

**Decision Notice
and
Finding of No Significant Impact**

**Fremont N. F. Land and Resource Management Plan Amendment #28 for the
Burnt Willow Project**

USDA Forest Service Pacific Northwest Region
Fremont-Winema National Forests
Lakeview Ranger District
Lake County, Oregon

INTRODUCTION

In September of 2006 the Southeast Zone of the Fremont-Winema National Forests completed an Environmental Assessment (EA) for the Burnt Willow Project on the Lakeview Ranger District. The Forest Supervisor issued a Decision Notice and Finding of No Significant Impact (FONSI) for the Burnt Willow Project on September 15, 2006. The primary purpose of the project is to improve forest health while reducing wildfire risk. The Decision Notice for the Burnt Willow Project approved commercial and non-commercial conifer thinning to increase crown spacing, reduce ladder fuels, and increase forest health while retaining all live trees 21" dbh or greater. The decision also approved prescribed fire treatments, meadow enhancement activities and stream improvement projects within the Burnt and Willow Creek subwatersheds of the Deep Creek Watershed.

In December of 2006 the Southeast Zone of the Fremont-Winema National Forests first notified the public that they were considering a minor change to the Burnt Willow Project in the form of a site-specific non-significant Forest Plan amendment. The proposal was to remove white fir trees greater than 21 inches in diameter breast height (dbh), where it would benefit even larger trees, especially old growth ponderosa and western white pine. This proposal is intended to compliment the thinning and prescribed fire treatments already approved for the Burnt Willow Project. An interdisciplinary team completed an analysis of this proposed action. The analysis is contained in the document entitled Environmental Assessment for Fremont N.F. Land and Resource Management Plan Amendment #28 for the Burnt Willow Project. The proposed action and a no action alternative were analyzed in the EA. A 30-day public comment period on the EA was provided during the period of February 27 through March 29 of 2007. The EA is available for review at the Lakeview Ranger District office in Lakeview, Oregon or on the Fremont-Winema Forests web site at:

<http://www.fs.fed.us/r6/frewin/projects/analyses/burntwillowamend>

The Burnt Willow Project is located in the South Warner Mountains on the Lakeview Ranger District of the Fremont-Winema National Forests in Oregon. The legal location is within T.39S., R.21E., sections 20-22, 27-29, 32-36; T.39S., R.22E., section 31; T.40S., R.21E., sections 1-4, 10-15, 21-28; and T.40S., R.22E., sections 5-8, 17-20, 29-30, Willamette Meridian, Lake County, Oregon (see enclosed map).

PURPOSE AND NEED

The proposed action has been developed to meet the need for late and old structural (LOS) components, particularly large diameter ponderosa pine trees, in the Burnt Willow Project area. The purpose of the proposed action is to better provide for maintaining the existing large diameter ponderosa and western white pine trees occurring in the Burnt Willow Project area.

The Final Environmental Assessment for the Burnt Willow Project (September 15, 2006) provides a discussion of Historic Range of Variability (HRV) as it relates to LOS forest (pg. 36). The classification of LOS components is divided into two stand structures, Multi-Stratum with Large Trees (MSLT) and Single –Stratum with Large Trees (SSLT). The analysis shows that the Burnt Willow area is below the HRV in terms of total LOS, but is well above the HRV with respect to MSLT, and well below HRV with respect to SSLT. Historically, the area primarily consisted of open, park-like old to late succession stands, dominated by large ponderosa pine, that were maintained by frequent low-intensity fires. Currently, in some instances the remaining large ponderosa and western white pines are competing with large white fir trees that have developed in the absence of wildfire.

In June of 2003 the Regional Forester issued a letter encouraging eastside Forests to consider site-specific Forest plan amendments where this will better meet LOS objectives by moving the landscape towards HRV, and providing LOS for the habitat needs of associated wildlife species.

The *Long-range strategy for the Lakeview Federal Stewardship Unit* (November, 2005) was prepared by the Lakeview Stewardship Group. This long-range strategy is part of a unique, collaborative effort to help restore the ecological health of the 500,000-acre Lakeview Federal Stewardship Unit in the Fremont-Winema National Forests and provide economic and social benefits for the local community. The strategy is based on a common vision and set of goals and objectives developed by the Lakeview Stewardship Group and adopted by the U.S. Forest Service. The Lakeview Stewardship Group includes conservationists, timber workers, local government officials, and other civic leaders working in cooperation with the Forest Service. On page 18, the Long-range strategy includes the following recommended management guideline regarding old growth forests: “Propose adjustments to Eastside Screens to allow cutting of large (>21”, but less than 120 years old) white fir in stands currently or historically dominated by ponderosa pine.”

