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Agriculture

Forest
Service

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Record of Decision

Mt. Ashland Late-Successional Reserve Habitat Restoration and Fuels Reduction Project

Oak Knoll Ranger District, Klamath National Forest
Siskiyou County, California and Jackson County, Oregon



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Background

The Mt. Ashland Late Successional Reserve (LSR) is within the California Klamath Province, an area highlighted in the Northwest Forest Plan (NWFP) where fire suppression and subsequent invasion of shade-tolerant species have resulted in dense, multistoried stands with significant increases in accumulated fuels; this has caused the area to become more vulnerable to insects, disease, and stand-replacing fires. The Mt. Ashland LSR was identified by the Westside LSR Team as a high priority area for treatment. This project is authorized under Healthy Forests Restoration Act (HFRA) because of existing threats to ecosystem components and forest resources.

The Mt. Ashland LSR project is located at T48N, R8W, Sections 15–17, 20–22, and 28, Mount Diablo Meridian; T41S, R1W, Sections 1–3 and 10–15; T41S, R1E Sections 5–7 and 18; T40S, R1W, Sections 25, 26, and 34–36; and T40S, R1E, Sections 31–32, Willamette Meridian. The Project Area occupies 13,939 acres.

Purpose and Need

The Mt. Ashland LSR is deficient in late-successional forest, and tree species composition and stand structure in the Project Area has been significantly altered from its historic condition. Currently, approximately 30% of the Mt. Ashland LSR is in a late-successional forest condition. The *Klamath National Forest Land and Resource Management Plan* (LRMP) defines desired conditions for LSRs and the *Forest-wide Late Successional Reserve Assessment* and *Mt. Ashland Late Successional Reserve Assessment* jointly define a desired condition of 60%–65% of the Mt. Ashland LSR to be late-successional forest habitat. The Mt. Ashland LSR is approximately 50% deficient in the amount of desired late-successional habitat.

Due to the current condition of vegetation in the Project Area, wildfires are expected to burn at intensities that would result in a high level of tree mortality. Therefore, a need exists to promote the development of late-successional forest habitat and reduce the threat of catastrophic fire in the Project Area. Doing so should ensure that the role and objectives for the Mt. Ashland LSR, as described in the *Mt. Ashland Late Successional Reserve Assessment* and the NWFP, are realized and sustained over time.

Decision and Reasons for Decision

I have decided to select the Preferred Alternative (hereafter referred to as the Selected Alternative) in its entirety from the *Mt. Ashland Late Successional Reserve Habitat Restoration and Fuels Reduction Project Final Environmental Impact Statement* (FEIS). The Selected Alternative is fully described and analyzed, and its impacts are disclosed in the FEIS. My decision is based on a thorough review

of all alternatives, the affected environment, and environmental consequences in the FEIS and associated documents. It takes into account public and agency comments received throughout the planning process.

Summary of the Selected Alternative

The Selected Alternative was developed in response to public and agency comments on cumulative watershed effects and impacts to soils. In comparison with other action alternatives, the Selected Alternative includes less defensible fuel profile zone (DFPZ) treatments, more fuels treatments (underburning), more cable yarding, and less temporary spur road construction. Forest structure will be more representative of that which existed under historic fire regimes and the probability of high severity, stand replacing wildfire events will be reduced.

The Selected Alternative will treat 4,468 acres in 247 stands. As part of the restoration treatments, variable density thinning of trees >9" will occur on 2,543 acres and small diameter thinning for trees ≤9" on 408 acres. The DFPZs will be created by using variable density thinning on trees >9" on 1,058 acres. Ground-based tree-yarding systems will be used on 1,056 acres, skyline yarding systems on 1,610 acres, and helicopter yarding on 935 acres. Underburning will occur on 3,747 acres, and mastication (crushing or grinding small woody material) will occur on 1,037 acres. Spur road construction will include 1.7 miles of new temporary road, which will be closed upon Project completion. For existing roads used during project implementation: four unauthorized roads will be added to the system (2.43 miles), six open road segments will be changed to year-round closure (9.3 miles), 0.49 mile of system road will be decommissioned, and 24 unauthorized road segments will be hydrologically stabilized and closed (8.63 miles).

