

**Draft Record of Decision
Lower Joseph Creek Restoration Project
Wallowa-Whitman National Forest
Wallowa County, Oregon**

Forest Plan Amendment #XX

Legal location: T1N, R45E, S4-9;15-23;26-36, T1S, R45E, S1-11;14-18;21-23;26-28, T2N, R44E, S1-2;11-14; 23-26;35-36, T2N, R45E, S5-8;16-20;29-33, T3N, R44E, S1;11-14;23-26;35-36, T3N, R45E, S1-32, T3N, R46E, S6-7;18-19, and T4N 5N and 6N.

Lead Agency: USDA Forest Service

Cooperating Agency: Wallowa County

Responsible Official: TOM MONTOYA, FOREST SUPERVISOR
1550 Dewey Ave.
Baker City, OR 97850

For Information Contact: MARIANNE THOMAS, TEAM LEAD
72510 Coyote Rd.
Pendleton, OR 97801
541-278-3762

Acronyms

CFR – Code of Federal Regulations
DBH – diameter breast height
FEIS – Final Environmental Impact Statement
IRA – Inventoried Roadless Area
LJCRP – Lower Joseph Creek Restoration Project
LRMP – Land and Resources Management Plan
MA – Management Area
MIS – Management Indicator Species
NEPA – National Environmental Policy Act
PWA - Potential Wilderness Area
RHCA – Riparian Habitat Conservation Area
ROD – Record of Decision
RV – Range of variability
TES – Threatened and endangered species
USDA – United States Department of Agriculture
WWNF – Wallowa-Whitman National Forest

Contents

Introduction and Background	1
Tribal Consultation	1
Cooperating Agencies	1
Public Involvement	1
Purpose and Need	2
Issues Addressed	2
Range of Alternatives and Comparison of Alternatives	3
Alternatives Considered but Eliminated from Detailed Study	3
Alternatives Considered in Detail	4
Alternative 1 – No Action	4
Alternative 2 – Proposed Action	4
Alternative 3	5
The Decision (Alternative 2, modified)	5
Rationale for the Decision	9
Consideration of Unavoidable Adverse Effects	14
Environmentally Preferable Alternative	14
Compatibility with Goals of Other Local, State, and Federal Governments, and the Tribe	14
State Air Quality Regulations	14
Wallowa County Comprehensive Plan and Community Wildfire Protection Plan	14
Interagency National Cohesive Wildfire Strategy	14
Nez Perce Tribe Management Plans	15
National Oceanic and Atmospheric Administration	15
Findings required by other laws and authorities	15
National Forest Management Act	15
National Environmental Policy Act	18
Endangered Species Act	18
Forest Service Sensitive Species	18
National Historic Preservation Act	19
Clean Water Act	19
Clean Air Act	19
Executive Orders 11990 and 11988 - Wetlands and Floodplain Management	19
Executive Order 12898 - Environmental Justice	19
Wild and Scenic Rivers Act	20
Roadless Area Rule	20

Migratory Bird Treaty Act and Executive Order 13186	20
Management Indicator Species	21
Travel Management Rule	21
Prime Farmlands, Rangelands, and Forestlands.....	21
Permits, Licenses, and Authorizations Needed to Implement the Decision.....	21
Implementation Effective Date	22
Monitoring	22
Administrative Review	23
Contact	24
Responsible Official Signature	24
Appendix A – Maps	26

Introduction and Background

This Record of Decision (ROD) documents the decision and rationale for the selected alternative for the Lower Joseph Creek Restoration Project (LJCRP) on the Wallowa-Whitman National Forest (WWNF). The decision considers the analysis that is documented in the LJCRP final environmental impact statement (FEIS), information in the project file, and input received from the Nez Perce tribe, Wallowa County (cooperating agency), and the public during the course of the analysis of this project as required by the National Environmental Policy Act (NEPA)¹.

The LJCRP area sits on the northern boundary of the WWNF, approximately 20 miles north of Enterprise, Wallowa County, Oregon (Map 1). The project area includes portions of the Hells Canyon National Recreation Area.

Tribal Consultation

The aboriginal territory of the Nez Perce Tribe includes the LJCRP. Government-to-government, and staff-to-staff meetings and field trips were held with Nez Perce tribal members and staff throughout the development of the LJCRP (see FEIS, Appendix G, Tribal Consultation Record). This decision considers concerns raised by the tribe (see “Rationale for the Decision”, below).

Cooperating Agencies

Wallowa County is a cooperating agency in the LJCRP, and participated on the development of the LJCRP FEIS. Over twelve in-person meetings, field trips, and conference calls were held with Wallowa County Natural Resource Advisory Committee regarding the LJCRP. The Forest Service and Wallowa County co-sponsored a public scoping meeting in January 2014, and a public comment period meeting in December 2014 in Enterprise, Oregon. This decision considers concerns raised by Wallowa County (see “Rationale for the Decision”, below).

Public Involvement

The Notice of Intent to develop an EIS for the LJCRP was published in the Federal Register on January 9, 2014, and a legal notice of the public scoping period was published in the newspaper of record (Baker City Herald). The Notice of Intent initiated project scoping, and asked for public comment on the proposal from January 9 through February 10, 2014. The Notice of Availability of the Draft Environmental Impact Statement (DEIS) for a 90 day comment period was published in the Federal Register, and Baker City Herald on November 14, 2014. The DEIS comment period ended on February 12, 2015. Fifteen public meetings organized by the Wallowa-Whitman Forest Restoration Collaborative between September 2013 and May 2015 in-part focused on scoping results, methodologies used in alternative development, effects analyses, and collaborative consensus around the project alternatives. Two public field trips organized by the Wallowa-Whitman Forest Collaborative were held in the project area in August 2013 and June 2014, and two meetings with local grazing permittees were held during

¹This ROD was developed according to requirements of the National Environmental Policy Act (NEPA) (42 USC §§ 4321-4370), the Council of Environmental Quality’s implementing regulations (40 CFR §§ 1500-1508), Forest Service NEPA regulations (36 CFR Part 220), Forest Service policy in Forest Service Manual 1900, Chapter 1950, and Forest Service Handbook 1909.15.

development of the EIS. Scoping resulted in 57 letters or emails; and the DEIS comment period resulted in 965 letters or emails, 943 of which were form emails, or modified form emails. The majority of scoping and DEIS comments were about the potential effects of forest vegetation treatments and road management on biological resources, or social or economic conditions and values. Some comments raised concerns about the efficacy of meeting the project purpose and need without implementation of a forest plan amendment to allow the cutting of large trees under certain circumstances, while others raised concerns about the effects on wildlife habitat of harvesting large trees. Some comments raised concerns about the effects of RHCA treatments on in-stream aquatic habitat, while others raised concerns about the potential for uncharacteristically severe wildfire effects in riparian areas if left untreated. Comments also variously raised concerns about the potential for uncharacteristic fire behavior in IRAs and PWAs if left untreated, or about the potential for adversely affecting social values for these areas if disturbed by forest management activities. Road management also received many comments, either expressing concern about the effects of the existing road network on aquatic and wildlife habitat, and the need for road closures, or about the effects of road closures on public access to the project area. Significant issues derived during public scoping are described below. For more information, see the analysis of public scoping in the project record, and the summary responses to DEIS comments in the FEIS (Appendix I).

Purpose and Need

Current conditions of the LJCRP area differ from desired conditions to varying degrees. Over the last few decades, land managers have increasingly understood the unintentional adverse consequences of some land management policies and tactics such as selectively harvesting only the largest trees, and fire suppression, and have adjusted management techniques to be more ecologically appropriate. Nonetheless, the LJCRP area continues to exhibit reduced health and resiliency as a result of the legacy of past policies, and is in need of restoration. Local communities remain natural resource dependent to some degree, and need the raw material and jobs provided by restoration work and continued maintenance. This project is expected to move the Lower Joseph Creek landscape toward a more desirable, resilient condition that will support lasting forest structure and pattern, forest health, natural disturbance regimes, vegetation composition and diversity, and related fish and wildlife habitat. It will also provide forest management outputs, and access levels for recreation, firewood cutting, and tribal resources.

Issues Addressed

Using the comments from the public, Wallowa County, other agencies, and the Nez Perce tribe and staff, the interdisciplinary team developed a list of significant issues to address. An alternative to the Proposed Action was developed to provide a range of possible actions to address the purpose and need (see FEIS Chapter 1), and resolve the significant issues identified through scoping. These issues are described below.

Issue 1: Fire suppression is the primary threat to forest resilience, and has been the cause of forest densification and uncharacteristic fire effects in the project area for over a century. Consequently, forest restoration may require the removal of relatively large trees (> 21" dbh) that likely became established as a result of fire exclusion. Despite this, there are those who highly value large trees and are willing to accept their potential loss to uncharacteristically severe disturbances (i.e., fire, insects, and disease) over their loss to active restoration.