The proposed action is responsive to and consistent with the purpose and needs outlined in the Burnt Willow Project Final Environmental Assessment (September 2006). This action responds to the goals and objectives outlined in the Regional Forester’s Eastside Forests Plan Amendment 2 (1995), the June 2003 Regional Forester’s letter and the *Long-range strategy for the Lakeview Federal Stewardship Unit* (November, 2005) and will serve to better meet LOS objectives.

DECISION and RATIONALE FOR THE DECISION

Based on the results of the analysis documented in the EA, **it is my decision to implement Alternative 2 the proposed action.** I have reviewed the EA and have determined that there is sufficient information to provide a reasoned decision. In making my decision, I considered information related to the purposes and needs, Forest Plan direction, conditions in the project area and comments from the public and the Interdisciplinary Team.

I believe that Alternative 2 opens up our implementation opportunities to get much closer to what we need to accomplish for ponderosa pine restoration in the Burnt Willow project. I believe this action will better serve to develop and maintain large diameter ponderosa and western white pine in the project area.

This alternative will result in a minor change in the Burnt Willow Project in the form of a site-specific Forest Plan amendment to remove white fir trees greater than 21 inches diameter breast height (dbh), where it would benefit even larger trees, especially old growth ponderosa and western white pine. Comments from the public and input from Forest Service resource specialists contributed to development of the specific design measures and monitoring that will be implemented with my selection of Alternative 2 as described here.

Specific Design Measures

- Removing white fir trees greater than 21 inches diameter breast height (dbh), a departure from the “eastside screens”, will be limited to instances where it would be expected to benefit an adjacent old growth ponderosa or western white pine, excluding trees in RHCAs. It will only be used where an adjacent, even larger, ponderosa or western white pine tree could thrive.
- Each large white fir tree to be removed is determined to be in direct competition with a large ponderosa or western white pine (>21" dbh), i.e., large white fir should not be removed where the pines that would allegedly benefit are located outside the reach of the roots of the white fir tree(s) to be removed.
- The activity will be limited to isolated cases in patches not to exceed ¼ acre.
- The white fir to be removed will generally be twenty-six inches or less in diameter and not have old growth characteristics, such as an open grown crown with big limbs.
- This action will take place in areas already identified for harvest in the Burnt Willow EA and Decision Notice (2006), and will not require any additional skid trails or road building.
- The removal of large white fir is exceptional in scale and limited to a small subset of the larger Burnt Willow Project. The total area for this treatment will be limited to less than 70 acres of the total treatment area of 3,200 acres.

Monitoring

In response to public comments on the proposal, the following monitoring strategies will be implemented with the selection of Alternative 2:

- Monitoring forms will be maintained for each instance where we apply this treatment strategy.
- Project monitoring and evaluation should attempt to assess whether removing the large white fir actually benefited the old growth pine.

I did not select Alternative 1, the No-Action Alternative, because I do not believe that it would be as effective at accomplishing the desired pine restoration as Alternative 2 in the Burnt Willow project.

ALTERNATIVES CONSIDERED

Other than the proposed action of Alternative 2, a No Action alternative was analyzed in detail in the EA. Comments from the public scoping did not identify any issues associated with the proposed action. There were no issues brought forth that would serve to generate other alternatives to the proposed action. As a result, alternative development was responsive to meeting the purpose and needs rather than resource-based tradeoffs centered on differing strategies in response to a range of issues.

Alternative 1 – No Action

Under the No Action alternative, no action would be taken to amend the Forest Plan for site-specific activities in the Burnt Willow Project. Activities already approved in the Decision Notice for the Burnt Willow Project (September 2006) will be implemented. White fir greater than 21 inches dbh would not be cut to benefit even larger ponderosa and western white pine to accomplish the goal of providing better conditions to maintain the existing large diameter pine occurring in the Burnt Willow Project area.

PUBLIC INVOLVEMENT

The proposed minor change and Forest Plan Amendment for the Burnt Willow Project were presented to the public in a letter of December 14, 2006 mailed to 151 businesses, organizations, government agencies, tribal representatives, and individuals thought to be interested in projects on the Lakeview and Bly Ranger Districts. The scoping letter was also available to the public on the Forest's web site. The proposal was listed in the Schedule of Proposed Actions for the Fremont-Winema National Forests on January 24, 2007.