Reasons for Decision

My decision in favor of the Selected Alternative is based on analyses contained with the FEIS, primarily those relating to the significant issues. The Selected Alternative is the environmentally preferable alternative as it best attains the purpose and need of restoring habitat while minimizing impacts to soils and watersheds through road construction. Through the use of prescribed burning, the Selected Alternative best minimizes risk of stand-replacing fire, a current threat to key structural components within late-successional forest stands.

Some minor, short-term negative effects will occur as a result of Project implementation, but, as the deciding official, I am willing to accept short-term negative effects because of the anticipated long-term beneficial effects and achievement of the purpose and need. Mitigation and project design conservation measures will be implemented to minimize potential negative effects. Examples of mitigation measures include the use of Best Management Practices (BMPs), observing restricted operation periods to minimize wildlife disturbance, subsoiling (plowing or turning-up the soil) to reduce effects of ground compaction, limiting ground-based equipment to slopes <35%, and limiting

activities within Riparian Reserves. Effects on major individual resources are described in the following text.

Wildlife: The Selected Alternative will accelerate the development of late-successional forest stands and enhance the functioning of northern spotted owl (NSO) Critical Habitat Units while maintaining adequate levels of important structural components. The Selected Alternative may affect, but is not likely to adversely affect, NSO or NSO Critical Habitat. The project may affect individuals, but it is unlikely to trend toward Federal listing or loss of viability for willow flycatcher, California wolverine, Pacific fisher, pallid bat, Townsend's big-eared bat, northwestern pond turtle, blue-gray tailed dropper, or Tehama chaparral. It will have no effect on bald eagle, shortnose sucker, Lost River sucker, tidewater goby (or its Critical Habitat), vernal pool fairy shrimp (or its Critical Habitat), peregrine falcon, northern goshawk, great gray owl, American marten, foothill yellow-legged frog, Cascade frog, Siskiyou Mountains salamander, marbled murrelet (or its Critical Habitat), Swainson's hawk, greater sandhill crane, southern torrent salamander, or Sierra Nevada red fox.

Temporary spur road construction and use during project implementation will cause some direct disturbance (harassment) to wildlife. Through a combination of decommissioning, closure of unauthorized routes, and year-round closures of system roads, post-project road densities will decrease over current levels, resulting in reduced road-related disturbance in the long-term. Highly mobile species such as NSO and Pacific fisher are not expected to be significantly affected by the limited amount of road construction and use. There will be no road and landing construction within occupied habitat for Siskiyou Mountains salamander, Tehama chaparral, Siskiyou sideband, and blue-gray tailed dropper. The minor negative effects of temporary spur road construction and use will be exceeded by the benefits of habitat restoration thinning, fuels reduction, and overall long-term reductions in road density.

Minor (<1 acre) removal or degradation of late-successional habitat will occur as a result of spur road and landing construction during project implementation. No degradation of late-successional habitat will occur as a result of treatment for habitat promotion or the creation of DFPZs. One landing will be constructed in late-successional forest, resulting in up to 0.5 acres of degradation. Approximately 0.12 miles of temporary spur road construction will occur in late-successional stands, resulting in up to 0.5 acres of disturbance. Because of a dearth of downed woody debris in LSRs, all trees >24" DBH felled for temporary spur road construction will be left on site. No road or landing construction will occur in NSO nesting or roosting habitat. Altogether, <0.1% of extant late-successional forest degradation will occur.

Fire and Fuels: The Selected Alternative reduces fuels on the largest number of acres and will have the greatest effect on fire regime condition class among all the alternatives. The Selected Alternative will result in the highest reduction of fire hazard, in part because it focuses on mixed conifer stands where the greatest degree of departure from the natural fire return interval exists. Due to extensive

underburning, the Selected Alternative will increase chances of success of fire suppression tactics, including confine and contain, which may allow future opportunities for prescribed wildfire use to mimic natural historical processes within the LSR.

