balanced resource protective alternative, even though the actual analysis of effects (FEIS, Chapter 3) did not indicate significant cumulative effects.

Consultation/Conferencing with USFWS

Aquatic Species

All alternatives are consistent with the Endangered Species Act (FEIS Vol.2, Appendix C, Aquatic Species Biological Evaluation). All alternatives will have **No Effect** on bull trout and will not result in adverse modification to proposed critical habitat for bull trout. Based on these effect calls, consultation with the US Fish and Wildlife Service (USFWS) was not necessary.

Also based on USFWS' review of the biological evaluation and supporting information provided in Level 1 team meetings, and field trips to the fire and project areas, USFWS did not object to the Forests' no effect determinations for bull trout or proposed critical habitat for bull trout.

Terrestrial Wildlife

All alternatives are consistent with the Endangered Species Act (FEIS Vol.2, Appendix D, Wildlife Biological Evaluation). All alternatives will have **No Effect** on lynx, bald eagles, or gray wolves. Based on these effect calls, consultation with the USFWS was not necessary.

Also based on USFWS' review of the biological evaluation and supporting information provided in Level 1 team meetings, and field trips to the fire and project areas, USFWS did not object to the Forests' no effect determinations for bull

trout or proposed critical habitat for bull trout.

Plants

Surveys show there are no known federally listed threatened or endangered plant species within the project area. No consultation with the regulatory agencies such as the USFWS was needed.

Legal Requirements and Policy

In reviewing the EIS and actions involved in Alternative 4, I have concluded that my decision is consistent with the following laws and requirements:

The Preservation of American Antiquities Act, June 1906

All surveyed and inventoried cultural resource sites in the Monument Fire Project area will be protected from entry and excluded from any resource management activities. New sites discovered during operations will be protected by provisions in the timber sale contract (C6.24#).

The National Historic Preservation Act: The Oregon State Historic Preservation Officer (SHPO)

SHPO has been consulted concerning proposed activities in the Monument Fire Project area. The Advisory Council on Historic Preservation (ACHP) will be consulted about measures to protect significant archaeological sites from adverse affects, should any be identified.

The National Environmental Policy Act (NEPA), 1969

NEPA establishes the format and content requirements of environmental analysis and documentation, such as the Monument Fire Recovery Project. The entire process of preparing an environmental impact statement was undertaken to comply with NEPA.

The Endangered Species Act of 1973, as amended

Biological Evaluations have been prepared to document possible effects of proposed activities on endangered and threatened species in the Monument Fire area. Appropriate coordination, conferencing, and consultation with USFWS have been completed (See previous section of ROD, Consultation/ Conferencing with USFWS).

Clean Air Act Amendments, 1977

The Selected Alternative is designed to meet the National Ambient Air Quality standards through avoidance of practices that degrade air quality below health and visibility standards. The Oregon State Implementation Plan and the Oregon State Smoke Management Plan will be followed to maintain air quality (FEIS Vol.1, p.98).

The Clean Water Act, 1982

The Selected Alternative will meet and conform to the Clean Water Act as amended in 1982. This act establishes a non-degradation policy for all federally proposed projects (FEIS Vol.1, p.183). The Selected Alternative meets anti-degradation standards agreed to by the State of Oregon and the Forest Service, Region 6, in a Memorandum of Understanding (Forest Service Manual 1561.5). This will be accomplished through planning, application, and monitoring of Best Management Practices (BMPs). Site-specific BMPs have been designed to protect beneficial uses.

Satisfaction of State Forest Worker Safety Codes

The Oregon Occupational Safety and Health Code for Forest Activities (OAR 437, Division 6) regulations will be met when the Selected Alternative is implemented. Salvage strategies are designed to provide for worker safety by providing for appropriately sized openings to facilitate safe operation of yarding equipment or by clumping dead trees that are retained.

Environmental Justice

Executive Order 12898 on environmental justice requires federal agencies to identify and address any disproportionately high and adverse human health or environmental effects on minority and low income populations. The analysis focuses on potential effects from the project to minority populations, disabled persons, and low-income groups. Under Alternative 1 (No Action), all current uses of the National Forest System lands would continue, including recreation, harvesting of non-timber forest products, special-use permits, subsistence uses, and spiritual/aesthetic uses. Effects to minority populations, disabled persons, and low-income groups would not be disproportionate with other users of the National Forest System lands.