Public scoping generated a total of six comments from organizations, businesses, and individuals. All comments expressed support for the proposal when implemented according to carefully designed guidelines. Other comments consisted of requests for a field trip and consideration of monitoring. Field trips can be scheduled when weather and ground conditions allow access to the project area. Monitoring forms will be maintained for each instance where we apply this treatment strategy. All mailing lists, scoping documents and responses are contained in the Forest Plan Amendment #28 for the Burnt Willow Project analysis file at the Bly Ranger District office.

An EA containing a full description of the proposed action was made available for a 30-day public comment period from February 27 through March 29, 2007. The Forest Service received three responses during the comment period. All comments received were supportive of the proposed action as described in the EA.

FINDING OF NO SIGNIFICANT IMPACT

Based on the site-specific analysis summarized in the EA and on previous experience with similar proposals, I have determined that implementation of the action described in Alternative 2 is not a major Federal action, individually or cumulatively, and will not have a significant effect on the quality of the human environment, considering the context and intensity of impacts (40 CFR 1508.27). The actions described in Alternative 2, would be limited in scope and geographic application (40 CFR 1508.27(a)). The location of the action is described in the EA (pages 1 and 5) and on map Figure 2-1

attached to the EA. The physical and biological effects are limited to the local area, rather than statewide, regional or national. Therefore, an environmental impact statement will not be prepared. This determination is based on the specific design of the project, (EA pages 4 and 5 or page 3 of this Decision Notice) and on the consideration of the following factors:

1. Beneficial and adverse impacts (40 CFR 1508.27(b)(1)) of implementing Alternative 2 have been fully considered within the EA. Beneficial and adverse direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed within the appropriate context and intensity. I find that my decision would have neither a significant beneficial or adverse impact because the acres treated are a small percentage of similar acres across the landscape in the Fremont National Forest, and the anticipated effects are similar to those in past vegetation management projects, which have not proven to cause significant impacts. There will be no significant direct, indirect or cumulative effects to the various resources of the area or other components of the environment. I base this finding on the following:

In a landscape context, 70 acres of the designed treatment scattered over 3,200 acres, is insignificant, directly, indirectly, or cumulatively. At the stand level, the action will help achieve the objective of moving stands further toward the desired condition. The action will benefit individual large, old pine trees helping reverse the trend of late succession pine being succeeded by younger white fir.

This action will only occur in areas already planned for treatment in the Decision Notice and FONSI for the Burnt Willow Project (2006). All resource protection measures and monitoring associated with the Burnt Willow Project will be fully implemented. This action will not result in any new or different impacts beyond those already considered for fire/fuels, soils/hydrology, fisheries, air quality, terrestrial wildlife species, Inventoried Roadless Areas (IRA) or other unroaded areas, invasive species/noxious weeds, range, recreation and scenic resources in the Decision Notice and FONSI for the Final Environmental Assessment for the Burnt Willow Project (2006).

2. My decision will not adversely affect public health or safety (40 CFR 1508.27 (b)(2)). No significant effects to public health or safety have been identified. This finding is supported by knowledge of past similar projects in which no effects to public health or safety have occurred. The project will meet all criteria to protect air quality and will not result in any long-term effects to air quality (EA, page 6).
3. There will be no significant effects on unique characteristics of the area (40 CFR 1508.27(b)(3)) such as parklands, prime farmlands, wild and scenic rivers, or ecologically critical areas as there are no such areas in the project vicinity (EA, page 9). No activities are planned in the small wetlands occurring in the project area; therefore no significant effects will occur to wetlands (EA, pages 7 and 9).
4. The effects on the quality of the human environment are not likely to be highly controversial (40 CFR 1508.27(b)(4)). These types of activities have taken place on the Lakeview Ranger District in similar areas and the resulting effects are well known and understood. In that sense, there is no known scientific controversy over the impacts of the project. CEQ guidelines relating to

controversy refer not to the amount of public opposition, but to where there is a substantial dispute as to the size, nature, or effect of the action. Given the site-specific conditions and impacts disclosed in the EA, the effects of implementation of this decision on the quality of the human environment are not likely to rise to the level of scientific controversy as defined by the Council of Environmental Quality.