Aquatic Resources (including Cumulative Watershed Effects): The Selected Alternative will have minimal effects on channel condition, water quality, and fish habitat because of project design standards and Best Management Practices (BMPs). Cumulative Watershed Effects models have been run on the Selected Alternative for the 7th field and 5th field watersheds. Modeling at the 5th field watershed level showed no change in any of the indicators due to the small contribution of potential effects at this scale. Results for the 7th field watersheds are displayed in Table 1. Risk ratios higher than 1.0 (inference point) indicate where a cautious approach should be taken in management actions. The Project fisheries biologist, hydrologist, geologist, and soils scientist have performed thorough field inventories and reviews, and have carefully designed this Project to minimize potential damage to aquatic resources.

Table 1 Change in Risk Ratios by 7th Field Watershed and Model Indicator for the Selected Alternative

Model	Change/ Risk Ratio	Deer- Beaver	Upper Cow	Long John	Beaver- Grouse	Headwaters Cottonwood
USLE	Change	+0.09	0	+0.10	+0.09	+0.01
	Risk Ratio	1.02	0.66	0.98	1.03	0.42
GEO	Change	+0.02	0	-0.05	-0.02	0
	Risk Ratio	0.89	0.49	1.37	1.45	0.86
ERA	Change	+0.17	+0.02	+0.38	+0.26	+0.06
	Risk Ratio	0.86	0.33	0.76	0.79	0.32

USLE (surface erosion) model results show a slight increase in the probability that effects would be expressed on the landscape. USLE tends to overestimate effects, as it does not account for the filtering/buffering capacity of Riparian Reserves, thus levels slightly higher than 1.0 are not expected to produce measurable sedimentation in waterways. Consequently, embeddedness likely will not be affected by the Selected Alternative. All GEO (landslide) modeled values are either lower than 1.0 or are slightly improved, thus landslide risk is not substantially affected by this Project and landslide effects are considered to be neutral. ERA (disturbance index) model risk ratios, though moved upward, also are lower than 1.0 and indicate that cumulative watershed effects likely will not be expressed on the landscape. Therefore, I have concluded that cumulative watershed effect risks are considered negligible based on modeling and field level planning by specialists.

Water Erosion Prediction Project (WEPP) modeling indicates that, under a wildfire scenario, the No Action Alternative would result in 18 times more soil loss than the Selected Alternative with wildfire. The combination of fuels reduction and conservation measures, such as riparian buffers,

implemented under the Selected Alternative will mitigate soil delivery to streams were a wildfire to occur. Under a wildfire scenario with the No Action alternative, there is a three times higher chance of sediment delivery to streams.

Water temperature will not be affected as a result of the Selected Alternative, and the risk of higher peak flows will increase only slightly. All beneficial uses will be maintained in the long run, and the Selected Alternative is consistent with the objectives of the Water Quality Control Plan for the North Coast Region (Basin Plan), the North Coast Regional Water Quality Control Board categorical waiver requirements (Categorical Waiver Order No. R1-2004-0015), State and Federal water quality laws, and the Aquatic Conservation Strategy.

Soils: The Selected Alternative will have the least effect of the action alternatives on soil productivity because of the limited extent of temporary roads and associated soil displacement. The Selected Alternative is consistent with Soils Quality Analysis Standards (SQAS) in the Klamath National Forest Land and Resource Management Plan (LRMP). One unit (unit 343) currently exceeds the SQAS threshold of 15%. This unit will be subsoiled to reduce compaction; post-project it will comply with the LRMP.

Roads: A net reduction in road density will occur under the Selected Alternative, as 9.12 miles of roads will be decommissioned or hydrologically stabilized and closed. Under the Selected Alternative, 1.7 miles of spur road construction will occur, but these roads will be closed after project completion. Though none of the action alternatives will have substantial levels of wildlife habitat effects due to temporary road construction, the Selected Alternative will have the least amount of impact. Although temporary road construction will result in minor impacts to late-successional habitat (<1 acre), as the deciding official, I am willing to accept minor impacts because of the substantial benefits of vegetation treatments and long-term reductions in road densities.

