

DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT

for the
Abe Vegetation Management Project Environmental Assessment
and
Fremont National Forest Land and Resource Management Plan Amendment #31

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

INTRODUCTION

The Augur/Camp and Bauers Creeks subwatersheds are two subwatersheds of the Upper Thomas Creek Watershed located northwest of Lakeview, Oregon. The planning area comprises the majority of both subwatersheds totaling approximately 34,000 acres. The USDA Forest Service manages approximately 14,000 acres of National Forest System lands within the two subwatersheds. The remaining acres are privately owned. The analysis area is located on National Forest System lands in the northwest part of the Lakeview Ranger District within T. 37 S., R. 18, 19, and 20 E and T. 38 S., R. 18 and 19 E. The southwestern boundary is Maxwell Road. Forest Road 011 provides access from County Road 2-15 on the eastern boundary of the project area.

The Abe Vegetation Management Environmental Assessment (hereafter referred to as the Abe EA) analyzes the effects of vegetation and fuels management (conifer thinning with and without utilization and prescribed fire treatments) on other natural resources and the human environment. Temporary road construction and use, road improvements, stream improvement projects, and road decommissioning and closure are also considered in the EA. Proposals include specific design and resource protection measures to make them consistent with Forest-wide Standards and Guidelines of the Forest Plan, as amended.

Four alternatives (including No Action) were fully analyzed in the EA. The EA is available for review at the Lakeview Ranger District office in Lakeview, Oregon or on the Fremont-Winema Forests' web site at:

<http://www.fs.fed.us/r6/frewin/projects/analyses/abeveg/index.shtml>

This decision document presents the alternative from the Abe EA that will be implemented, and the rationale for the decision. In this decision document, the planning process will be summarized as needed to provide adequate context for fully describing the decision.

PURPOSE of and NEED for Action

The Abe Vegetation Management Project is needed because the current conditions of certain resources differ from the desired conditions as described in the EA (pgs. 2-4). The need for the proposed activities

is demonstrated by the current conditions and trends described in the EA and the need to move certain resource conditions toward the desired conditions or Forest goals as described in the EA.

The general purposes of this project, consistent with the direction of the 1989 Fremont National Forest Land and Resource Management Plan, as amended, are to promote the overall sustainability of vegetative systems and hydrologic functioning within the project planning area (Augur/Camp Creek and Bauers Creek Subwatersheds). Specifically, the purposes are to:

- Reduce excess vegetation to increase vigor, health, and growth rates in the forest ecosystem. Increase the resiliency of late and old structure conifer stands (LOS). Manipulate younger conifer structure in a manner that moves these stands toward a sustainable LOS condition.
- Reduce fuel loading and ladder fuels, accumulated natural and activity fuels, brush densities and other components that contribute to fire intensity and spread to move areas in the project toward a lower Fire Condition Class.
- To support jobs in the local economy and provide forest products as a by-product of meeting the above purposes.
- Improve hydrologic function, including ground vegetative conditions that can contribute to reduced peak flows and increased base flows, reduce sedimentation from roads, and restoration and maintenance of riparian areas to conditions that enhance riparian-dependent resource values.
- To achieve consistency with the Fremont National Forest Land and Resource Management Plan, 1989 as amended (Forest Plan) within the Abe Vegetation Management Project Area.

The underlying needs for action derive from the differences between current resource conditions described in Chapter 1 and in Chapter 3 of the EA, and desired, sustainable, resource conditions as discussed in the Forest Plan, as amended. Desired conditions are based on Forest Plan direction and management objectives. The proposed action is designed to move current resource conditions closer to the desired conditions. There are 5 underlying needs for the project:

- The need for healthy forests;
- The need for reduced catastrophic wildfire risk in the Abe Vegetation Management Project area;
- The need for commercially valuable wood products from the Abe Vegetation Management Project area;
- The need for improved hydrologic function of the Augur/Camp Creek and Bauers Creek Subwatersheds; and
- The need for healthy aquatic and riparian ecosystems.

THE DECISION

Based on the results of the analysis documented in the EA, **it is my decision to implement Alternative 2.** The rationale for my selection is presented beginning on page 7 of this Decision Notice. My decision takes into consideration the manner in which each factor of the project purpose and need would be met by each of the alternatives. In addition, effects upon and interactions with the other resource elements discussed in Chapter 3 of the EA are given consideration.