Implementing Alternatives 2, 3, 4 and 5 provide a variety of opportunities for potential contracts. The alternatives would have no impact on the contracting process or the USDA Small Business Administration program for reserving contracts for minority groups for tree planting, precommercial thinning, and road restoration. Employment and income would be available to all groups of people, subject to existing laws and regulations for set-asides, contract size, competition factors, skills and equipment, etc.

Opportunities for all groups of people to collect species from disturbed and non-disturbed sites would be maintained by all alternatives, and no disproportionate effect is anticipated to subsets of the general population.

None of the alternatives would have disproportionately high and adverse environmental effects on minority populations, low-income populations, or Indian tribes.

Other Policy or Guiding Documentation

Biological Evaluations were prepared to assess potential effects to sensitive species as identified by the Regional Forester. This evaluation for aquatic species and terrestrial wildlife determined that while there may be impacts to individual sensitive species, those effects are not likely to contribute to a trend towards federal listing or loss of viability of the population or species. The evaluation for plants found that a portion of the road decommissioning project will impact individuals or habitat with a consequence that the action may contribute to a trend towards federal listing or cause a loss of viability to the population or species for Listera borealis. To mitigate this effect, prior to any ground disturbing activities associated with the decommissioning resources specialists including the botanist will review and revise if necessary the road plans to ensure these sensitive plant populations are not inadvertently impacted (FEIS Vol.1, p.53).

The Malheur National Forest Land and Resource Management Plan, as amended, provided the framework for the development of all the alternatives.

I have reviewed the scientific assessment from the Interior Columbia Basin Ecosystem Management Project (ICBEMP) and have incorporated principles from it. My decision was based on using active management to restore a burned area that is not capable of self correcting in a time period I find acceptable.

Public Participation

The NEPA scoping process (40 CFR 1501.7) was used to invite public participation, to refine the scope of this project, and to identify preliminary issues to be addressed. The Forest Service sought information, comments, and assistance from Federal, State, and local agencies, the tribes, and other groups and individuals interested

in or affected by the Proposed Action. The scoping period lasted 30 days. The public was provided opportunities to participate in the Monument Fire Recovery Project (FEIS Vol.1, pp.20 and 21).

A DEIS was distributed for comment to the tribes, the public, and other organizations and agencies in August 2003. In response to the DEIS, 11 comments were received in a timely manner (FEIS Vol.1, pp. 21 and 302). Responses to these comments are found in Appendix F of the FEIS.

The Environmentally Preferable Alternative

Under the National Environmental Policy Act, the agency is required to identify the environmentally preferred alternative (40 CFR 1505.2(b)). This is interpreted to mean the alternative that would cause the least damage to the biological and physical components of the environment, and, which bests protects, preserves, and enhances , historic, cultural, and natural resources (Council on Environmental Quality, *Forty Most Asked Question Concerning CEQ's National Environmental Policy Act Regulations*, 46 FR 18026). Factors considered in identifying this alternative include: (1) fulfilling the responsibility of this generation as trustee of the environment for future generations, (2) providing for a productive and aesthetically pleasing environment, (3) attaining the widest range of beneficial uses of the environment without degradation, (4) preserving important natural components of the environment, including biodiversity, (5) balancing population needs and resource use, and (6) enhancing the quality of renewable resources.

In the case of the Monument Fire Recovery Project, I have determined that the environmentally preferable alternatives are Alternatives 3 and 4 based on these six factors.

Long-term, Alternative 3 combines the best fire restoration activities with the lowest risk of additional watershed damage to protect this fragile environment for future generations. Road decommissioning and skid trail obliteration corrects a number of known sediment problems; salvage harvest reduces potential down fuels with the fewest acres of ground skidding, and includes a large amount of tree planting between the alternatives. In the short term, the No Action alternative and Alternative 5 offer the least risk of sedimentation that effects water quality but does nothing to reduce severity of future fires since there is no salvage harvest. The No Action also does not include road decommissioning or skid trail obliteration. Alternatives 4 is similar to Alternative 3, but has a slightly greater risk of sedimentation due to a larger number of acres of ground skidding. Alternative 2 provides the highest sedimentation risk and includes harvest in riparian areas that could affect fish habitat (number of pools).