Issue 2: Threats to forest resilience, such as fire suppression, and departure between current and desired conditions occur across the Lower Joseph Creek landscape regardless of Forest Plan management area. However, there are those who consider active management as presenting a greater risk than

uncharacteristic disturbances and forest conditions to certain geographic or management areas (Old Growth Preservation areas (Management Area 15), inventoried roadless areas (IRAs), riparian habitat conservation areas (RHCAs), and potential wilderness areas (PWAs)).

Issue 3: The road network within the LJCRP area is highly valued by some segments of the public as their preferred form of access to dispersed recreation sites, firewood areas, special forest products, and other uses. However, the road network is considered by others to pose a high risk to water quality, and aquatic and wildlife habitat.

These significant issues resulted in consideration of alternatives that ranged from no harvest, to limiting any cutting to trees less than 21" dbh in treatment stands, to allowing the harvest of 21" dbh trees in treatment stands. The range of alternatives also considered the comparative effects of no forest treatments in specific areas of concern (RHCAs, MA15, IRAs, PWA), to allowing forest treatments in these areas. The range of alternatives also considered varying levels of road density that ranged in their effects on aquatic and wildlife habitat, and public access.

Range of Alternatives and Comparison of Alternatives

Alternatives Considered but Eliminated from Detailed Study

Public scoping comments received in response to the proposed action provided suggestions for alternative methods for achieving the purpose and need. Pursuant to 40 CFR 1502.14, three alternatives relevant to this decision were considered and eliminated from detailed study since they were outside the scope of this project, duplicative of the alternatives considered in detail, or determined to have components that would cause unnecessary environmental harm. The following alternatives were considered, but dismissed from detailed study.

Remove diameter/age limit for all species

A proposal was considered to remove diameter and age limitations from silvicultural prescriptions, and cut trees of all age and size classes. Due to the disruption of the disturbance regime, some climax species, such as grand fir and in some instances Douglas-fir occupy sites that would be dominated by more fire adapted species. In these instances, there is a recognized need to thin these climax species, regardless of size, but cognizant of the need to conserve old trees (>150 years) in order to move the landscape towards the desired condition. However, there is no science available to support the ecological need for wide-spread removal of old trees to hasten the transition back to a more fire adapted ecosystem. Additionally, the project landscape has less single story old ponderosa pine forest than the range of variation, and the purpose and need for the project includes increasing the amount of forest in this condition over the long term. Harvesting old trees would not support attainment of the purpose and need. Alternative 2 allows harvest from all size classes in treatment stands, except trees >150 years of age, within the context of meeting the purpose and need.

Consider less prescribed fire

During scoping, some commenters expressed concerns that prescribed fire could adversely impact grazing, merchantable timber and special forest products. As part of the project design features (FEIS Appendix J) and the project's implementation plan (on file at the Wallowa Valley Ranger District office), a set of protocols were designed that must be followed prior to, during and after implementation to coordinate with grazing permittees, so the disruption to their operations are minimal. Additionally, prescriptions and implementation timing has been designed so that impacts to merchantable and special forest products will be minimized or avoided all together. The purpose and need for the project is to increase fire-tolerant ponderosa pine coverage; reduce the amount of fire-intolerant Douglas-fir and white

fir in mixed stands; increase the amount of fire-resilient single-story, old forest stands; reduce the mid-story and understory of multi-story old forest stands (reducing uncharacteristic fuel loads); and improve opportunities to manage fire at characteristic frequencies and severities. As such, prescribed fire, in conjunction with forest thinning, will indirectly support the long term maintenance of merchantable timber and other forest products. Therefore, I feel these concerns are addressed in Alternatives 2 and 3, and an additional stand-alone alternative that considers less prescribed fire is not warranted.

Adjust treatments in the proposed action for resource concerns

Some comments suggested that the Proposed Action was focused on forest vegetation management, and did not consider resource concerns such as wildlife habitat, old forest connectivity, and aquatic habitat. An alternative was considered that would start with the Proposed Action and adjust vegetation and road treatments from the standpoint of desired wildlife habitat, connectivity and aquatic habitat. Evaluation of this potential alternative showed that these resource concerns were already covered under Forest Plan direction. The resource concerns envisioned under this alternative are incorporated into Alternative 2 (Proposed Action) and Project Design Criteria.

Alternatives Considered in Detail

Alternatives for this project were developed to provide a range of possible actions to address the purpose and need outlined in Chapter 1 of the FEIS, and the significant issues identified through scoping and described above in the “Significant Issues” section. This included vegetation and road treatment designs; Forest Plan amendments, project design features and mitigation measures where appropriate and necessary. Forest Plan goals and objectives, standards and guidelines, requirements under the Endangered Species Act and other Federal and state laws and regulations (see FEIS Appendix B) also influenced the development of alternatives. Three alternatives were analyzed in detail. The responsible official approved two action alternatives and a no action alternative. Key differences between the alternatives include the location of forest thinning relative to areas of concern (IRAs, PWAs, MA 15, RHCAs); whether trees ≥ 21 ” could be cut or not; and the extent of the open road network (Tables 1 and 2). See Chapter 2 in the FEIS (p. 60-61) for more information on alternative development.

Alternative 1 – No Action

No management actions would be taken to influence the direction or rate of change for moving existing conditions toward desired condition. Current activities such as continued implementation of previous decisions, permitted grazing, dispersed recreation use, fire suppression, and scheduled road maintenance would continue within the project area.

Alternative 2 – Proposed Action

General forest restoration treatments - Treatment extent outside designated old forest, inventoried roadless, potential wilderness, and riparian habitat conservation areas would include priority thinning, group selection, stand improvement, and intermediate treatments to move the forested landscape toward RV. Trees greater than 21” could be cut within the context of restoring forest resilience, safety or administration. Estimates from 144 local stand exams (representative of 120 stands totaling 10,778 acres, or about 20 percent of the forested area) show that less than 15 percent of all trees >21 ” diameter at breast height (dbh) in treatment units would be cut. Cutting trees greater than 21” would be to reduce competition with shade-intolerant tree species (ponderosa pine, western larch), reduce seed sources for shade-tolerant species (grand fir, Douglas-fir), or open gaps to foster tree regeneration.

Designated old forest, inventoried roadless, potential wilderness, and riparian habitat conservation areas - Mechanical treatments would occur in some designated old growth (MA 15), inventoried roadless areas (IRAs), and potential wilderness areas (PWAs). Treatments in MA 15 would support restoration of old

forest characteristics representative of the site. No treatments would occur in MA 15 in large tree dominated, closed canopied moist forests. Treatments in IRAs would be consistent with requirements of the 2001 Roadless Area Final Rule (36 CFR Part 294). Approximately 10% of Category 4² riparian habitat conservation areas (RHCAs) would be treated, with a prescription similar to adjacent upland treatments, and designed to attain riparian management objectives. No treatments would occur in RHCAs currently in old forest structure (single story and multistory). Category 4 RHCA treatments would have variable width, no-treatment, no equipment stream buffers (25 foot minimum). No treatments would occur in Category 1 and 2 streams, except for 31 acres of treatment specific to Swamp Creek. Small diameter thinning would occur in treatment units in Category 1, 2 and 4 RHCAs as per Blue Mountains Project Design Criteria³.

Road network – Seventeen miles of road would be closed or decommissioned to move wildlife habitat closer to Forest Plan road density standards.

Alternative 3

General forest restoration treatments – General forest treatments would be similar to alternative 2, except no trees greater than or equal to 21” would be harvested, except for safety or administration. This alternative design is in direct response to the unresolved conflict regarding the harvest of trees ≥ 21 ” dbh (Issue #1, described above).

Designated old forest, inventoried roadless, potential wilderness, and riparian habitat conservation areas – There would be no forest treatments in MA15, IRAs, and PWAs. Small diameter thinning could occur in treatment units in Category 1, 2 and 4 RHCAs as per Blue Mountains Project Design Criteria. No other vegetation treatments would occur in Category 1, 2 and 4 streams. This alternative design is in direct response to the unresolved conflict regarding forest thinning in management areas of concern (Issue #2, described above).

Road network - Some previous road actions under existing decisions would not be implemented. The road network would meet existing public access levels for recreation, springs, firewood cutting, tribal resources, and other uses. This alternative design is in direct response to the unresolved conflict regarding the degree of public access to the project area (Issue #3, described above).