Implementation of Alternative 2 will include the full measure of specific design and resource protection measures analyzed for this alternative as described in Chapter 2 of the EA (or Appendix A of this Decision Notice). Monitoring to assess compliance with Forest Plan standards and guidelines will be implemented as required. In addition to Forest Plan monitoring, this project will result in monitoring for noxious weeds at landing locations and monitoring effects to soils to ensure Forest Plan Standards and Guidelines are being met (EA pg. 22).

The following actions are authorized with the selection of Alternative 2.

Details of Authorized Actions Included in Alternative 2 (*includes Activities Common to All Action Alternatives and Alternative 2 from the Abe EA*).

Thinning and Fuels Reduction: Approximately 2,900 acres of delineated stands (Map 3 in Appendix A of the EA) will be treated with a variable density thinning from below followed by small tree thinning, with or without utilization. Utilization will include small diameter saw logs and biomass product for energy production. Stands will be treated to achieve a historic range of conditions from 40-100 square feet of basal area, favoring the survival and growth of large ponderosa pine. Approximately 2,900 acres of conifers greater than 7 inches (dbh) will be thinned to reduce conifer overstocking across all size classes. Live ponderosa pine trees 21 inches in diameter or greater will be retained, except for an occasional tree removed for safety or operational needs related to landings and temporary roads (2430 *Letter from Regional Forester, 2/2/99*). Logging will be accomplished with ground-based systems, most likely mechanized. Harvested trees will be yarded to landings with limbs and tops attached to reduce accumulation of activity fuels within treated units. Slash at landings will be piled for future burning if the material cannot be utilized for biomass or firewood. Upon completion of harvest activities, landings will be scarified to provide a seedbed for re-vegetation, and appropriate drainage installed. It is estimated that the thinning component of Alternative 2 will yield an estimated 7-11 million board feet of merchantable timber.

Existing large down wood and snags will be retained. Snags determined to pose a safety hazard, (as defined in *Field Guide for Danger Tree Identification and Response*, 2005) will be felled and retained on site as down wood, unless it can be shown that quantities meet or exceed the down wood standards and are excess to needs. Danger trees on Forest Roads used for contractor access or timber haul, including the external haul routes, will be felled and left in place as needed in RHCAs, but otherwise may be removed.

Small Tree Thinning and Fuels Reduction: In harvested stands, small tree thinning from below (conifers between 4.0 inches and 6.9 inches in diameter) will also occur. Large landings, up to an acre in size, will be used to store small diameter material until it can be transported to either a biomass facility or mill. Where machine thinning is not possible, traditional chainsaw thinning will be used.

Site-Specific Forest Plan Amendment #31

The Forest Plan will be amended to allow harvesting white fir greater than 21 inches in diameter to facilitate restoration of ponderosa pine.

Forest Service Manual 1900 Chapter 20 provides specific analysis and evaluation requirements for amending Forest Plan at the site-specific level. The need to amend the Fremont National Forest Land and Resource Management Plan arises from the “twenty-one inch rule” in the Regional Forester’s

Eastside Screens Plan Amendment. This Amendment restricts harvest of live trees to those less than twenty-one inches in diameter. Within the Abe project area, the landscape is currently dominated by high density forest stands, significant biomass and shade tolerant white fir, while the late and old structural stands of pine are below the historic range of variability (HRV). By amending the Forest Plan for Alternative 2, white fir greater than twenty-one inches dbh will be removed where it will enhance the ponderosa pine component in treated stands.

Activities Common to All Action Alternatives

- Commercial thinning will be accomplished using whole tree yarding
- 5-15% of the area associated with each harvest block will be delineated as green tree retention areas where no treatment will occur. The management focus of these blocks will be on maintaining clumps of pine and small diameter old growth trees to help in maintain cover and diversity in the stands.
- Small tree (less than 7 inches diameter) thinning, with or without utilization, will be accomplished using a combination of mechanical and/or underburning methods. *Utilization is defined as those materials that may have commercial value such as small diameter saw logs and biomass products for energy production.*
- Pine and white fir stumps, except those in RHCAs, will be treated with a borax product to prevent the spread of root rot.
- No Activities will occur within the unroaded area south of the White King/Lucky Lass Mine area.