All the alternatives maintain the aesthetic visual integrity standards in the Forest Plan, and provide a safe environment in the short-term. Long term as the dead trees fall to the ground near open roads, the risk to public safety will increase the most with Alternatives 1 and 5 since no salvage harvest would occur along roads. During high winds, the trees could blow over on vehicles or dispersed recreation sites, though this is a low probability. Alternative 2, 3, and 4 equally minimize this safety risk. Alternatives 2, 3, and 4 plant and reforest a higher percentage of the area restoring at a faster rate the aesthetics and productivity of the burned area.

Alternatives 3 and 4 utilize the dead and dying timber for beneficial economic uses, provide long-term benefits of fuels reduction and reforestation activities and include less environmental risks and still provide for wildlife needs compared to Alternatives 2. Alternative 4 increases the likelihood the large snag patches will be retained longer by

separating the logging crews from the potential hazard trees and providing protection from wind throw. Alternatives 1 and 5 retain all the dead and dying trees that in the short to mid-term are providing the best beneficial wildlife snag habitat use but does not address long-term fuel reduction.

Preservation of the known cultural resource sites are also an important factor. Since no activities are proposed under Alternative 1, it offers the best protection of the 19 identified cultural resource sites within the project area. Alternative 2, 3, 4, and 5 strictly avoid ground disturbance to these sites that also provides adequate protection.

The balancing of population and resource use needs is similar for Alternatives 2, 3, and 4. Alternative 2 and 4 provide the greatest economic value from the dead and dying timber by providing jobs and logs to timber companies while still protection the environment. Alternative 3 captures less economic value while providing protection to critical resource values such as water quality and fish habitat. Alternatives 1 and 5 do not capture the economic value of dead and dying timber.

The quality of the forested landscape will be improved in Alternatives 2, 3 and 4 by promoting the recovery of burned forest by planting the most acres and reducing future potential fuels.

In conclusion, upon full consideration of the elements of Section 101 of NEPA, the Alternatives 3 and 4 represent the environmentally preferable alternatives for the Monument Fire Recovery Project.

Design Measures/Mitigation Measures

Design measures and mitigation are site-specific management activities designed to reduce the adverse impacts of timber harvest and associated activities. These measures will be implemented through project design and layout, contract specifications, contract administration, and monitoring by Forest Service officers.

As part of my decision, I am choosing to implement these design and mitigation measures identified in the FEIS (FEIS Vol.1, pp.46-53). I am confident that these selected measures will adequately prevent adverse effects for the following reasons: the selected mitigation measures are practices we have used successfully in the past; they are State-recognized best management practices for protecting water quality; or they are based on current research (e.g., the snag management approach). I have decided to monitor the implementation of these measures and, in some instances, to monitor their effectiveness, as described in the following section.

Monitoring

Monitoring of the Monument Fire Recovery Project is designed to accomplish three purposes: 1) to assure that all aspects of the project are implemented as intended; 2) to determine, for certain critical activities, that the effects of the activities are consistent with the intent; and 3) to allow adaptation if it is found that activities are not being implemented correctly or are not having the desired effects. For example, if monitoring watershed conditions indicates unexpected or excessive sediment transport to streams, the result of that monitoring would be used to add more mitigation, such as additional sediment traps; implement seasonal or emergency closures; or modify or delay activities. Additional details of the monitoring items are found in the FEIS Vol.1, pp. 54 and 55.

Forest Plan Consistency

While I believe Alternative 4 to be consistent with long term management objectives as discussed in the Malheur National Forest Plan, there are two aspects of Alternative 4 that are inconsistent with existing standards and guidelines. In order to permit prompt and necessary fuels

reduction activities, I have decided to amend two Forest Plan standards for this specific project:

1. Snag distribution will not be on a 40 acre basis.
2. Identify new Designated Old Growth areas.

Non-Significant Forest Plan Amendment #57

The purpose of the non-significant amendment is to allow for short-term management activities that are not consistent with current Forest Plan direction for snag distribution and dedicated old growth designation.