The Decision (Alternative 2, modified)

It is my decision to select alternative 2 with the following modifications (Alternative 2, Modified):

- Forest treatments in MA 15 will exclude 40 acres of treatment in moist forest.
- Forest treatments in IRAs and PWAs, including RHCAs, will be limited to stand improvement treatment units.
 - Excluding treatment of 220 acres in MA15 that falls within an IRA
- Forest treatments in Category 4 RHCAs would have a 50 foot no entry buffer and leave a minimum of 50% canopy between 50 and 100 foot for cool/moist forests and 40% canopy

2 Category 4 RHCAs are intermittent, non-fish bearing

3 National Marine Fisheries Service letter of concurrence for implementation of the Blue Mountains Province Expedited Process Instrument for Programmatic Informal Consultation with Project Design Criteria on the Malheur, Wallowa-Whitman and Umatilla National Forests, and Bureau of Land Management Vale and Prineville Districts, dated November 1, 2013. NMFS No. NWR-2013-10339, Portland, OR.

between 50 and 100 foot for dry forests; within the Category 1 Swamp Creek RHCA will utilize a 25 foot no harvest buffer. A restoration plan for the 31 acre RHCA treatment will be produced and submitted to NOAA at least 1 year prior to completing proposed timber harvest activities.(Terms and Conditions from NOAA Fisheries Biological Opinion dated June 15, 2016).

- Make no changes to road densities represented by Alternative 1 (no action); however, based on resource concerns and existing public access levels, the road status of 32 miles of road will differ from their existing objective status (e.g., some roads with a current objective for closure now have an objective to be open, and vice versa).

See the map appendix for maps of the selected road network, and forest vegetation treatments.

Table 1. Comparison of alternatives 2 (Proposed Action), 3, and the selected alternative

Forest and Fire	Units	Alternative 2	Alternative 3	Selected Alternative (Alt 2 modified)
Total Stand Improvement	acres	5,400	3,000	5,400
Single Tree Selection (STS) – High Intensity	acres	4,800	3,700	4,300
Single Tree Selection – Moderate Intensity	acres	5,800	4,400	4,800
Single Tree Selection – Low Intensity	acres	1,200	820	900
Single Tree Selection in MA15 (STS_MA 15) – Moderate Intensity	acres	650	0	390
Single Tree Selection in MA15 – Low Intensity	acres	10	0	10
Group Selection (GS) – High Intensity	acres	1,800	380	400
Group Selection –Moderate Intensity	acres	590	470	490
Group Selection – Low Intensity	acres	40	30	30
Intermediate Treatment (IT) – High Intensity	acres	120	70	70
Intermediate Treatment – Mod Intensity	acres	120	50	50
Intermediate Treatment – Low Intensity	acres	90	80	80
Savanna*	acres	530	290	290
Meadow Restoration* (Swamp Creek)	acres	31	0	31
Cutting Treatment Total	acres	21,170	13,290	17,240
Forested Acres – No Cutting Treatment	acres	34,230	42,110	38,160
Total Forested Area with and without Treatment	acres	55,400	55,400	55,400
High priority prescribed burning	acres	48,600	46,500	43,780

Roads				
Aquatic organism passage improvements	# culverts	6	6	6
Total closed roads	Miles	124	93	128
Total decommissioned roads	Miles	39	10	11
Total open roads	miles	170	230	208
Temporary road construction	miles	12.6	12.6	12.6
Road reconstruction	miles	82.6	82.6	82.6

*Savanna and meadow restoration treatments are in areas that do not meet the definition of forested.

Table 2. Comparison of alternatives 2 (Proposed Action), 3, and the selected alternative relative to forest treatments in Inventoried Roadless Areas, Potential Wilderness Areas, Old Growth Preservation Areas (MA 15), and the potential for cutting trees ≥ 21 : in diameter.

Treatment Type	Units	Alternative 2	Alternative 3	Selected Alternative (Alt 2 modified)
(Stand Improvement in IRA and PWA)	acres	2,400	0	2,400
(STS, STS_MA 15, GS, IT in IRA)	acres	3,200	0	0
(STS, GS, IT in PWA)	acres	1,400	0	0
(Total treatment area with the potential for cutting trees ≥ 21 "")	acres	5,000	0	3,200
(Dry forest treatment area with the potential for cutting trees ≥ 21 "")	acres	4,800	0	3,000
(Moist forest treatment area with the potential for cutting trees ≥ 21 "")	acres	200	0	195
(Treatment area with the potential for cutting trees ≥ 21 " in IRAs (including 770 acres in PWA); all but 5 acres are in dry forest)	acres	1,600	0	0
(Treatment area with the potential for cutting trees ≥ 21 " in PWAs outside IRAs (no acres are in moist forest))	acres	170	0	0
Stand Improvement in Category 4 RHCAs (inside and outside IRA and PWA)	acres	750	0	750
Total STS, GS, IT in Category 4 RHCAs	acres	1,800	0	1,500
(STS, GS, IT in Category 4 RHCA outside IRAs/PWAs)	acres	1,500	0	1,500

Treatment Type		Units	Alternative 2	Alternative 3	Selected Alternative (Alt 2 modified)
	(STS, GS, IT in Category 4 RHCA inside IRAs/PWAs)	acres	300	0	0
(Treatment area with the potential for cutting trees ≥ 21 " in RHCAs)		acres	690	0	390

Harvest (logging) system selection by stand will be completed during implementation, considering site specific constraints and opportunities. Harvest systems were not decision criteria for this project, but are summarized by alternative in the FEIS (tables 50 and 69). Harvest systems by stand were estimated for the FEIS using a combination of slope, distance to specified roads, and limited use of temporary roads to access the proposed harvest units. Field verification of a sample of stands was used to determine potential differences between estimated and actual systems that would be selected during implementation. The FEIS discloses ranges of effects by harvest system, which addresses the uncertainty of potential differences between the estimated and implemented harvest system. No specific resource concerns were identified given potential differences between estimated and implemented systems. Specifically, as a result of project design criteria, best management practices, and Forest Plan standards and guidelines applied at the stand level, implementation of harvest systems within the ranges specified in the FEIS (tables 50 and 69) would result in no measurable differences in effects. Specific design features and best management practices for each harvest system are listed in FEIS Appendix J.

Rationale for the Decision

This decision balances the need to move the Lower Joseph Creek landscape toward a more desirable, resilient condition, while producing 7-10 million cubic feet of timber volume, and approximately 30-50 jobs; providing 208 miles of open road for tribal, public, and administrative access; and maintaining the unroaded character of IRAs. The selected alternative will make progress toward restoring more resilient forest structure, composition, and pattern, which will in-turn increase resilience to fire and insect and disease disturbance (see rationales under Issues 1 and 2, below). When compared to alternative 2, the selected alternative will make less progress toward meeting the purpose and need for the restoration of forest resilience, reduction in risks of uncharacteristic disturbance, and forest plan standards for road densities. However, the selected alternative is more responsive to current social values related to access for tribal and other traditional uses (see rationale under Issue 3). Alternative 2 was not selected because it does not respond to these key social values. The selected alternative, when compared to alternative 3, treats 3,060 more acres and maintains existing road densities for public and tribal access. Since the purpose and need is to restore more resilient forest structure, composition and pattern on the landscape, alternative 3 was not selected because it would not move as much of the landscape toward a more desirable, resilient condition, and road densities would increase above existing conditions.

Approximately 70 percent of the forested landscape, including about 90% of RHCAs, will remain untreated, allowing for comparisons between treated and untreated stands, and continued learning about the efficacy and uncertainties of the selected alternative in achieving the project purpose and need (see Monitoring section, below).

Concerns expressed by the Nez Perce Tribe include the harvest of trees ≥ 21 " diameter at breast height (dbh); and forest vegetation treatments in Riparian Habitat Conservation Areas, Potential Wilderness Areas, Inventoried Roadless Areas, and designated old growth preservation areas (MA15). The selected alternative blends characteristics of the no action and action alternatives to partially address many of these

concerns. Vegetation treatments in, PWAs, and IRAs, and some RHCAs are limited to small diameter stand improvement treatments (and meadow restoration in Swamp Creek), and treatments in MA15 are limited to dry forests, and are more conservative than other similar treatments elsewhere (e.g., no trees ≥ 21 " dbh will be harvested in MA15). Concerns about treatment in category 4 RHCAs is addressed by increasing the RHCA no entry buffer to 50 feet. Concerns about the extent of prescribed burning are addressed by clarification of the prioritization of prescribed burning into high, medium and low priority areas in the FEIS; and the development of project design criteria that are designed to prevent or mitigate potentially adverse fire effects on resource values. The Tribe was also concerned about the effects of road densities on aquatic and elk habitat, and watershed condition. The selected alternative maintains current road densities by closing some roads to support key elk habitats, and opening others less important to elk habitat to support public access. Tribal concerns regarding the methods used for road decommissioning are addressed through project design criteria, which allow for the most ecologically effective method to be selected during implementation on a case-by-case basis. Tribal concerns about the effects of forest treatments on the amount of snag habitat are also addressed through project design criteria to maintain all snags > 12 " dbh, except if there are safety concerns. Tribal concerns about the emphasis of the project on forest vegetation restoration over watershed condition improvement are outside the scope of the project (see decision rationale by issue below, for more information).

