



**United States  
Department of  
Agriculture**

Forest Service

Pacific  
Northwest  
Region



# **Loafer Creek 9 Prescribed Burn**

**Umpqua National Forest**

**Diamond Lake Ranger District**

**September, 2006**







## ***Introduction and Project Location***

The project is located within T.26S. R04E NE Sect. 14, within the former Loafer Creek 9 harvest unit located on the Umpqua National Forest – Diamond Lake District in Douglas County, Oregon. The project was included as one of the proposed treatments in the Wildlife Habitat Restoration and Improvement FY05 Project. A separate decision is being made for this single activity since prescribed burning projects are subject to notice, comment, and appeal, and require additional public comment procedures.

## **PURPOSE AND NEED, PROPOSED ACTION**

The purpose of the project is to provide big game habitat conditions as anticipated in the Umpqua National Forest Plan and to improve habitat conditions to support Oregon Department of Fish and Wildlife elk and deer population objectives. To accomplish these objectives, active forage enhancement activities will be needed. The Loafer Creek 9 Prescribed Burn will use prescribed fire to reduce high existing fuel concentrations and regenerate desired shrub and herbaceous forage for big game. The prescribed burn will occur on approximately 39 acres within the former Loafer Creek 9 harvest unit, which now is a 12-20 inch diameter ponderosa pine plantation. Treatment activities would occur only on that portion of the former Loafer Creek 9 unit that lies north of Loafer Creek.

## ***Decision and Rationale***

It is my decision to implement the Loafer Creek 9 Prescribed Burn project, with the inclusion of a resource protection measure which precludes soil displacement for fireline construction on the 3401-630 road. I have made the decision to implement the project since it implements priority restoration activities identified in the Forest's Terrestrial Business Plan, contributes to resource outputs as anticipated in the Umpqua National Forest Land and Resources Management Plan (Forest Plan), and enhances local wildlife habitat and populations. The project provides these public benefits while complying with management standards within the Forest Plan (as amended).

## ***Findings as Required by Law, Policy and Regulation***

### ***Finding of Consistency with Applicable Forest Service Management Direction and the National Forest Management Act***

Based on my review of the interdisciplinary analysis for this project, I find that the project is consistent with the standards, guidelines, and amendments of the Umpqua National Forest Land and Resource Management Plan, as amended by the Northwest Forest Plan and is therefore consistent with the National Forest Management Act. This finding includes all of the following determinations documented in the specialists' reports for this project:

This project will not prevent attainment of the goals and objectives of the Aquatic Conservation Strategy.

This project is consistent with the 1990 Umpqua National Forest Land and Resource Management Plan, as amended by the 1994 Northwest Forest Plan.

Therefore, I find that the Loafer Creek 9 Prescribed Burn Project is consistent with all applicable Forest Service management direction.

### ***Finding of Consistency with State Historic Preservation Office Policies***

Based on my review of the heritage resource information, I find that the project is consistent with the National Historic Preservation Act and that no heritage resources would be affected by this project.

### ***Finding of Non-Jeopardy to Endangered, Threatened or Sensitive Species and No Adverse Effect to Species Covered Under the Fisheries Conservation and Management Act***

The District Fisheries Biologist has determined that this project would have no effect on any threatened species or their critical habitat, no effect on Essential Fish Habitat, and no impact on any sensitive species. This project complies with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

The District Wildlife Biologist has determined that this project may effect spotted owls through disturbance, but that these impacts are not likely to adversely affect resident reproduction or recovery objectives. The Wildlife Biologist also determined that the project would have no effect to designated recovery habitat for the spotted owl. The project is also consistent with Forest Plan direction and objectives for Management Indicator or Survey and Manage Species. Therefore, I find that the Loafer Creek 9 Prescribed Burning Project does not jeopardize the continued existence of any endangered or threatened species.

The District Botanist has determined that this project would have no effect on threatened or endangered species or their critical habitat, no impact on regionally sensitive plant species and no impact on Survey and Manage plant species.

The District Fire/Fuels specialist has determined that the project will comply with the Clear Air Act.