Snag Distribution

Alternative 4 was designed specifically to leave higher levels of snag habitat and in a distribution pattern designed to increase cavity excavator habitat for species such as the black-backed woodpecker and to increase the likelihood the large snag patches will be retained longer by separating the logging crews from the potential hazard trees and providing additional protection from wind throw. By distributing the snag patches on a unit basis for better utilization by the species, and not a 40-acre block basis, we may not meet Forest Wide Standard and Guideline #39. Alternative 4 would include the following site-specific, non-significant amendment to Forest Wide Standard and Guideline #39. "For the Monument Fire Recovery Project, within the project area, snags will be retained in untreated patches sufficient to provide prescribed levels of snags at a landscape level."

Dedicated Old Growth

Alternative 4 was designed, in part, to replace a Dedicated Old Growth (DOG) that is now unsuitable due to the fire. It is my decision to amend Management Area designations to relocate DOG and ROG 04334PP to an area outside the fire perimeter and convert the original acres in DOG/ROG 04334, now Dedicated Old Growth, Management Area 13 to General Forest, MA-1 or Big Game Winter Range, MA-4A. My decision also includes re-delineating DOG and ROG 04345PP to a location that better meets direction in the Forest Plan for suitable habitat for either the pileated woodpecker or pine martin. A portion of ROG 04345PP was also affected by the fire. DOG 04345PP will remain in approximately the same location and retain the same acres of MA 13. The size of ROG 04335PP is reduced but remain in the same location. Much of this area is now identified as a pileated woodpecker feeding area allocated as either MA 1 or MA 4A. The current and new locations of the DOGs and ROGs can be seen in Figure 15, FEIS Vol.1.

Table 1.1 identifies the total change in re-delineation of the two DOGs and ROGs. These acres include not only MA 13 acres but also MA 22A (North Fork River Scenic River plan) and MA 3A/RHCA (riparian areas). All three of these management areas comprise the old growth habitat even though it is not totally identified MA 13. The Malheur Plan management areas are based on a hierarchy by priority of management (Malheur Forest Plan, IV-46). Management Areas 22A and MA 3A/RHCA have a higher priority than MA 13.

Two additional areas adjacent to these DOGs and ROGs are also being identified as pileated woodpecker feeding areas (PPFA) and maintain their original Forest Plan management allocation. The two PPFA areas include a total of 811 acres providing suitable foraging habitat to meet Forest Plan direction.

Tables 1.2 and 1.3 identify the change in management area allocation. The DOGs and ROGs are being re-located into areas that are currently allocated to different management areas. In summary, the following Management Area changes from the current DOG and ROG include: MA 1 increase by 1,145 acres; MA 4A increases

by 114 acres, MA 13 decreases by 1,173 acres; MA 14F (Visual Corridor Foreground) increases by 24 acres; and MA 14M (Visual Corridor Middleground) decreases by 49 acres. A map and data tables for the MA changes are contained in the Wildlife Specialist report of the Project File.

These designations will increase the total acres of DOG by 71 acres, and decrease the ROGs by 938 acres (see Table 1.1). The increase and decrease is due to the size of the available forest stands in the new areas that have mature or old growth habitat, it is best we could achieve. The structural forest stages needed for this old growth habitat is generally old forest multiple strata (OFMS) and young forest multiple strata (YFMS).

Post-fire, there is essentially no mature or old growth habitat remaining that meets pileated woodpecker, pine marten or three-toed woodpecker habitat requirements based on the current Forest Plan guidelines. The DOG and ROG 04334 areas and a portion of ROG 4345PP are no longer functioning as old growth. Stands have been converted to understory re-initiation (UR) and stand initiation (SI) structural stages. Past timber harvest in other portions of ROG 4345PP have converted the stand structures to SI. The relocation of Dedicated Old Growth

(DOGs) and relocation/designation of Replacement Old Growth (ROGs) should better maintain the integrity of the Forest's old growth network.

Table 1.1 Total Acres of DOG and ROG (Current and New)

Designation	Current (Acres)	New (Acres)	Net Change (Acres)
Dedicated Old Growth 04334PP	504	575	+71
Replacement Old Growth 04334PP	334	356	+22
Dedicated Old Growth 04345PP	410	410	0
Replacement Old Growth 04345PP	1,254	294	-960

Table 1.2 - Current Management Area Allocations for the combined DOGs and ROGs; DOG and ROG 04334PP and 04335PP.