Concerns expressed by Wallowa County included the extent of the open road network; a need to harvest some trees ≥ 21 " dbh to achieve the project purpose and need; the reduced ability to prescribe burn some areas that have not received a thinning treatment; and a desire to use non-native grass seeding to improve forage and stabilize disturbed soils. The selected alternative partially addresses these concerns by blending characteristics of the no action and action alternatives. The selected alternative maintains current road densities by closing some roads to support key elk habitats, and opening others less important to elk habitat to support public access. Harvest of trees > 21 " is allowed outside RHCAs, IRAs, PWAs and MA15 areas. Prescribed fire priorities emphasize prescribed burning in treatment stands, and prescribed burning of untreated stands will depend on existing fuels and weather conditions. Forest Service policy encourages the use of native species for seeding, and the selection of species is at the discretion of the responsible official (see decision rationale by issue below, for more information).

The best available science and information was used in the FEIS analysis. Some sources were provided through tribal, government, and public involvement. Where professional interpretation of science and information differed between sources, local information and professional judgement were weighted more heavily than sources from other geographies, ecological conditions, or social or economic contexts.

This decision responds to the significant issues raised during project scoping.

Issue 1: Fire suppression is the primary threat to forest resilience, and has been the cause of forest densification and uncharacteristic fire effects in the project area for over a century. Consequently, forest restoration may require the removal of relatively large trees (> 21 " dbh) that likely became established as a result of fire exclusion. Despite this, there are those who highly value large trees and are willing to accept their potential loss to uncharacteristically severe disturbances (i.e., fire, insects, and disease) over their loss to active restoration.

Forest treatments in this decision consider currently increasing trends in forest density and related increases in uncharacteristic wildfire, and decreases in forest resiliency. It also considers social values such as the conservation of old forest and large trees. Single tree selection, group selection, stand improvement and intermediate treatments (mistletoe reduction) will be implemented across approximately 16,350 acres. The general forest treatments will make substantial progress toward putting the entire project landscape on a trajectory toward desired conditions, most importantly an increased abundance of large trees (5-9% increase from current conditions); reduced forest density (10-20% reduction from

current conditions); greater forest resiliency to disturbance (increased proportion of low severity fire in dry forests); reduced barriers to fish migration (improvement of six culverts to facilitate aquatic organism passage); and increased likelihood of conserving functional plant, wildlife and fish habitat into the future (FEIS, chapter 4). Estimates from 144 local stand exams (representative of 120 stands totaling 10,778 acres, or about 20 percent of the forested area) show that less than 15 percent of all trees ≥ 21 " in diameter at breast height (dbh) in treatment units would be cut (also see Forest Plan amendment section, below). Effects analyses completed by the project interdisciplinary team for the project area and the WWNF as a whole concluded that more large trees would likely be lost to fire over a 30-year modeling scenario than would be cut under either action alternative. See the FEIS, chapters 2 and 4 (Vegetation), the Vegetation/Disturbance specialist report, and Appendix C, Landscape Modeling Methods for more information. Over the long term, the effects of taking no action to restore forest structure and composition would likely put the landscape on a trajectory away from RV for key ecosystem elements (such as the abundance of large tree dominated stands and the amount of mixed and stand replacement fire), and substantially preclude opportunities to contribute to the local economy (FEIS, chapter 4).

Given existing fuel loads, burn probabilities, and safety considerations, prescribed fire could be implemented across the entire LJCRP area. Considering the constraints of fire management resource availability and air quality regulations, the highest priorities for prescribed fire (43,000 acres) include activity fuels treatments (since these are derived from silvicultural activities); natural fuels in dry forest in areas of high ecological value to meet purpose and need for ecological restoration (since dry forests have missed more fire cycles than moist forests as a result of fire suppression); and areas in the vicinity of developments (e.g. campgrounds, private property boundaries, radio towers, etc.). Lower priorities include prescribed burning in moist forests outside activity fuels, and non-forest vegetation. A risk of this decision is that the best available science regarding the role of fire in maintaining resilient forests will not be realized.

Issue 2: Threats to forest resilience, such as fire suppression, and departure between current and desired conditions occur across the Lower Joseph Creek landscape regardless of Forest Plan management area. However, there are those who consider active management as presenting a greater risk than uncharacteristic disturbances and forest conditions to certain geographic or management areas (Old Growth Preservation areas (Management Area 15), inventoried roadless areas (IRAs), riparian habitat conservation areas (RHCAs), and potential wilderness areas (PWAs)). The IRAs represent a large portion of the project area, and exhibit degraded conditions similar to the rest of the landscape. The 2001 Roadless Area Conservation Rule (RACR) sets forth particular constraints on when timber may be cut, sold, or removed within Inventoried Roadless Areas. Criteria that only apply to the management within IRAs include:

- The timber is generally small diameter. *36 CFR 294.13 (b)(1)*.
- Timber cutting, sale, and/or removal are needed to maintain or improve one or more of the roadless area characteristics. *36 CFR 294.13 (b)(1)*.
- The cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited. *36 CFR 294.13 (b)(2)*. This criterion would only be applied to cutting and removal of roadside danger trees.
- The cutting and sale of timber is expected to be infrequent. *36 CFR 294.13 (b)*.

The purpose of treatment in IRAs is to maintain or restore the characteristics of ecosystem composition or structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period (*36 CFR 294.13 (b)(1)(ii)*). Regardless of the desired outcome, some members of the public consider the effects of mechanical disturbance in IRAs to be adverse to their enjoyment of relatively undisturbed areas, or prohibitive of future wilderness designation. The degree of this adverse effect on public enjoyment

increases with the diameter of trees harvested, and the degree of ground disturbance. Consequently, the decision will only implement stand improvement activities in young stands, which is favored by the local collaborative and represents a means to address both social and ecological values. To a limited extent, stand improvement treatments will create conditions favorable for the future development of forests dominated by large trees, but will have a more limited effect on restoration of characteristic fire regimes. A risk of this decision is that, given a large, severe wildfire, the long term effects may be more adverse to forest resilience and social values than the shorter-term effects of the mechanical treatments.

The PWAs cross various management area designations in the project area, including those where timber production or tree harvest are allowed. While forest plan direction underlying PWAs call for treating these areas similar to other areas with the same needs and policy constraints, social values for these places are often similar to those for IRAs. Consequently, the decision implements a similarly constrained approach to IRAs, with similar risks. Treatments in PWAs will be limited to stand improvement of young stands. This decision reduces the amount of forest products available to the local economy, but will likely increase the similarity of these areas to adjacent unroaded, relatively undisturbed areas. As a result of this decision fire, insects and disease will largely drive ecosystem change in IRAs and PWAs.

Considering public, collaborative and tribal input, forest treatments in designated old forest (MA 15) are limited to dry forest conditions. Cutting trees ≤ 21 " dbh, and at a lower intensity than similar treatments outside MA 15, will restore old forest characteristics and favor the development of large trees, both of which have been altered by fire suppression. There is collaborative and Tribal agreement for these types of conservative treatments in MA 15 in dry forests, but not moist forests. Forest Plan direction includes maintenance of old growth characteristics in MA 15 areas, but does not allow "scheduled timber harvest"; or harvest for the purposes of timber production on a set rotation.

Joseph Creek is a designated stronghold⁴ by the Nez Perce tribe for Snake River steelhead (FEIS, chapter 2), and steelhead populations in Lower Joseph Creek have been deemed highly viable by the Interior Columbia Technical Recovery Team of the National Marine Fisheries Service. Vegetation treatments in RHCAs outside of IRAs and PWAs, and the limitation of RHCA treatments to stand improvement of young stands in IRAs and PWAs, will move these areas toward riparian management objectives, and contribute to the overall landscape trajectory toward RV. The rationale for not treating RHCAs in IRAs and PWAs is similar to the discussion above for limiting activities to stand improvement treatments in IRAs and PWAs. Treatments across less than ten percent of Category 4 RHCAs, and in Swamp Creek (Category 1 RHCA) will contribute to a reduction in the threat of altered fire regimes, and increase ecosystem resiliency, while leaving the vast majority of Category 4 RHCAs untreated as a comparison for continued learning about the efficacy of RHCA vegetation treatments. There is general collaborative agreement for this decision, except within Swamp Creek, and within tributaries feeding directly into the main stems of Joseph, Swamp, and Davis Creeks. The decision is based on the long-term benefits of restoring forest structure, composition, and characteristic fire regimes; low risk of these treatments to currently highly viable steelhead populations; need to restore treated areas toward riparian management objectives for the long term persistence of aquatic species; and the professional judgement of local fisheries expertise in similar riparian treatments. A risk of this decision is that the potential effects of an uncharacteristic wildfire may be greater than the effects of ground disturbance in the 90 percent of the RHCAs that are not treated.