Prescribed Fire for Activity Fuels: Beyond the 3,700 acres of prescribed fire in the Abe project area approved by the *Bald Stocking Level Thinning and Hazardous Fuels Reduction* Decision Memo (2003) some additional prescribed fire activities are included in all the action alternatives of the Abe project.

In addition to the treatments described to address activity fuels in the RHCA thinning and in the areas of juniper/conifer thinning, any commercial thinning units outside of the already approved Bald landscape level underburn area will be considered for prescribed fire treatment at the completion of the thinning activity.

The overall objective is to lessen the fire intensity of future wildfire by reducing activity fuels accumulations, ladder fuels, and trees of susceptible size and species. Other objectives that can also be achieved are; revitalize surface vegetation (forage enhancement), recycle nutrients stored in debris, and to reduce Dwarf Mistletoe in the lower crowns.

Harvest units will be evaluated post-treatment and have preparatory work, if needed, to protect crop trees prior to ignition. This may include reducing ladder fuels and/or physically removing fuels a distance from selected trees and snags. Handline will be constructed around treatment units to provide control points for burning. Roads and natural fuel breaks are used whenever possible. Slopes ranging 0 - 30% may be lined by tractor (fireline width: 3 to 5 feet). Slopes exceeding 30% slope are normally fire lined by hand (18" width). Specific burning objectives are developed and included in the burn plan. Units are ignited so that fire burns through a majority of the area. Underburns are timed to occur when fuel moistures and weather are such that the burning objectives can be achieved. Underburns may occur in the spring or fall depending on weather conditions and specific objectives.

Road Management Activities: An interdisciplinary team (consisting of the SE Zone roads manager, hydrologist, fisheries biologist, wildlife biologist, assistant fire management officer, and silviculturist) was directed by the District Ranger to review the Upper Thomas Creek Watershed Access and Travel

Management Plan (USDA 1997), evaluate its applicability to the Abe Project and make project level road management recommendations. The team determined which roads to recommend for decommissioning and closure after the project was completed. Some of the recommendations in the Upper Thomas Creek Watershed Access and Travel Management Plan were carried over to the Abe project, and others were changed to better meet restoration objectives. Under Alternative 2, approximately 21 miles of road will be decommissioned and 23 miles of road will be closed (Level 1 maintenance). See Map 7 in Appendix A of the EA for the Proposed Road Management Plan.

The Forest Service also determined which roads will need maintenance or reconstruction in order to implement the Abe project. Approximately 6 miles of existing roads will be reconstructed. Nine undersized culverts will be replaced, as funding is available. *(For a complete list of roads to be maintained, reconstructed, closed or decommissioned, see Appendix D of the Abe EA.)*

No new permanent roads will be built. Approximately 3 miles of temporary roads will be constructed to access harvest units. Temporary roads will typically not exceed 0.25 miles long and will never exceed 1.0 mile. Temporary road construction will be allowed only for local unit access in stands previously accessed and will be in accordance with Roads BMPs (Appendix A of this Decision Notice or Appendix B in the EA). No temporary roads will be built in RHCAs. Temporary roads, landings, and skid roads will be rehabilitated per BMP standards and revegetated with native seed if available. All temporary roads will be built to low-standards, used for only a short duration, and decommissioned following use.

Routine maintenance will occur on approximately 60 miles of existing transportation system road, including haul routes outside of this planning area. This will include clearing brush and trees from the traveled way, ditch and culvert cleaning, slough and slide removal, blading and watering, and installation of water bars, dips, earthen berms and/or cross ditches. All road-related activities will follow the direction contained in Roads BMPs (Appendix A of this Decision Notice or Appendix B in the EA).

Juniper and Conifer Thinning/Burning in Sagebrush Plant Communities: Up to 1,400 acres within the Abe project area will be thinned to remove encroaching junipers and other conifers from sagebrush plant communities where these species have expanded beyond its historical range and/or density (Map 6 in Appendix A of the EA). All non-old growth junipers (Miller 1999) will be cut so that no live branches remain and stumps will be less than 6 inches above ground. Slash will be treated to avoid build up of fuel on the ground. Individual trees will be left as a pile and then broadcast burned. Each pile will be lit by hand on the edge and then a helicopter will be used to light the piles through the interior. Burning will be conducted when the unit falls into prescription, most likely winter or early spring and after any material that is feasible for commercial benefit has been removed.