	Forest Plan Allocation (Acres)					
	1	4A	13	14F	14M	22 & 3A/RHCA
DOGs	276	0	1048	13	47	511
ROGs	46	0	1424	36	60	672
TOTAL	322	0	2472	49	107	1183

Table 1.3 - New Management Area Allocations for the combined DOGs and ROGs; DOG and ROG 04334PP and 04335PP.

	Forest Plan Allocation (Acres)					
	1	4A	13	14F	14M	22 & 3A/RHCA
DOGs	272	114	1001	0	0	511
ROGs	1195	0	298	73	0	672
TOTAL	1467	114	1299	73	0	1183

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 takes place after the plan period (first decade). The proposed changes are taking place after the first decade of the current 1990 plan, but will be enacted before the next scheduled revision. The next scheduled revision of the Malheur Forest Plan has begun with an anticipated completion date of 2007. Therefore, the timing of the two changes in this amendment is not significant because of how late this change is occurring under current Forest Plan direction.

Location and Size – The smaller the area affected, the less likely the change is to be a significant change to the Forest Plan. The Monument Fire impacted 20,186 acres on the Malheur National Forest (1,467,473 acres). The snag distribution portion of the amendment affects 3,344 acres that are in harvest units in the Monument Fire Project Area or less than 0.02 percent of the National Forest System Lands covered by the Malheur Forest Plan. The snag distribution analysis was done using the DecAID tool. It is unlikely that application of information in DecAID in the Monument Fire area will lead to a blanket snag strategy applied uniformly over the Forest. Snag prescriptions are based on site-specific information such as biophysical environment, productivity and capability of the land to produce trees, and existing snag levels and distribution at the landscape level. Changes in any of these variables would result in a different snag prescription. For example, in a non-fire situation in dry forest types, the snag levels would likely be much lower. This amendment is non-significant because it applies only to this fire area and each situation requires a site-specific application.

This amendment will increase the total acres of DOG by 71 acres, and decrease ROG by 938 acres. The result is a total decrease of 1,173 acres in MA-13 (see table 1.2). This does match the increases and decreases in DOG and ROG acres since portions of new management allocation is within MA22A and MA3A/RHCAs (see table 1.2). The North Fork Watershed encompasses approximately 110,370 acres and the Little Malheur Watershed 86,700 acres, of which 65% is National Forest System land; the total acreage change is less than 1% of the total watershed acreage. Since their size change (less than 1%) is a small percentage of the watershed area, the location and size of this amendment is not significant when compared with the Forest as a whole.

Replacement of DOG 04334PP and associated ROG would result in the "movement" of that habitat designation into another watershed, approximately 6 linear miles west of its current location. This would change the landscape distribution of old growth habitat within the North Fork Malheur River and Little Malheur River watersheds. This new location was the only location of suitable old growth habitat, due to similar fire events in the last 10 years in the North Fork Malheur River watershed, past timber harvest, and the proximity to private lands to the south.

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 do not change any goals and objectives stated in the Forest Plan.

Leaving un-harvested snags patches across the fire area will better meet the needs of burned habitat dependent species. The use of DecAID provides a strategy for this area that uses site-specific data and results in a prescription that is tailored to the capabilities of the plant association groups found in the fire area.

The manipulation of DOG and ROG will implement the direction found at IV-105 in the Forest Plan. The increase of General Forest acres (MA 1) by 1,145 acres from the current total of approximately 543,193 is about a 0.2 percent Forest-wide acreage change. The decrease of Dedicated Old Growth acres (MA13) by 1,173 acres from the current total of approximately 81,294 is about a 1.4% Forest-wide acreage change. The incidental acreage increases of Big Game Winter Range (4A), 114 acres and Visual Corridor Foreground (14F), 14 acres and decrease of Visual Corridor Middleground (MA14M), 49 acres have a smaller effect on the Forest-wide change.

There is a relationship between MA 1 acres and the allowable sale quantity (ASQ) under the current Forest Plan; however, the increase in acres does not mean that there will be a corresponding increase in ASQ. The Forest Plan does allow scheduled timber harvest in ROGs that "maintain or enhance the capability of timber stands to provide suitable old-growth habitat in the future" (Forest Plan, page IV-106).