Issue 3: The road network within the LJCRP area is highly valued by some segments of the public as their preferred form of access to dispersed recreation sites, firewood areas, special forest products, and other

⁴ Designated strongholds represent areas with historic high production, focal areas for recent tribal harvest, and are viewed as essential for long term population persistence.

uses. However, the road network is considered by others to pose a high risk to water quality, and aquatic and wildlife habitat.

The decision for road management in the Lower Joseph Creek Restoration Project addresses important protections for fish and wildlife habitat in the project area by reducing existing densities of roads in certain sub-watersheds where the existing road network is impacting the effectiveness of habitat. We worked closely with the Nez Perce Tribe, the Wallowa-Whitman Forest Collaborative, and representatives of Wallowa County to review many of the roads in the project area, so that we understood the current conditions of roads, how they were being used by the public and the Tribe (e.g. to access hunting, firewood, dispersed camping or sightseeing opportunities), and which specific road segments may be contributing to resource impacts. In many cases there was agreement on the most important roads to maintain for public and tribal access, and even about which road segments may be in excess of what is needed, or are causing resources concerns. However, there is still some disagreement about the management of certain road segments.

Access management is very important to many people who live in eastern Oregon, or use and care about the Wallowa-Whitman National Forest. Roads are important to these people, whether they are open or closed, or overgrown with vegetation and abandoned. They are important as destinations and as recreation experiences for traveling through forested lands, by motorized or non-motorized means. Many people who do not even travel these roads express interest to either maintain, or conversely reduce, motorized access based on principle.

Roads and motorized travel across the forest landscapes can also cause undesirable resource impacts to soils, water quality, hydrology, fish habitat and effectiveness of wildlife habitat.

In addition, the cost for improving road conditions to mitigate resource impacts or to decommission roads (subsoiling, removing drainage structures, etc.) can be very high, so the method of funding these efforts is an important consideration as well.

All of these factors were considered in deciding to implement the road management strategy that results in the same road densities by subwatershed as analyzed under Alternative 1, with site specific road decisions to address both required densities for listed fish and forest plan standards and guidelines for effective wildlife habitat. These actions were considered to provide a similar benefit for fish and wildlife habitat effectiveness compared to Alternative 1, while still maintaining roaded access to many parts of the project area.

While the selected road network under this decision results in the same road densities as described under Alternative 1 in the FEIS, some Alternative 1 objectives by road segment were substituted (e.g., open for closed or vice versa) in order to maintain important access options for the public while still providing important protections for wildlife habitat. As such, this decision results in road maintenance objective levels that will reflect the current need for protecting the effectiveness of elk habitat and trend towards functioning fish habitats while maintaining a similar level of motorized access to the project area.

This decision will also result in the construction of approximately 12.6 miles of temporary road. The proposed action for the LJCRP estimated that approximately 26 miles of temporary road would be needed to achieve the project purpose and need. Further analysis and consideration of other resource needs resulted in a reduction in temporary road construction to 12.6 miles to facilitate forest treatments while minimizing harm to aquatic, soil, plant and wildlife resources. All temporary roads will be returned at least to pre-project conditions upon completion of project implementation (FEIS, Appendix J, Project Design Criteria, Road Management Activities). Approximately 82.6 miles of system road will need reconstruction and maintenance to facilitate treatment activities, and reduce adverse impacts to soils and

aquatic habitat. The level of maintenance of these roads will remain the same. This decision defers all other access management decisions to the ongoing forest-wide travel management planning process, which will incorporate the collaborative work accomplished through the LJCRP.

The LJCRP area includes six culverts that are partial or full barriers to the upstream migration of steelhead and redband trout. Improvement of these six culverts to provide aquatic organism passage will reduce barriers to fish migration, and risks of adverse effects of larger peak flows anticipated as a potential result of climate change.

Consideration of Unavoidable Adverse Effects

Overall, the selected alternative considers the tradeoffs between short-term adverse effects (i.e., environmental harm) and long-term benefits. Implementation of the selected alternative will result in some unavoidable short-term adverse effects on threatened and endangered species and critical habitat, short term adverse effects on candidate species, sensitive species (individuals), soils and water quality (short term), air quality (short term, during prescribed fire activities), and recreation settings and scenery (short term). However, the selected alternative includes project design criteria, mitigation measures, and best management practices (FEIS, Appendix J) that will reduce these adverse effects to the extent practicable while still achieving project objectives.

Environmentally Preferable Alternative

Alternative 2 is the environmentally preferable alternative, because it would result in the least harm to the biological and physical environment, and best protects and preserves historic, cultural, and natural resources. This alternative provides the most long-term benefits for multiple resources.

Compatibility with Goals of Other Local, State, and Federal Governments, and the Tribe

State Air Quality Regulations

Prescribed burning of forest fuels (logging slash or natural) would comply with Oregon Administrative Rules (OAR) 629-048-0001 to 629-048-0500 (Smoke Management Rules) within any forest protection district as described in OAR 629-048-0500 to 0575. These rules establish emission limits for the size of particulate matter (PM10/PM2.5) that may be released during these activities.

Wallowa County Comprehensive Plan and Community Wildfire Protection Plan

Wallowa County is a cooperating agency on the LJCRP, and submitted the original project proposal in the form of a watershed assessment and prioritized restoration treatments. The LJCRP is consistent with the Wallowa County Comprehensive Plan, including the goal “to conserve forest lands for forest uses” (Goal 4), and “to conserve open space and protect natural and scenic resources” (Goal 5), and related policies. The selected alternative is also consistent with Wallowa County’s Community Wildfire Protection Plan (2006) by reducing fire risk and development of a fire-resilient landscape.

Interagency National Cohesive Wildfire Strategy

The National Cohesive Wildland Fire Management Strategy is a strategic plan to work collaboratively among all stakeholders and across all landscapes, and use the best science to make meaningful progress towards three goals: 1.resilient landscapes; 2.fire adapted communities; and 3. safe and effective wildfire

response. The selected alternative is consistent with all three goals of this national strategy through the development of a fire resilient landscape, which will also increase the safety and effectiveness of wildfire response.

Nez Perce Tribe Management Plans

The Nez Perce Department of Fisheries Resources Management Plan (2013-2028) provides direction to tribal staff to implement a program consistent with Nez Perce treaty-reserved rights that will: restore a balance with nature, bring fish populations and their habitats to healthy conditions, and provide harvest opportunities for tribal members. The Nez Perce Fisheries Department interacts in co-management of federal lands and cooperation on restoration projects, fish and habitat monitoring, operation of acclimation sites, facility use, harvest access, and effects of forest management actions. The goals of the LJCRP are consistent, to the extent practicable within the Forest Service's policies for multiple uses, with those of the Nez Perce Department of Fisheries Resources Management Plan.

The 15,325 acre Nez Perce Precious Lands Wildlife Management Area (PLWMA) is located adjacent to the northern boundary of the project area, and includes 3,472 acres within the Joseph Creek drainage. The PLWMA management plan outlines the tribe's strategy for mitigating wildlife habitat losses incurred from installation of the four lower Snake River dams. The LJCRP is consistent with the objectives of the adjacent PLWMA to: use active management in some riparian and forest communities to reach desired structural and compositional conditions; thin ponderosa pine stands (particularly small diameter trees) to promote open, more fire-resistant conditions; use prescribed burning in some pine stands to remove fuels and regenerate understory browse for deer and elk; use prevention and control strategies for non-native invasive weeds; use prescribed fire as a management tool to remove undesirable vegetation and improve forage condition on big game winter range; and minimize negative impacts to riparian areas, conifer stands, air quality, and adjacent landowners.

National Oceanic and Atmospheric Administration

The Draft ESA Recovery Plan for Northeast Oregon Snake River Spring and Summer Chinook Salmon and Snake River Steelhead Populations (2014) provides guidance for the protection and restoration of Northeast Oregon Snake River spring/summer Chinook salmon and steelhead populations. The LJCRP intersects the Grande Ronde River major population group (MPG) of the Snake River steelhead distinct population segment (DPS). The steelhead population in Joseph Creek has been deemed highly viable, and the diversity risk is low. The LJCRP is consistent with the relevant goals of this plan relative to eliminating barriers to fish migration, reducing uncharacteristic fire severity risks, and restoring large wood to riparian systems over the long term.