Watershed Restoration Activities: (Map 6 in Appendix A of the EA)

Bauers Creek Thinning and Large Woody Material Placement

The Bauers Creek Riparian Habitat Conservation Area (RHCA) is approximately 220 acres. Thinning will occur on up to 100 acres within the RHCA. The affected reach begins at the lower Forest Boundary and extends upstream approximately 3 miles, to the upper Forest Boundary. No mechanized, ground-disturbing equipment (i.e., harvester, excavator, etc.) will be used. All trees will be felled using chainsaws. All conifers up to 12 inches dbh, within 100 feet of aspen, cottonwood, and/or willow will be felled. Where practicable, trees will be felled into Bauers Creek. Approximately 100 trees will be added to Bauers Creek through this effort. If necessary, either broadcast burning or hand piling and burning will be used to reduce excess fuels in treated areas following thinning.

Camp Creek Thinning and Large Woody Material Placement

The affected portion of the Camp Creek RHCA is approximately 35 acres; thinning will occur on up to 20 acres. The affected reach begins at the Forest Boundary in T. 37 S., R. 19 E., section 20, and extends upstream approximately 0.5 miles, to the upper Forest Boundary. No mechanized, ground-disturbing equipment (i.e., harvester, excavator, etc.) will be used. All trees will be felled using chainsaws. All conifers up to 12 inches dbh, within 100 feet of aspen, cottonwood and/or willow will be felled. Where practicable, trees will be felled into Camp Creek. Approximately 20 trees will be added to Camp Creek through this effort. If necessary, either broadcast burning or hand piling and burning will be used to reduce excess fuels in treated areas following thinning.

Snyder Meadow Creek Thinning and Large Woody Material Placement

Thinning will occur on up to 5 acres within the Snyder Meadow Creek RHCA and the RHCA of an unnamed intermittent tributary to Snyder Meadow Creek. The potentially affected RHCAs total about 6 acres in size. Up to 5 acres may be treated adjacent to the RHCAs. The affected stream reaches begin at the lower Forest Boundary and extend upstream approximately 0.25 miles to the upper Forest Boundary. No mechanized, ground-disturbing equipment (i.e., harvester, excavator, etc.) will be used. All trees will be felled using chainsaws. All conifers up to 12 inches dbh, encroaching into non-forested riparian and meadow areas *and* within 100 feet of aspen, cottonwood and/or willow will be felled. Where practicable, trees will be felled into Snyder Meadow Creek. It is estimated that approximately 20 trees will be added to the stream channels through this effort. If necessary, either broadcast burning or hand piling and burning will be used to reduce excess fuels in treated areas following thinning.

Headcut Repair

There are two headcuts on Bauers Creek and one on Shingle Mill Creek that will be treated to stop further upstream movement and eventually restore fish passage to the sites. Treatment of headcuts on Bauers Creek will include some combination of wood addition, rock addition, and wood and/or rock construction. The headcut on Shingle Mill Creek will be fenced and cattle temporarily excluded from the site until the Forest range and aquatics personnel determine that cattle grazing is acceptable. Forest aquatics staff will maintain the fence. One or two small trees (less than 15" dbh) may be added downstream of the Shingle Mill Creek site to promote channel aggradation (*raising streambed elevation through the deposition of substrate*)

Culvert Replacements

Five potential culverts that create fish passage barriers will be replaced with new structures that will be greater than or equal to the bankfull-width, be able to accommodate a 100-year flood, provide a natural streambed to facilitate fish passage, and generally simulate natural stream conditions. Options include 1) installation of open bottom arch culverts made either of steel or concrete and 2) replacement of existing culverts with bridges. *Note: If proposed road decommissions and closures are implemented, three of the five fish passage barrier culverts will be removed as part of the road decommissioning and therefore will not need to be replaced.*

White King/Lucky Lass Mine Area: No activities will occur within the unroaded area south of the White King/Lucky Lass Mine area.