Other Alternatives Considered but Not Selected

The FEIS analyzed four alternatives in detail in addition to the Selected Alternative. A summary description of the alternatives and why they were not selected follows.

- **Alternative 1: No Action:** Under the No Action Alternative, current plans would continue to guide land management in the project area. This Alternative assumes that none of the proposed activities would occur. My decision to not select Alternative 1 is based on analysis in the FEIS, which predicts higher tree mortality and cumulative watershed effects under a severe wildfire scenario. The No Action also would be the slowest in attaining desired conditions within the LSRs.
- **Alternative 2 (Proposed Action):** The Proposed Action provides the highest level of restoration vegetation treatments; however, I decided to not select this Alternative because (1) based on

analysis in the FEIS, the effects are about the same as the Selected Alternative; (2) the Selected Alternative meets the Purpose and Need as well or better than this Alternative (refer to FEIS Table 2-6); and (3) this Alternative proposes the most temporary road construction, ground-based yarding and mastication. The differences in cumulative watershed outputs between Alternative 2 and the Selected Alternative are negligible, although Alternative 2 would include 5.16 more miles of temporary spur road construction, 0.63 fewer miles of hydrologic stabilization and closure of unauthorized roads, 146 more acres of ground-based yarding, and 208 more acres of mastication than the Selected Alternative. Alternative 2 also includes the construction of temporary spur roads within Riparian Reserves, which would affect approximately 0.16 acres.

- **Alternative 4:** Alternative 4 was originally developed to respond to the issue of cumulative watershed effects through reducing treatment acres, the use of ground-based systems, and fewer temporary spur roads. I did not select Alternative 4 for reasons similar to those of Alternative 2. Alternative 4 would be the least responsive to the Purpose and Need (refer to FEIS Table 2-6), it would include 3.26 more miles of temporary spur road construction, and it proposes 4.09 fewer miles of hydrologic stabilization and closure of unauthorized roads than the Selected Alternative. Alternative 4 also would include the construction of temporary spur roads within Riparian Reserves, which would affect approximately 0.16 acres.
- **Alternative 5:** Alternative 5 emphasizes the use of helicopter yarding and minimizes the construction of temporary spur roads. It was not selected for reasons similar to those discussed under Alternative 2. Alternative 5 would include 0.57 more miles of temporary spur road construction and 1.69 fewer miles of hydrologic stabilization and closure of unauthorized roads than the Selected Alternative. This Alternative also was not selected in part because of the economic and logistical viability of helicopter operations. Rising fuel costs and the availability of large landing areas needed for helicopter logging have contributed to my reasons for not selecting this Alternative.

Public Involvement

A notice of a public meeting and field trip to be held on September 29, 2004, was published in the Calendar of Events of the Siskiyou Daily News and the Ashland Daily Tidings. People interested in attending these events were invited to contact the Klamath National Forest or USDI Fish Wildlife Service (USFWS) project leaders. Flyers announcing the meeting and field trip were sent to 28 people, groups, and agencies. The meeting was attended by five members of the public and personnel from the USFWS, USDI National Marine Fisheries Service (NMFS), and the USDA Forest Service (USFS).

A scoping letter, dated October 3, 2005, was mailed to 33 people and groups who expressed interest in the proposal or who owned property adjacent to the Project Area, as well as to agencies with responsibilities for local resource management. The scoping letter requested input by November 7, 2005. A Notice of Intent (NOI) to prepare an Environmental Impact Statement was published in the Federal Register on October 7, 2005. This notice requested comments within 30 days of the

publication of the NOI in the Federal Register. Twenty-four comment letters or e-mails were received in response to the initial scoping and NOI.

Another public meeting was held on October 28, 2005, followed by a field trip to the Project Area on October 29, 2005. Flyers for the public meeting and field trip were sent to a larger mailing list (164 individuals, groups, agencies, and newspapers) in order to include potentially interested parties from the communities of Ashland and Medford in Oregon. The October 28 meeting was attended by eight members of the public and personnel from the USFWS, NMFS, and USFS. The October 29 field trip was attended by four members of the public.