Findings required by other laws and authorities

The selected alternative is consistent with applicable Federal laws, Executive Orders, and regulations. The following is not an all-inclusive listing, but summarizes conformance with the laws and regulations most relevant to this decision.

National Forest Management Act

Forest Plan Consistency

Based on consideration of the environmental consequences of the LJCRP (FEIS, chapter 4), this decision to treat 16,350 acres within the LJCRP, with the inclusion of the non-significant amendment described below, is consistent with the Wallowa-Whitman National Forest Land and Resource Management Plan (WWNF LRMP, 1990; 36 CFR 219.17(b)(3)), as amended, and agency directives. The project was

designed in conformance with Forest Plan standards and guidelines, and was designed to achieve appropriate Forest Plan goals for maintaining historic plant communities and maintaining ecosystem function (Forest Plan p. 4-30); minimizing insects and disease damage (p. 4-48); minimizing the risk of fire damage (p. 4-48) and managing timber consistent with various resource objectives, environmental requirements and economic efficiencies (pp. 4-48 through 4-51). This project also tiers to the Hells Canyon National Recreation Area (HCNRA) Comprehensive Management Plan (CMP) ROD for the FEIS, where it overlaps the HCNRA (USDA Forest Service 2003).. The project applies generally accepted management activities by management area (see Forest Plan tables 6-7). This decision also complies with the management direction and standards and guidelines for all relevant management areas described in the plan (see FEIS table 26 for the Forest Plan Management Areas within the LJCRP boundary and the extent of each management area within the project boundary.)

Forest Plan Amendments

This decision requires forest plan amendment. This decision amends the WWNF Forest Plan in conformance with the 1982 Planning Rule process⁵, following Forest Service Manual direction (FSM 1926.51 - January 31, 2006). The significance of the amendment was evaluated in accordance with FSM 1926.51 and FSM 1926.52, and found to be non-significant according to this policy. Opportunities for public participation and notification was provided as required in § 219, § 219.4 and § 219.16.

This amendment changes the Eastside Screens standard (Regional Forester's Amendment # 2 for the WWNF LRMP) for removal of large trees greater than 21 inches at breast height (Screens Appendix B, page 9). The design of prescriptions for cutting of any trees ≥ 21 " is based on the desire to restore forest structure and composition toward reference conditions, or the historical or natural range of variation, and applies to trees that are in direct competition with preferred shade-intolerant tree species (ponderosa pine and western larch). In particular, this amendment will serve to increase the abundance of shade-intolerant tree species, reduce the risk of uncharacteristically severe fire and insect and disease outbreaks, and increase resiliency to natural disturbance and climate change. No trees >21 " dbh would be cut in IRAs, PWAs, or in RHCA's currently in old forest single story or old forest multistory structure. With the intent to conserve old trees, the decision adopts scientifically-derived guidelines to assess tree age regardless of the diameter of individual trees (see FEIS, Appendix J, silvicultural project design criteria). Restoring species composition towards a more natural range of variation can at times require removing larger, but younger (<150 year) shade-tolerant species to favor shade-intolerant species such as ponderosa pine and western larch. With every year that goes by without the benefits of characteristic fire or other disturbances, trees that established prior to the mid-1800s are getting larger in diameter. Hard diameter limits, such as a 21-inch dbh limit can make it difficult to achieve desired composition in at least dry and possibly also mixed conifer forests, and compromise their future resilience (FEIS, chapter 3). The plan amendment would not result in all of the young but large grand fir and Douglas-fir trees being removed. Decisions about which of the young but large grand fir or Douglas-fir trees to remove incorporate wildlife considerations, and these considerations are incorporated in the marking guides that would be used by crews implementing the LJCRP (see FEIS Appendix J, silvicultural project design criteria).

The decision also includes 25 acres of thinning in old forest single story conditions to maintain or enhance existing conditions (Eastside Screens Scenario A). This treatment meets the intent of Scenario A because there would be no net loss of late-old forest structure as a result of proposed treatments. The

⁵ Forest Service Handbook 1909.12 – Land Management Planning Handbook Chapter 20 – Land Management Plan states: Plan amendments started after May 9, 2015, must conform to the 2012 Planning Rule requirements. Before that date, plan amendments may be made following the 1982 Rule process or following the 2012 Planning Rule. (36 CFR 219.17(b)(2)). This proposed action was developed and scoped prior to May 9, 2015. The Responsible Official has elected to follow the 1982 Planning Rule procedures for purposes of making this amendment.

understory thinning treatments in these stands are designed to address species composition, stand density, insect susceptibility, climate change adaptation, and fire risk considerations.

The amendment is a minor change for the following reasons:

- The removal of trees greater than or equal to 21 inches applies only to 5,000 acres within the 98,000 acre project area. This represents less than 5 percent of the project area, and less than 10 percent of the 55,400 forested project area.
- It removes only a portion (less than 15 percent) of the large diameter trees across treated stands.
- The change in the standard under this amendment would only be applied to this specific situation and would not apply to other areas on the WWNF.
- The amendment only applies for the life of this project.

The amendment will not alter multiple-use forest plan goals and objectives or adjust management area boundaries. The amendment will not alter the long-term relationship between levels of multiple-use goods and services originally projected for the WWNF, nor will it alter timber suitability. The amendment will not result in an important effect to the entire land management planning area, and is a specific, one-time variance for this restoration project and decision. The plan amendment that is specific to this decision will not impose direction on ongoing or future analyses.

The amendment provides the most effective way for achieving the desired ecological conditions described in the forest plan for late and old structure, as well as the purpose and need.

Site-specific Needs for Amendments to the Eastside Screens

The LJCRP landscape is a mosaic of forests and grasslands shaped largely by the behavior of natural disturbance regimes, in particular, fire. Disturbance regimes dominated by low intensity, high frequency fire (FEIS chapter 2, Vegetation and Disturbance) has created a landscape in the LJCRP area of stringers and large patches of forest surrounded by grasslands. This inter-digitation of vegetation exposes a relatively high proportion of the forested landscape to fire occurrence, which historically shaped the distribution of forest and savanna structural stages and species composition.

The forested landscape is dominated by dry forest (about 75 percent of the forested area), where the current fire regime displays a higher proportion of mixed severity fire than characteristic of the vegetation type. Historically, about 64-82 percent of the fires in dry forests characteristic of the LJCRP were of low severity, and 13-21 percent were of mixed severity. Today, low and mixed severity fires make up about 49 and 46 percent of the fires, respectively (FEIS, table 8). The effects of this departure between current and historical fire regimes is evidenced by the very low abundance of single story old forests, which historically made up about 40-60 percent of the dry forest area, whereas today, they make up a trace amount.

Moist forests make up about 25 percent of the forested LJCRP area. Fire return intervals in moist forests have been missed, but not at the same magnitude as in dry forests; however, fuels accumulation rates far exceed those of dry forests due to higher productivity soils and higher moisture availability. This means it takes fewer missed return intervals to create an uncharacteristic fuel loading and fire behavior in moist than dry forests.

Site-specific scenario modeling completed by the project interdisciplinary team for the project area, and the WWNF as a whole, concluded that more trees would be lost to fire over a 30-year modeling scenario

than would be cut under the proposed action. See the FEIS, chapters 2 and 4, Vegetation, the silviculturist's specialist report, and Appendix C, Landscape Modeling Methods for more information.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal agencies to consider and disclose the effects of proposed actions that significantly affect the quality of the human environment. The LJCRP FEIS analyzes three alternatives and displays the effects in conformance with the Act (40 CFR 1500 to 1508 and FSH 1909.15).

Endangered Species Act

This decision is compliant with the legal requirements set forth under section 7 of the Endangered Species Act (16 U.S.C. 1536 (c)). The FEIS discloses potential impacts to the federally listed, proposed, and candidate species. Biological Assessments have been completed for all TES plant and aquatic species. No proposed or federally-listed terrestrial wildlife or invertebrate species exist or have been identified as described for Wallowa County, which encompasses the LJCRP area (FEIS chapter 2, Wildlife). Habitat exists in the project area for the federally threatened plant *Silene spaldingii*, but no populations were discovered during plant surveys for threatened and endangered species. The LJCRP area includes federally-listed Snake River steelhead, and Snake River spring Chinook salmon and their designated critical habitat. Determinations were made that the selected alternative 1) may effect and are likely to adversely affect Snake River steelhead and designated critical habitat. The selected alternative may affect, and are not likely to adversely affect essential fish habitat for spring Chinook salmon under the Magnason-Steven Act. Details are found in the Aquatics, TES plants, and Wildlife sections of the FEIS, chapter 4.