I have also considered these increases of MA1 and decreases of MA 13 in relation to the cumulative effects of other changes from the other 56 amendments to the Forest Plan. The Forest Plan estimated 553,053 acres of MA 1 with this decision, there will be approximately 544,338 acres. This is approximately 1.6 percent cumulative change in MA 1. The Forest Plan estimated 72,690 acres of MA 13 with this decision, there will be approximately 80,121 acres. This is approximately a 10 percent cumulative change in MA 13. As the Chief determined in his September 10, 1984 appeal decision for the San Juan and Grand Mesa, Uncompahgre and Gunnison National Forest plans, there is no assurance that projected Forest Plan outputs will occur due to limitation of modeling, changes in law and regulations, changes in economic conditions, changes in budgets, site-specific conditions, and other situations. Therefore, this increase of MA 1 and decrease of MA 13 is an insignificant change to the potential timber output or other services for the Malheur National Forest.

Management Prescriptions – A change is more likely to require a significant amendment if it would apply to future decisions throughout the planning area. The amendment associated with Alternative 4 is just for this project. The changes would not affect future actions.

The change in snag densities applies only to this planning effort. The changes would not affect future action and meets the desired future conditions for snag habitat by providing conditions that more closely resemble levels found in these plant association groups.

Although the changes to the DOG and ROG will apply to future management in and immediately adjacent to the planning area, it will not alter the desired future condition of the land and resources, standards and guidelines, or the anticipated goods and services to be produced. The decision complies with Forest Plan standards for MA 13. It will also contribute to Forest Plan goals to maintain or enhance ecosystem functions and provide connective and old growth habitat for old growth dependent species. The planned activities will not detract from or jeopardize any of the Forest Plan goals because of the small magnitude of change, about a 0.2 percent increase in MA 1 acreage and a 1.4 percent decrease in MA 13 Forest-wide. This change is insignificant.

Other Factors - After review of the environmental impact statement and project

record, I have determined that there are no other factors or unique circumstances affecting the Forest Plan from this amendment.

Since I have determined that there is not significant change based on the factors, I conclude that this amendment is not a significant change to the overall Forest Plan direction as defined in the 1990 Malheur Land and Resource Management Plan and its Record of Decision, as amended. Therefore, an environmental impact statement for a forest plan revision following the 10 step planning process found at 36 CFR 219.12 does not need to be prepared.

Consistency with NFMA Requirements

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

Silvicultural Practices

In Alternative 4, there is no timber salvage on lands classified as unsuitable for timber production. Forest Plan amendment #57 (described above) makes this possible by re-designating areas of MA-13 (classified "unsuitable"), allowing harvest in previously unsuitable areas. Alternative 4, in conjunction with Forest plan amendment #57 is consistent with 36 CFR 219.27(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 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 from 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 the viable population requirements of 36 CFR 219.19.

Implementation

I have reviewed the Monument Fire Recovery Project FEIS and their associated appendices. I feel there is adequate information within these documents to provide a reasoned choice of action. I am fully aware of the possible adverse environmental effects that cannot be avoided, and the irreversible/irretrievable commitment of resources associated with the Selected Alternative. I have determined that these risks will be outweighed by the likely benefits. Implementing the Selected Alternative will cause no unacceptable cumulative impact to any resource. There will be no significant impact to cultural resources, consumers, civil rights, minority groups, or women. The FEIS adequately documents how compliance with these requirements is achieved (FEIS Vol.1, Chapter 3).

The implementation schedule for Alternative 4 is identified in the FEIS Vol.1, p. 46. For some activities, the rate of implementation may vary depending on funding received.

An emergency situation status was granted on April 9, 2004, the implementation schedule for the salvage harvest in the FEIS reflects this plan based in this administrative exemption. Harvest activities on the entire selected alternative will be implemented immediately.