5. The alternative I have decided to implement will not impose highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)). The Fremont-Winema National Forests have considerable experience with the types of activities to be implemented and the activities proposed in this decision are well-established land management practices. The risks are well known and understood. Based on previous similar actions, the probable effects of this decision on the human environment, as described in the EA, do not involve effects that are highly uncertain or involve unique or unknown risks.
6. My decision to select Alternative 2 for implementation does not set a precedent for other projects that may be implemented to meet the goals and objectives of the Forest Plan, nor does it represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6)). My decision provides for a site-specific non-significant Forest Plan Amendment that is applicable only to the Burnt Willow Project area.
7. This site-specific non-significant Forest Plan Amendment for the Burnt Willow Project is not related to other actions with individually insignificant but cumulative significant impacts (40 CFR 1508.27(b)(7)). No significant cumulative effects have been identified.
8. Cultural resource field surveys were completed prior to preparing the analysis for this project. Implementation of Alternative 2 will not adversely affect districts, sites, highways, structures, or objects listed in, or eligible for, listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural or historical resources (40 CFR 1508.27(b)(8)). This is because all known sites will be avoided, sites discovered during implementation of the project will be avoided, and monitoring of sites will occur during project implementation (EA, page 8). Under the auspices of a "Memorandum of Agreement" with the State Historic Preservation Officer (SHPO), the Forest Archeologist has certified that the project will have "No Effect" on listed or eligible cultural resources.
9. The actions associated with Alternative 2 are not likely to significantly adversely affect any endangered, threatened, or sensitive terrestrial wildlife species, aquatic species, plant species, or designated critical habitat (40 CFR 1508.27(b)(9)) under the Endangered Species Act of 1973 based on the information from biological evaluations and assessments prepared for the Burnt Willow Project and described in the Decision Notice and Finding of No Significant Impact of September 15, 2006 prepared for the Burnt Willow Project.
10. This decision is in compliance with relevant Federal, State and local laws, regulations and requirements designed for the protection of the environment (40 CFR 1508.27(b)(10)).

OTHER FINDINGS

1. Federal regulations require that permits, contracts, cooperative agreements, and other activities carried out on the Lakeview Ranger District are consistent with the Fremont National Forest Land and Resource Management Plan (Forest Plan), as amended. I have reviewed my decision against Forest Plan direction, and I have determined that this action is consistent with the goals, objectives, and direction contained in the Record of Decision (ROD) for the Fremont National Forest Land and Resource Management Plan and accompanying Final Environmental Impact Statement (1989). Alternative 2 complies with all applicable direction, including both Management Area and Forest-Wide standards and guidelines, Regional Forester's Eastside Forest Plan Amendment No. 2 and the Inland Native Fish Strategy (INFISH, 1995). The project meets the "does not retard attainment" of Riparian Management Objective requirement of INFISH.
2. The procedures used to initiate and complete the planning of the project are consistent with the 1999 Memorandum of Agreement between The Klamath Tribes and the U.S. Forest Service. The project is not expected to have an adverse effect on Treaty Rights or treaty right resources.
3. This decision is in compliance with Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations". The project also complies with Executive Order 11990 (protection of wetlands) and Executive Order 13112 (invasive species).

NFMA Finding of Non-Significant Forest Plan Amendment

I have determined that my decision to adopt a site-specific implementation change for the Burnt Willow Project is a non-significant amendment to the Fremont National Forest Land and Resource Management Plan, 1989, as amended, in accordance with regulations.

This site-specific Forest Plan Amendment will result in a departure from the standard and guideline to maintain all live trees greater than or equal to 21 inches dbh that is a component of the 1995 Regional Forester's Eastside Forests Plan Amendment 2 ("eastside screens"). This amendment will allow for removal of white fir trees greater than 21 inches dbh, in limited instances where it would be expected to benefit an adjacent old growth ponderosa or western white pine, excluding trees in RHCAs. This site-specific amendment only applies to the Burnt Willow Project area and is limited to less than 70 acres of the total treatment area of 3,200 acres. The amendment is limited to the site-specific situation in the Burnt Willow Project area and does not apply to future decisions of any other areas. It will not alter the multiple-use goals and objectives for long-term land and resource management. The Regional Forester's Forest Plan Amendment 2 ("eastside screens") modified the emphasis on timber production by directing that a balance be struck between Forest Plan objectives for timber production and maintenance of late and old seral structure. This amendment is intended to compliment the treatments already approved for the Burnt Willow Project, with the objective of improving LOS conditions and moving conditions in the area closer toward HRV. Any effects to outputs will be minimal given the limited nature and scope of the activity.

IMPLEMENTATION, ADMINISTRATIVE REVIEW and APPEAL OPPORTUNITIES

This decision is not subject to appeal pursuant to 36 CFR 215.12. The comments received during the comment period all expressed support of the proposed action.

This decision may be implemented immediately upon publication in the newspaper of record (36 CFR 215.9).

/s/ Karen Shimamoto

KAREN SHIMAMOTO

Fremont-Winema National Forests Supervisor

May 17, 2007

DATE

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