### ***Finding of the Absence of Adverse Effects to Extraordinary Circumstances***

Scoping to determine the presence or absence of potential effects on extraordinary circumstances began in the January 2005 Umpqua National Forest Schedule of Proposed Actions; no requests for information or statements of interest on this prescribed burning activity were received. Based on my review of the interdisciplinary analysis, I find that this project does not adversely affect any of the extraordinary circumstances listed in 1909.15, 30.3(2). Specifically, I find that this project does not adversely affect: (a) endangered or threatened species or their critical habitats, or any Forest Service sensitive species; (b) floodplains, wetlands or municipal watersheds; (c) Congressionally designated areas such as wilderness or National Recreation Areas; (d) inventoried roadless areas; (e) Research Natural Areas; (f) Native American religious or cultural sites, or archaeological or historic properties and sites.

### ***Finding of Consistency with All Applicable Federal Laws and Regulations***

Based on my review of the actions associated with this project and all applicable specialists' reports, I find that the project is consistent with the Clean Air Act, Clean Water Act, Endangered Species Act, National Forest Management Act, and the National Historic Preservation Act. Therefore, I find that the Loafer Creek 9 Prescribed Project is consistent with applicable Federal laws and regulations.

## ***Finding of Exclusion from Further National Environmental Policy Act Analysis***

Based on my review of (1) the actions associated with this project; (2) the environmental consequences documented in the interdisciplinary analysis; (3) the consistency of this project with applicable laws, regulations, and management direction; (4) the non-jeopardy to endangered or threatened species or heritage resources; and (5) the absence of adverse effects to extraordinary circumstances; I find that this project is not significant in either context or intensity (40 CFR 1508.27) and that no extraordinary circumstances are associated with these projects (FSH 1909.15). I also find that this project will produce no adverse environmental effects, individually or cumulatively, on the physical, biological, or social components of the human environment. Therefore, I find that the Loafer Creek 9 Prescribed Burn Project is categorically excluded from analysis in an Environmental Assessment or Environmental Impact Statement (40 CFR 1508.4 and FSH 1909.15, Chapter 30.3, Part 1) and that the category of exclusion is Category 31.2 (6) as identified in Forest Service Handbook 1909.15, Chapter 30.

## ***Appeals***

Pursuant to the Federal District Court for the Eastern District of California September 20, 2005 clarification in Earth Island Institute v. Ruthenbeck, this decision is subject to administrative review (appeal) in accordance with 36 CFR 215. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer:

Forest Supervisor, Umpqua National Forest  
Attn 1570 Appeals  
2900 NW Stewart Parkway, Roseburg, OR 97470.  
Business hours: 8:00 a.m. – 4:30 p.m. Monday through Friday, excluding holidays  
Phone 541-672-6601; FAX 541-957-3495.

Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to [appeals-pacificnorthwest-umpqua@fs.fed.us](mailto:appeals-pacificnorthwest-umpqua@fs.fed.us).

Appeals, including attachments, must be filed within 45 days from the publication date of the legal notice of this decision in the Roseburg News-Review, the official newspaper of record, which is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source. The notice of appeal must include (36 CFR 215.14):

1. Appellant's name and address, 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 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. Any specific change(s) in the decision with which the appellant disagrees, and explanation for the disagreement.

6. Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement.
7. Why the appellant believes the Responsible Official's decision failed to consider the comments; and
8. How the appellant believes the decision specifically violates law, regulation, or policy.

***Implementation***

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, the 5<sup>th</sup> business day from the close of the appeal filing period (36 CFR 215.9(a)). If an appeal is filed, implementation may occur on, but not before, the 15<sup>th</sup> business day following the date of appeal disposition. In the event of multiple appeals, the implementation date will be established following the last appeal disposition (36 CFR 215.9(b)).

***Contact Person***

For additional information concerning this decision, contact Jeff Bohler; phone number 541 498-2531; email address [jbohler@fs.fed.us](mailto:jbohler@fs.fed.us).

***Signature and Date***

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**District Ranger**

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**Date Signed**

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**Date Published**