A public open house was held on November 16, 2006; notice of the open house was sent to 68 people, including everyone who had responded to scoping. The open house was announced on page 2 of the Siskiyou Daily News on November 6, 2006. The purpose of the open house was to share information on the progress of the project, display minor changes to the proposed action that resulted from field reconnaissance, and show how scoping information was used to develop alternatives. The open house was attended by six members of the public and personnel from the USFWS, NMFS, and USFS.

Consultation was conducted with the Karuk Tribe of California, the Quartz Valley Reservation, the Yurok Tribe, and the Hoopa Tribe through public meeting notices, the scoping letter dated October 3, 2005, and during discussion at project coordination meetings.

Representatives of the USFWS and NMFS were actively involved in the initial design of the Proposed Action and have visited the units in the field. The USFWS is a cooperator and will continue to be involved in the design, layout, and implementation of this project. Consultation with these agencies will continue throughout the process.

The Oregon Department of Environmental Quality (DEQ) and the North Coast Regional Water Quality Control Board (NCRWQCB) were consulted by phone on June 27 and 28, 2006, respectively. Both agencies were mailed updated project information on December 18, 2006. The NCRWQCB was consulted again on March 13 and April 14, 2008, and a water quality monitoring plan was developed and agreed upon. The *Mt. Ashland LSR Habitat Restoration and Fuels Reduction Project Water Quality Monitoring Plan* (April 7, 2008) was mailed to the Water Board on April 15, 2008. An e-mail was received from Tom Williams of the NCRWQCB on May 12, 2008 accepting the Monitoring Plan. A Notice of Intent to Comply with the Categorical Waiver (Categorical Waiver Order No. R1-2004-0015) will be submitted to the NCRWQCB upon signing of this ROD.

A meeting with the Klamath Siskiyou Wildlands Center, the USFWS, and the Forest occurred on January 10, 2007. The purpose of the meeting was to clarify and discuss issues/concerns raised during scoping.

The DEIS was released for public review and comment on June 15, 2007. Comments were accepted through July 30, 2007. Comments were received from 143 individuals, organizations, and interest groups. Written comments arrived in seven mailed letters, seven e-mail letters (one of which was signed by eight environmental interest groups), and one form letter sent by 122 individuals. Public comments and their responses are summarized in Appendix H of the FEIS.

During and after the DEIS comment period, a series of public field trips allowed participants to discuss public concerns about the DEIS, or the alternatives, and enabled clarification of issues raised during the comment period. Field trips were held after the release of the DEIS in 2007 on July 10, 18, and 31; August 1, 28 and 29; September 4, and October 9, 10, and 26. Individuals from the following organizations, agencies or companies attended field trips: Klamath Siskiyou Wildlands Center, Klamath River Keepers, Timber Products Inc., Roseburg Lumber Co., American Forest Resource Council, Lomakatsi Restoration Project, the USFWS, and the USFS. Discussion and information gathered during public field trips was used to address concerns raised during the comment period and to develop the Selected Alternative.

Chapter 1 of the FEIS details the following issues determined to be significant for the analysis of the project:

- **Cumulative Watershed Effects:** Use of ground-based yarding systems during thinning, fuels treatments, and road activities, when combined with effects of past, present, and foreseeable future actions, may result in increased sediment production and peak flow that could affect water quality, channel stability, and aquatic habitat.
- **Spur Road Construction Effects on Habitat:** Spur road construction will increase road density and may result in habitat fragmentation, increased edge habitat, and harassment of wildlife.
- **Temporary Spur Road Construction Effects on Soils:** Temporary road construction may result in long-term impacts to soil health, such as soil displacement, soil erosion, mass wasting, reduced slope stability, compaction, and loss of productivity.

A letter of concurrence, dated June 22, 2007, was received from the National Marine Fisheries Service . This letter completes informal consultation and fulfills fisheries consultation requirements under Section 7 of the Endangered Species Act (19 U.S.C. 1536 (c)). The letter concurs with the determination that the project is not likely to adversely affect Southern Oregon and Northern California Coasts coho salmon and their Critical Habitat or Essential Fish Habitat for Pacific Coast Salmon species.