RATIONALE FOR THE DECISION

Based on the analysis documented in the Abe Vegetation Management EA, **I have selected for implementation Alternative 2.** I have reviewed the EA and have determined that there is sufficient information to provide a reasoned decision. In making my decision, I considered information related to the purposes and needs, the issues identified for this project, Forest Plan direction, conditions in the project area and comments from the public, and the Interdisciplinary Team. I have selected Alternative 2 because it addresses the mix of resource concerns identified in the area and provides for the best combination of prospective results in regard to stated purposes and needs. I believe the expected results of the actions associated with Alternative 2 will best address the goals intended to promote a sustainable forest ecosystem within the Lakeview Stewardship Unit.

The thinning treatments of Alternative 2 will reduce the potential for tree mortality from insect, disease and high intensity wildfire on about 2,900 acres. It provides the best opportunity to preserve the existing large and old trees, while creating conditions that will allow for the development of additional large trees. Alternative 2 moves stands toward HRV and enhances LOS conditions, particularly in regard to ponderosa pine. This, combined with the *Bald Stocking Level Control and Hazardous Fuels Reduction* Decision Memo (2003), will help reduce the risk of wildfire in the Augur/Camp and Bauers Creek subwatersheds. The *Bald* DM (2003) authorizes the use of prescribed fire on approximately 3,700 acres and pre-commercial thinning on approximately 2,200 acres. Analysis of the Abe project area (which overlays the *Bald* project area) indicates that pre-commercial thinning alone in most of the area will not fully accomplish forest health and restoration objectives. Therefore, some of the stands identified in *Bald* (2003) have been delineated for commercial treatment in Abe. Activity fuels resulting from implementing Abe will be reduced through the use of prescribed fire within treatment units.

Alternative 2 treats the landscape at the subwatershed level. The comprehensive, site-specific suite of vegetation treatments will result in approximately 46% of the forested acres in the Abe project area being moved back into Fire Condition Class 1. 31% of the project area will be brought into Fire Condition Class 2. Finally, areas that are currently in Fire Condition Class 3 will be reduced from 63% to 23% following treatments. Although there is very little difference between Alternative 2 and Alternative 3, the proposed action will provide protection to LOS stands within the unroaded area near Cox Creek. This area is characterized by dense stands of large, old ponderosa pine trees that are vulnerable to insect attack and fire. Implementing the Proposed Action will produce effective changes in the forest environment, increasing resiliency against insect attack and where fire can function as it did historically, in a stand maintenance mode rather than a stand replacement event. Alternative 4 would also leave the unroaded area above Cox Creek vulnerable to insect attack and severe wildfire.

Alternative 4 partially addresses the purposes and needs by treating only stands in Condition Class 3. It leaves 500 acres of mid-succession stands and 400 acres of late-succession closed forest in wildlife connectivity corridors at risk to insect and disease attack and severe wildfire. These stands would also continue to depart further from HRV and move closer to Condition Class 3. This is not a holistic approach to a landscape treatment and doesn't necessarily provide for putting fire back into use where it can play its role in ecosystem development.

The treatments described in Alternative 2, which are designed to improve forest health, are expected to generate between 7 and 11 MMBF of commercial timber volume. This addresses the purpose of supporting jobs in the local economy and contributing to the economic stability of communities within the Lakeview Stewardship Unit. Producing timber products as a result of timber stand improvement activities is consistent with the goals and objectives of the Forest Plan Management Areas occurring in

this project area. Alternative 2 meets this purpose and need better than Alternative 3 or 4, which result in reduced timber volumes.

The treatments included in Alternative 2 will have positive effects for limiting erosion, reducing evaporation, improving infiltration, and adding litter and nutrients to the soil. The open forest conditions produced through treatments will lead to improved ground-cover vegetation that accommodates soil and water conservation more extensively with Alternative 2 than the other action alternatives. The minimal short-term (<2 years) effects of temporary road construction and use are offset by the long-term benefits to forest health resulting from the treatments.