Consultation with USDI Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) has been completed. A Letter of Concurrence from the USDI Fish and Wildlife Service, dated June 5, 2015, and a Biological Opinion, dated June 15, 2016, are located in the Lower Joseph Creek Restoration Project record. Terms and Conditions to implement Reasonable and Prudent Measures have been issued by NOAA Fisheries in the Biological Opinion. These Terms and Conditions have been incorporated into the selected alternative and will be implemented. Design features have been developed to protect federally threatened, endangered, and sensitive species in the event they are detected during project implementation (FEIS, Appendix J). If listed species are found during project implementation, consultation may be re-initiated for this project

Forest Service Sensitive Species

Sensitive species from the December 2011 (plants) and January 2011 (wildlife) Regional Forester's sensitive species lists, for which population viability is a concern were analyzed as a part of the FEIS (Appendices E and F). Three sensitive bryophytes and three sensitive vascular plants are suspected in the LJCRP's forested habitats, and there are five sensitive plant species documented in grassland and lithosol habitats in the project area. The selected alternative may impact individuals or habitat of sensitive species, but is not likely to contribute to a trend toward federal listing, nor cause a loss of viability to listed plant, fish, and animal populations or species. Biological Evaluations were prepared to assess potential effects to sensitive species as identified by the Regional Forester. This evaluation for aquatic species, sensitive plants and terrestrial wildlife determined that, while activities associated with Alternative 2 may result in some impacts to individual sensitive species, those effects are not likely to contribute to a trend toward federal listing or loss of viability of the population or species (FEIS, Chapter 4).

National Historic Preservation Act

Heritage surveys have been completed in compliance with Section 106 of the National Historic Preservation Act. State Historic Preservation Office consultation is guided by the Programmatic Agreement among the United States Department of Agriculture, Forest Service, Pacific Northwest Region (Region 6), the Advisory Council on Historic Preservation, and Oregon State Historic Preservation Officer (SHPO) regarding Cultural Resource Management on National Forests dated June 2004. All previously and newly identified cultural sites determined eligible, or potentially eligible, to the National Register of Historic Places will be protected from all project activities associated with the LJCRP (FEIS Appendix J). Because heritage resources will not be affected by activities under the selected alternative, there will be no effect to any historic property listed in or eligible to the National Register of Historic Places (FEIS, Chapter 4). Part III.A of the Programmatic Agreement (2004) states that “If the SHPO does not respond within 30 days of receipt of the Forest’s request, the Forest may assume SHPO’s concurrence in its findings and proceed accordingly. The Oregon SHPO did not respond within the 30 day timeframe resulting in concurrence of the Forest’s No Effect determination.

Clean Water Act

The LJCRP is in compliance with the Clean Water Act and its design is consistent with the recommendations of the Lower Grande Ronde Subbasins TMDL (2010). By implementing and monitoring water quality related Best Management Practices (FEIS Appendix J), the selected alternative would protect waters within the planning area and downstream from the proposed management activities. In addition to our water quality analysis, we conducted a thorough review of the water use permits in the analysis area. We found that the proposed activities in all action alternatives do not conflict with any beneficial uses of water.

Clean Air Act

The FEIS (chapter 4, Physical Environment, Air Quality) addresses and discloses impacts from prescribed fire as required by the Clean Air Act. The selected alternative would follow the established rules to comply with the Clean Air Act prior to implementing planned ignition or using unplanned ignitions to benefit restoration objectives. The number of acres accomplished per year would be determined by established emission limits negotiated with the State of Oregon and the Oregon Department of Environmental Quality (ODEQ), funding, appropriate burn conditions, and personnel availability. In the short term, there will be air quality impacts during implementation of the selected alternative. However, National Ambient Air Quality Standards (NAAQS) will not be exceeded. In the long term, there will be less fuel and a lower emission potential once an area has received one burn.

Executive Orders 11990 and 11988 - Wetlands and Floodplain Management

The selected alternative would have no adverse impact on floodplains or wetlands and is therefore consistent with Executive Orders 11988 and 11990. Floodplains and wetlands would be protected by applicable PACFISH RHCA buffers (USDA and USDI 1995), except along approximately 0.5 miles of the valley bottom meadow adjacent to Swamp Creek, where encroaching conifers will be thinned to meet Riparian Management Objectives and restore structure, pattern and species composition of overstory vegetation. All other floodplains and wetlands would be protected by applicable PACFISH RHCA buffers.

Executive Order 12898 - Environmental Justice

The selected alternative is not expected to have disproportionately high and adverse human health or environmental effects on environmental justice communities. Through public meetings, community

members and representatives expressed that they expect the LJCRP to improve current environmental justice conditions, specifically related to low-income populations and children. With increased job opportunities for parents, they would be able to provide better opportunities for their children and the expected increase in the tax base under the selected alternative would presumably provide more support for schools. An increase in the tax base could also potentially increase social services for low-income populations and help alleviate poverty. The low income populations in the LJCRP analysis area would not be affected by the selected alternative's road network since there would be no change from current conditions, or already existing road network decisions.

The environmental justice communities expected to be impacted the most are within the Nez Perce tribe, since this community uses the Lower Joseph area for cultural and religious practices as well as for subsistence uses. In the long-term, the selected alternative is expected to improve natural resource conditions. Traditional and sacred forest uses will continue under the selected alternative (see socioeconomic and tribal and heritage reports).

Smoke emissions resulting from wildfires and prescribed burns can have health and quality of life consequences. Smoke is most likely to affect vulnerable populations, such as children, the elderly, and individuals in poor health. Limited communications technology, language barriers, and cultural differences may also limit the effectiveness of informing nearby residents of upcoming prescribed burns. These conditions would occur in all alternatives evaluated, including the no action alternative. Burn plans will be written for implementation of the proposed prescribed fires. The burn plans will include modeling to determine the most appropriate conditions under which to burn in order to minimize smoke impacts.

Wild and Scenic Rivers Act

The Joseph Creek Wild and Scenic River (WSR) corridor is included in the LJCRP boundaries. The selected alternative is consistent with the National Wild and Scenic Rivers System (Public Law 90-542; 16 U.S.C. 1271 et seq.), and preserves the outstanding natural, cultural, and recreational values of the Joseph Creek WSR for the enjoyment of present and future generations. No vegetation treatments would occur in the river corridor, except the use of planned and/or unplanned fire, consistent with natural fire frequency and intensity. One forest restoration unit (#193) is partially in the middle ground view of the WSR (50 acres) with a visual quality objective of retention. All treatments within view of the WSR would maintain structural diversity and the natural mosaic landscape character, and appear unaltered to slightly altered in the short-term, and unaltered in the long-term when viewed from the WSR. The project areas that overlap the WSR boundary have mitigation measures to protect soil and watershed, scenery, and other resources. The activities approved in this decision will help to protect potential values of the WSR from the effects of wildfire (see FEIS, Appendix J, scenery Project Design Criteria; and scenery specialist report in the project file).

Roadless Area Rule

The 2001 Roadless Area Final Rule (36 CFR Part 294) established protections for inventoried roadless areas. The rule prohibits road construction, reconstruction, and timber harvest except for other than stewardship purposes. Consistency with the 2001 Roadless Conservation Rule (36 CFR part 294) is demonstrated in the FEIS, chapter 4.

Migratory Bird Treaty Act and Executive Order 13186

The selected alternative, with the project design features, mitigation measures, and best management practices described in Appendix J of the FEIS provides for adequate conservation measures for migratory birds. In the short-term, some nesting habitat may be lost because of logging and burning, but the scale and timing at which it would occur is not expected to significantly reduce Neotropical migratory bird

species richness or abundance. Some birds may experience shifts in home ranges as habitat is altered, but treatments would not result in their complete displacement from the project area. There is no indication that habitat changes from the selected alternative would result in reduced numbers of these birds that would be meaningful at local or landscape scales (FEIS chapter 4, Landbirds and Migratory Birds).

Management Indicator Species

Management Indicator Species are discussed in Chapters 2 and 4 of the FEIS, including a snag analysis (Wildlife section). All activities associated with the selected alternative have been found to be consistent with the WWNF LRMP, as amended, for this category of species. Additionally, the selected alternative does not result in a long-term reduction in the number of acres of available habitat for any of the management indicator species, and does not contribute towards a negative trend in viability on the Wallowa-Whitman National Forest. For more detailed information, see the wildlife specialist's report and aquatics specialist report in the project record for complete Management Indicator Species analyses.

Travel Management Rule

Since 2007, the Wallowa-Whitman National Forest has been building the Travel Management Plan (TMP) for the Forest, per the direction in the 2005 Travel Management Rule (36 CFR 212). No timeframe has been established because these discussions will take some time in order to ensure sound decisions are made and supported in the future. Until a Forest-wide TMP is finalized, access management is occurring on a project-by-project basis (except in the Hells Canyon National Recreation Area, which follows the HCNRA Comprehensive Management Plan), but this process does not supersede the TMP process. The Forest Service is working collaboratively with local communities, interest groups, Tribes, other agencies, and Wallowa-Whitman employees, while also adhering to local, state and federal regulations and caring for the land.