Letters of concurrence, dated October 10, 2007 and May 5, 2008, were received from the USFWS. The letters complete informal consultation and fulfill wildlife consultation requirements under

Section 7 of the Endangered Species Act (19 U.S.C. 1536 (c)). The USFWS concurs with the determination that the project is not likely to adversely affect NSOs and NSO Critical Habitat and is outside the range of the marbled murrelet.

The Environmental Protection Agency (EPA) was consulted via telephone on December 4, 2007, to discuss the EPA review process and ratings and to address any concerns regarding the project. Region 10 was assigned the project due to the amount of the Project Area in Oregon and per agreement with EPA Region 9 (San Francisco).

The Public Involvement File contains documentation of the efforts made to involve interested members of the public, appropriate agencies, and tribal members in the planning process, as well as the results of those efforts. The file is incorporated by reference and available in the Mt. Ashland Habitat Restoration and Fuels Reduction Project file at the Klamath National Forest Supervisor's Office in Yreka, California. The interdisciplinary team used comments from the public, groups, and other agencies to develop a list of issues.

Findings Required by Other Laws and Regulations

My decision is consistent with relevant law, regulations, and agency policy. The following discussion summarizes this compliance.

The National Forest Management Act (NFMA) requires projects to be consistent with the LRMP. The Mt. Ashland LSR is within the California Klamath Province, an area highlighted in the NWFP where fire suppression and subsequent invasion of shade-tolerant species has resulted in dense, multistoried stands with significant increases in accumulated fuels; this has caused the area to become more vulnerable to insects, disease, and stand-replacing fires. Vegetation and fuels treatments for this project have been designed to address these problems. This Project complies with the NWFP and constitutes part of the Federal contribution to the recovery of the NSO.

My decision to perform vegetation and fuels treatments, conduct associated activities, and implement road actions is consistent with the intent of the LRMP's long-term goals (LRMP, Pages 4-4 through 4-9). The project was designed to be consistent with LRMP goals, desired conditions, and standards and guidelines for the following management areas in which activities will take place: Special Habitat Late Successional Reserves (LRMP, pp. 4-83–4-89), Riparian Reserves (LRMP, pp. 4-106–4-114), Retention Visual Quality Objective (LRMP, pp. 4-115–4-116), and Partial Retention Visual Quality Objective (LRMP, pp. 4-126–4-127). Consistency with LRMP goals, desired conditions, and standards and guidelines is addressed throughout the EIS and supporting documents.

The NFMA requires projects to be consistent with minimum specific management requirements as provided in the implementing regulations at 36 CFR 219.12 and described in Forest Service Manual

1921.12a. The project will not result in irreversible damage to soils, slopes or other watershed conditions; detrimental changes in water temperatures; or blockages of water courses. Vegetation removed as commodity byproducts of restoration and fuels treatments will constitute loss of production of individual trees or groups of trees but will not result in loss of productivity of entire stands of vegetation. Functioning of forest habitats will continue, and conditions are expected to improve (achieve late-successional conditions sooner) within several decades. Under the action alternatives, an irretrievable loss of individual trees or groups of trees will occur, but forest conditions will not be affected. No measurable deposits of sediment nor measurable effects on water conditions or fish habitat will take place. Harvesting systems were selected based on a variety of factors, including topography, cost, and efficiency. I find the Selected Alternative to be consistent with the provisions of the NFMA.

The FEIS fulfills the requirements for environmental analysis found in the National Environmental Policy Act and in the Council on Environmental Quality implementing regulations at 40 CFR Parts 1500–1508, as discussed in the Social section of the FEIS.

I find the Selected Alternative to be consistent with the Clean Air Act. Smoke management plans will be submitted to the Siskiyou County Air Pollution Control District, and spot forecasts will be used to ensure favorable conditions for smoke transport.

I find the Selected Alternative to be consistent with the State Asbestos Airborne Toxic Control Measures as sources of ultramafic rock (associated with naturally occurring asbestos) have been identified and mapped within the Project area, and potential dust production from ultramafic rock sources has been minimized as described in the Geology Report (De la Fuente 2007).