Amending the Forest Plan to allow for harvesting of white fir greater than 21 inches in diameter within the Abe project area will increase effectiveness of treatments by reducing competition to desired large ponderosa pine and will shift stand composition back toward pine, on up to 1,500 acres. Long term forest health will be improved by increasing the survival of large pines that directly benefit from removal of white fir. Removing white fir where it competes with ponderosa pine will reduce elevated tree evaporation and allow late season soil water drainage across the watershed, which may help alleviate warm stream temperatures. Cool soil water drainage responses are likely in the ponderosa pine, mountain big sagebrush-bluegrass plant association which occurs between 5800 and 7000 feet elevation. Harvesting white fir is unlikely to raise the groundwater table or increase summer base flows; however, there will be sufficient vegetation remaining in the overstory and understory to utilize any increase in soil moisture that results from treatments. Harvesting white fir where it competes with ponderosa pine will, in concert with the suite of actions described in this project, produce an open shade fire-maintained forest (EA pages 99-101).

Alternative 4, which does not include the proposed Forest Plan Amendment to cut white fir greater than 21 inches diameter would result in reduced effectiveness of the pine restoration treatments, primarily on a site-specific level. Where existing large ponderosa pines are in direct competition for resources with white fir greater than 21 inches, individual trees would continue to be stressed. Optimum stocking objectives would not be met. Alternative 4 would result in shifting stand composition back toward ponderosa pine at a reduced rate when compared to the other action alternatives.

The project benefits aquatic and riparian resources by accelerating attainment of Riparian Management Objectives (RMOs), improving stream channel and fish habitat conditions, enhancing riparian vegetative conditions, and restoring connectivity of fish populations in the project area.

A concern raised during the 30-day public comment period on the proposed action contained in the Draft EA was the potential impact of the proposed commercial harvest within the unroaded area near Cox Creek, identified by Oregon Wild. The stands in this area are dense and are predominately ponderosa pine. Insect activity to the north of this area combined with the dense stands makes it vulnerable to stand-replacing wildfire. After a thorough review of conditions in the area and consideration of the potential impacts associated with implementation of Alternative 2, it is my judgment that the impacts to the unroaded values this area provides will not be significant. The proposed treatments will, however, provide the best opportunity to protect and retain the remaining large trees and put fire back on the ground.

Alternative 3 and 4 will eliminate treatments of any kind in the unroaded area. From the analysis in the EA, I believe that this would leave these stands at risk for stand-replacing wildfire and insect attack. I believe that Alternative 2 will provide greater ecological benefits across the landscape and more

effectively addresses the project purposes and needs, without resulting in any significant adverse impacts.

Alternative 1 will not meet the purposes or needs because it would do nothing to promote healthy forest conditions, reduce the risk of severe wildfire, provide commercially valuable forest products, improve hydrologic functions, or provide for healthy aquatic and riparian ecosystems.

I believe that the balance achieved with Alternative 2 provides the best overall response to the purposes and needs, identified issues, and comments that arose during analysis. I believe that Alternative 2 provides the most effective first step toward the long-term establishment of sustainable vegetative systems in the Abe project area.

ALTERNATIVES CONSIDERED

Other than the proposed action of Alternative 2, two other action alternatives and a No Action alternative were analyzed in detail in the EA. Although the three action alternatives respond to the issues identified in Chapter 1 of the EA and meet the underlying needs and the purposes for the proposed action, although to varying degrees, Alternative 2 provides greater forest health benefits than Alternative 3 or 4.

Alternative 1 – No Action

Under the No Action alternative, current management plans and decisions will continue to guide management activities within the project area. Activities associated with the Abe Vegetation Management Project would not be implemented. Previous management decisions such as the *Bald Stocking Level Control and Hazardous Fuels Reduction* (2003) and the *Bauers Creek Culvert Replacement* (2003) will continue to be implemented. In addition, current ongoing activities such as livestock grazing, minimal road maintenance, personal firewood gathering and recreation use will continue under current guidelines.

Alternative 3 – No Activities in the Unroaded Area

Alternative 3 was designed to respond to the issue of implementing treatments in the unroaded area north of Cox Creek (Map 4 in Appendix A of the EA). This is the only difference between Alternative 2 and Alternative 3. All other activities would be the same. Under Alternative 3, approximately 2,800 acres would be treated using the same approach detailed in Alternative 2. Alternative 3 would exclude harvest from about 100 acres that are included in the proposed action of Alternative 2 in the unroaded area north of Cox Creek. There is no proposal to build new roads into the unroaded area under any action alternative.