A roads analysis (FSH 7709.55, chapter 20) was conducted to inform the decision related to the designation of roads for motor vehicle use in the LJCRP area. Management of cross-country travel and off-highway vehicle trails was not identified as a purpose and need for this project, and was not a part of the EIS analysis. The LJCRP decision may include proposed changes to the transportation system, or the responsible official may choose to defer any changes until the Subpart B travel analysis is complete, and include changes in that decision.

Prime Farmlands, Rangelands, and Forestlands

The project area is not located in or adjacent to prime farmlands; therefore, there would be no impacts to prime farmlands. The project does not contain prime rangeland because of soils and climate, and none of the proposed activities in the project would convert rangelands to other uses. Therefore, there would be no adverse impacts on prime rangelands. The project would not convert forestlands to other uses. All lands designated as forested would be retained and managed as forested; therefore, there would be no negative impacts on prime forestland.

Permits, Licenses, and Authorizations Needed to Implement the Decision

- In accordance with the legal requirements set forth under Section 7 of the Endangered Species Act (16 U.S.C. 1536 (c)), formal consultation was conducted with NMFS, and informal consultation was conducted with FWS. Coordination will continue with the Fish and Wildlife Service and NOAA Fisheries throughout project implementation as treatments are completed and effects monitored.

- Initial concurrence from Oregon SHPO was received in accordance with Section 106 of the National Historic Preservation Act. There will be continued coordination and clearances conducted for each action proposed during implementation.
- Per agreement with the Nez Perce tribe, coordination will occur prior to initiating project-specific task orders to identify traditional use areas and, if necessary, develop project-specific mitigation measures to accommodate traditional use of the forest by tribal members.
- All burning will be coordinated daily with the State of Oregon. Burning will not take place on any portion of the project without prior approval from the State of Oregon.

Implementation Effective Date

If no objection is filed, implementation may begin on, but no sooner than the fifth business day following the end of the 45-day objection filing period (36 CFR 218.11). If an objection is filed, implementation may begin immediately following the date of the final decision.

Monitoring

Existing national, Forest, and place-based monitoring programs collect data on forest structure and composition, prescribed fire and wildland fire effects and effectiveness, soil and water quality and wildlife populations, among others, and will provide substantial information about how the LJCRP area will respond to the activities implemented by this decision. For example, monitoring implemented through various existing programs will help indicate whether over the long term, the LJCRP area will stay on a trajectory toward desired conditions. Some of these monitoring programs also have indicators to prevent unanticipated environmental harm to water, soils, historical and cultural resources, and plant, wildlife, and aquatic habitats (FEIS, chapter 3 Monitoring and Learning). These monitoring efforts include National Best Management Practices (BMPs), the Forest Inventory and Analysis Program (FIA), Forest Service Activity Tracking System (FACTS), stocking surveys, the Oregon State Department of Wildlife, and the Oregon State Historic Preservation Office and Region 6 Forest Service Programmatic Agreement (2004), which guides monitoring for project effects to cultural resources, in addition to other ongoing monitoring,

In addition, nine stream monitoring sites are located within the LJCRP area, and the Biological Opinion from NOAA Fisheries includes implementation monitoring of RHCA treatment layout, monitoring of prescribed fire effects, and stream temperature monitoring in Swamp Creek. In addition, the Biological Opinion requires monitoring of project generated turbidity from installation of six culverts and monitoring of fish salvage efforts at these sites, and a project completion report for the projects in the Lower Joseph Creek FEIS within three months of project completion. Ongoing allotment monitoring is being conducted to assess forage utilization and range condition through existing allotment management plans (and annual operating instructions, where current allotment management plans do not exist) (FEIS, chapter 3, Monitoring and Learning).

There are key concerns regarding the implementation of this project that are of interest to the local communities that were involved in project planning. In the preparation of the FEIS, the Nez Perce tribe, County, and public variously expressed potential uncertainties regarding the effects of the alternatives. These uncertainties included issues such as: the efficacy of old forest restoration and its effects on wildlife populations; the efficacy of mechanical treatments in IRAs, PWAs and RHCAs versus allowing natural disturbance to run its course; and the interaction between climate change and land management activities.

Many of these uncertainties transcend the LJCRP area, and require broader analyses to fully rectify. A multi-party monitoring plan is currently being designed by the Wallowa-Whitman Forest Collaborative to further study many of these uncertainties, and represents a long-lasting means to learn and adjust National Forest management through time. A part of this decision is to support and facilitate the public's and tribe's engagement in collaboratively tracking the implementation and effectiveness of project activities, and sharing and applying the learning that will ensue.

Administrative Review

This project is subject to pre-decisional administrative review pursuant to 36 CFR 218, Subpart B. This process is also called the "objection process," which replaced the appeal process in March of 2013. The primary difference with the objection process is that a person may object to a project prior to the final decision, whereas under the appeal procedures, appeals were made after the decision.

Only individuals or organizations that submitted specific written or oral comments during a designated opportunity for public participation (scoping or the comment period on the draft EIS) may object (36 CFR 218.5). Notices of objection must meet the requirements of 36 CFR 218.8. Objections can be submitted in writing, either electronically or in hard copy, and must be filed with the Reviewing Officer within 45 days from the date of publication of the legal notice announcing the opportunity to object; the legal notice is published in the newspaper of record (Baker City Herald, Baker City, Oregon). The legal notice publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Those wishing to file an objection to this decision should not rely upon dates or timeframe information provided by any other source. Mailed objections must be received before the close of the fifth business day after the objection filing period closes.

Incorporation of documents by reference is not allowed, except for the following list of items that may be referenced by including date, page, and section of the cited document, along with a description of its content and applicability to the objection: 1) all or any part of a federal law or regulation; 2) Forest Service directives and land management plans; 3) documents referenced by the Forest Service in the subject EIS; or 4) comments previously provided to the Forest Service by the objector during public involvement opportunities for the proposed project, where written comments were requested by the responsible official. All other documents must be included with the objection.

Issues raised in objections must be based on previously submitted specific written comments regarding the proposed project or activity and attributed to the objector, unless the issue is based on new information that arose after the opportunities for comment. The burden is on the objector to demonstrate compliance with this requirement for objection issues.

Minimum requirements of an objection are described at 218.8(d). An objection must include a description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project; if applicable, how the objector believes the environmental analysis or draft decision specifically violates the law, regulation or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and a statement that demonstrates the connection between prior specific written comments on the particular proposed project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunities for comment.

Objections may be:

- Submitted to the project’s website at: <https://cara.ecosystem-management.org/Public/CommentInput?project=43379>. The objection filing form can also be accessed by going to the project’s website and clicking on “Comment/Object on Project” tab on the right sidebar.
- Mailed via US Mail to: Reviewing Officer, Pacific Northwest Region, USDA Forest Service, Attn. 1570 Appeals and Objections, PO Box 3623, Portland, OR 97208-3623;
- E-mailed to: objections-pnw-regional-office@fs.fed.us. Please put OBJECTION and the project name in the subject line. Electronic objections must be submitted as part of an actual e-mail message or as an attachment in Microsoft Word (.doc or .docx), rich text format (.rtf), or portable document format (.pdf) only. E-mails submitted to addresses other than the one listed above or in formats other than those listed above or containing viruses will be rejected. It is the responsibility of the objector to confirm receipt of objections submitted by electronic mail. For electronically mailed objections, the sender should normally receive and automated electronic acknowledgement from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgement of receipt, it is the sender’s responsibility to ensure timely receipt by other means;
- Hand delivered to: Pacific Northwest Regional Office at 1220 SW 3rd Avenue, Portland, Oregon. Hand deliveries can occur between 8:00 AM and 4:30 PM, Monday through Friday except legal holidays; or
- Faxed to: Regional Forester, Attn: 1570 Appeals and Objections at (503) 808-2339

Contact

For additional information concerning this draft decision and the final environmental impact statement, please contact Dea Nelson, Environmental Coordinator and Planner, Wallowa-Whitman National Forest, by phone: 541-523-1216 or email: dnelson09@fs.fed.us. Additional information is also available on the project website at: <http://www.fs.usda.gov/goto/LJCRP>

Responsible Official Signature

TOM MONTOYA
Forest Supervisor, Wallowa-Whitman National Forest

Date

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by mail to U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Ave SW, Washington, D.C. 20250-9410; fax: (202) 690-7442; or email: program.intake@usda.gov.

Appendix A – Maps