Correction to the FEIS

Since publishing the FEIS I have noted a few minor corrections I would like to make. The first is in the Decision Framework section of Chapter 1 FEIS Vol.1, p.20. Two corrections are necessary: 1.) There is no 45 day comment period to the FEIS. This wording was a hold over from when the Draft EIS was published; and 2.) Alternative 2 and 4 do not require a non-significant Forest Plan amendment for reduction of cover because these alternatives no longer affect big game cover. This was a change from the DEIS to the FEIS because of updated tree mortality estimates (FEIS Vol.1, p. 215, and Changes in Environmental Conditions between the Draft and Final section, ROD p. 15)

The last correction is within Chapter 2, Alternatives Considered but Eliminated from Detailed Study, (FEIS, Vol.1, p. 34) section. In the second alternative considered but eliminated, the first sentence should read "Winter logging and helicopter yarding was considered as an alternative to tractor skidding within the ***Swamp Creek*** subwatershed" not the Upper Little Malheur subwatershed. The entire Upper Little Malheur subwatershed was considered as helicopter yarding only for all the harvest alternatives.

Procedure for Change during Implementation

Minor changes may be needed during implementation to better meet on-site resource management and protection objectives.

In determining whether and what kind of further NEPA action is required, the Responsible Official will consider the criteria for whether to supplement an existing Environmental Impact Statement in 40 CFR 1502.9(c) and FSH 1909.15, sec. 18, and in particular, whether the proposed change is a substantial change to the intent of the Selected Alternative as planned and already approved, and whether the change is relevant to environmental concerns. Connected or interrelated proposed changes regarding particular areas or specific activities will be considered together in making this determination. The cumulative impacts of these changes will also be considered.

The intent of field verification prior to my decision was to confirm inventory data and to determine the feasibility and general design and location of a road or unit, not to locate the final boundaries or road locations. For example, salvage unit prescriptions may be modified if site conditions dictate and if other resource objectives can be met. Minor adjustments to unit boundaries may be needed during final layout for resource protection, to improve logging system efficiency, and to better meet the intent of my decision. Many of these minor changes will not present sufficient potential impacts to require any specific documentation or action to comply with applicable laws.

Appeal Rights

Organizations or members of the general public may appeal my decision according to Title 36 CFR Part 215. The 45-day appeal period begins the day following the date the legal notice of this decision is published in the Blue Mountain Eagle, John Day, Oregon, the official newspaper of record. The Notice of Appeal must be filed with the Reviewing Officer at:

Appeal Deciding Officer

Pacific Northwest Region

USDA Forest Service

Attn. 1570 Appeals

333 S.W. First Avenue

PO Box 3623

Portland, OR 97208-3623

Appeals can also be filed electronically at :appeals-pacificnorthwest-regionaloffice@fs.fed.us. or hand delivered to the above address between 7:45 AM and 4:30 PM, Monday through Friday except legal holidays. The appeal must be postmarked or delivered within 45 days of the date the legal notice for this decision appears in the Blue Mountain Eagle newspaper. The publication date of the legal notice in the Blue Mountain Eagle newspaper is the exclusive means for calculating the time to file an appeal and those wishing to appeal should not rely on dates or timeframes provided by any other source.

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word (.doc), rich text format (.rtf) or portable document format (.pdf) only. E-mails submitted to e-mail addresses other than the one listed above or in other formats than those listed or containing viruses will be rejected. Only individuals or organizations who submitted substantive comments during the comment period may appeal.

It is the responsibility of those who appeal a decision to provide the Regional Forester sufficient written evidence and rationale to show why my decision should be changed or reversed. The appeal must be filed with the Appeal Deciding Officer § 215.8 in writing. At a minimum, an appeal must include the following:

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.

On April 9, 2004, Forest Service Regional Forester, Linda Goodman determined the Monument Fire Recovery Project to be an emergency situation and exempted it from stay pursuant to 36 CFR 215.10. This means that my decision may be implemented immediately following publication in the Blue Mountain Eagle, the newspaper of record. This emergency exemption is based on the economic value the government would lose if the project was delayed during the appeal period. The value loss is estimated at over $1,977,000. The exemption from stay during the appeal period applies to the entire harvest area.

Contact Persons

For additional information concerning the specific activities authorized with my decision, you may contact:

Ryan Falk
District Environmental Coordinator
Prairie City Ranger District
P.O. Box 337
Prairie City, OR 97869
(541) 820-3800

Brooks Smith
District Ranger
Prairie City Ranger District
P.O. Box 337
Prairie City, OR 97869
(541) 820-3800

Roger W. Williams — April 20, 2004

ROGER W.WILLIAMS — Date
Forest Supervisor
Malheur National Forest
USDA Forest Service