I find the Selected Alternative to be consistent with the Clean Water Act and the North Coast Regional Water Quality Control Board Basin Plan. As discussed in the Water Quality Section of the FEIS, modeling indicates that at the most, only slight increases in the risk of cumulative water effects (likely unmeasurable) will occur or that the risks will remain below model inference values. Therefore, any negative impacts on water quality variables of peak flow, channel stability, temperature, and stream substrate character are expected to be minimal.

I find the Selected Alternative to be consistent with the Endangered Species Act. Thorough analyses of federally listed species and consultation with the USFWS and National Marine Fisheries Service have been completed, fulfilling Section 7 of the Endangered Species Act consultation requirements (19 U.S.C. 1536 (c)). The Selected Alternative is not likely to adversely affect NSO or their Critical Habitat and is outside the range of the marbled murrelet as discussed in the Wildlife section of the FEIS. The Selected Alternative is not likely to adversely affect either Southern Oregon and Northern California Coasts coho salmon and their Critical Habitat or Essential Fish Habitat for Pacific Coast Salmon species; this fulfills the requirements of the Magnuson-Stevens Act. No Endangered Species Act protected plant species are known to occur within the project area.

I find the Selected Alternative to be consistent with the National Historic Preservation Act. Archaeological field inventories were conducted in the project area. The Project is consistent with the Programmatic Agreement for the California SHPO. The Oregon SHPO has reviewed the project and surveys and has concurred with a determination that the Project complies with Section 106 of the Historic Preservation Act and will have “no adverse effect” on historic properties (written concurrence March 14, 2008).

Executive Order 12898 relating to Environmental Justice requires an assessment of whether minorities or low-income populations will be disproportionately affected by proposed actions. Based on scoping results and analysis contained within the FEIS, the project is consistent with Executive Order 12898.

Pursuant to Executive Order 11990, no loss of wetlands from any of the actions associated with this project will occur. Riparian Reserves provide protection for wetlands and none will be lost.

Executive Order 11988 requires that projects avoid floodplain impacts to the extent possible. This project is consistent with Executive Order 11988 since the project will not affect any floodplains.

Executive Order 13112 requires agency actions to prevent the spread of noxious weeds. This project is compliant with Executive Order 13112, as it requires equipment cleaning prior to entry on National Forest System Lands and use of certified weed-free seed and straw is required when used for restoration.

Administrative Review or Appeal Opportunities

Projects prepared under the HFRA are subject to a pre-decisional administrative review process (objection process) that supercedes the USFS’s usual appeal process. No public objections to the Project were submitted to the Klamath National Forest.

The HFRA established that a person may bring a civil action challenging an authorized hazardous fuel reduction project in a Federal district court only if the person has challenged the project by exhausting the administrative review process established by the Secretary of Agriculture. Section 106 of the HFRA establishes direction governing judicial review of lawsuits challenging hazardous fuel reduction projects authorized under the Act. The section:

- Requires lawsuits to be filed in the US District Court where the project is located (Section 106(a)).
- Encourages expeditious judicial review of authorized fuel-treatment projects (Section 106(b)).

- Limits preliminary injunctions and stays to 60 days, subject to renewal. At each renewal, parties to the action shall provide the court with updated information on the project (Sections 106 (c)(1) and (2)).
- Directs courts to balance the impact of the short- and long-term effects of undertaking the project when weighing the equities of any request for an injunction of an authorized hazardous fuel reduction project (Section 106 (c)(3)).

Implementation Date

Implementation of this project can begin immediately. My intention is to implement this project through service contracts, timber sale contracts, and/or stewardship contracts. Project activities will be restricted seasonally as described in Section 2.3.2 of the FEIS, most notably in Section 2.3.2.1, which applies to activities relating to northern spotted owl, northern goshawk, great grey owl, and their associated habitats.

Contact Person and Additional Information

For additional information concerning this decision, contact

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Information is also available at

<http://www.fs.fed.us/r5/klamath/projects/projects/fuels/oakknoll/mtashland/index.shtml>

/s/ Patricia A. Grantham

PATRICIA A. GRANTHAM
Forest Supervisor

May 20, 2008

DATE