Alternative 4 – Treat Only Condition Class 3 Stands

Alternative 4 was designed to consider a potentially different way of meeting the purposes and needs for the project, although to a different degree than the Proposed Action. This alternative also responds to the issue of limiting harvest to trees less than 21 inches diameter and avoiding treatments in the unroaded area north of Cox Creek. Since Alternative 2 and 3 were so similar, this alternative along with the No Action Alternative provides the decision maker with a reasonable range of alternatives to consider.

In addition to the Activities Common to All Action Alternatives, the follow actions would apply specifically to Alternative 4:

Approximately 2,000 acres of stands considered being in Condition Class 3 (Fire regimes and vegetation attributes have been significantly altered from their historic ranges.) would be commercially thinned using basically the same approach detailed in Alternative 2 (Maps 5 and 8 in Appendix A of the EA). Stands that are in Condition Class 3 that occur within the delineated wildlife connectivity corridors would not be included for treatment. The intent of this alternative is to treat only the stands that we can effectively change the Condition Class to a lower class. The requirement of the “Eastside Screens” to maintain crown closures in the upper 1/3 of potential in connectivity corridors means residual stocking would still be high enough post treatment that there would be no change in Condition Class.

Conifers between 7 and 21 inches (dbh) would be thinned to reduce conifer overstocking across all size classes. This alternative would not include a site-specific Forest Plan Amendment to cut white fir trees greater than 21 inches in diameter.

In harvested stands, small tree thinning from below (conifers between 4.0 inches and 6.9 inches in diameter) would also occur. Large landings, up to an acre in size, would be used to store small diameter material until it can be transported to either a biomass facility or mill. Where machine thinning is not possible, traditional chainsaw thinning would be used.

This alternative excludes the unroaded area north of Cox Creek from any treatments.

It is estimated that the thinning component of Alternative 4 would yield approximately 4-6 million board feet of merchantable timber.

Other Alternatives Considered, But Eliminated from Detailed Study.

Alternative 2A

This alternative included thinning 300 acres in the area around the White King/Lucky Lass Mines. This would have produced approximately 990 MBF of timber. However, because the area around the mines was closed by Special Order of the Forest Supervisor on August 27, 1993 to protect public safety, it was deemed unfeasible to pursue these units.

Alternative 2B

Under this alternative, approximately 800 acres would have been treated as outlined in the Bald EA (decision withdrawn by Forest Supervisor July 3, 2002). However, because this would not treat the landscape holistically and provide for system resiliency, we did not develop this alternative.

PUBLIC INVOLVEMENT

The Klamath Tribes were informed of the proposal at the spring 2006 quarterly pre-Schedule of Proposed Actions meeting between The Klamath Tribal Directors and the Fremont-Winema National Forests. Scoping packets were sent to Tribal Directors in the fall of 2006.

The Abe Vegetation Management Project proposal was first listed in the quarterly Schedule of Proposed Actions beginning with the winter 2006 edition, and has since appeared in all subsequent editions. The initial proposal was contained in a scoping packet that was mailed to the public and agencies for comment on October 10, 2006. The proposal was sent to adjacent landowners, and government agencies at all levels, conservation and environmental organizations, livestock and timber industry representatives, and other private interested individual that are on the Lakeview Ranger District NEPA

mailing list. Project information was also posted on the Fremont-Winema National Forest's public website.

A full description of the proposed action and a preliminary version of the EA (also referred to in the project file as the "Public Comment Version EA") were made available for a 30-day public comment period, which ended June 15, 2007. The Forest Service received two responses during the comment period. All comments received were reviewed. An evaluation of the comments is documented in Chapter 4 of the Final EA (Table 4-1 Comment Analysis).

FINDING OF NO SIGNIFICANT IMPACT

Sufficient information has been disclosed in the analysis to make a reasoned choice among alternatives. No significant impacts on the quality of the human environment have been identified in the Final Abe Vegetation Management Project EA (USDA Forest Service, September 2007). Information available from past actions of similar context and intensity in this area also indicates that no significant impacts would be anticipated.

The actions described in Alternative 2 will be limited in scope and geographic application (40 CFR 1508.27(a)). The location of the actions is described in the EA (page 1) and on maps (EA Appendix A, Maps 1 – 8). The physical and biological effects are limited. Except for smoke from prescribed burning, no effects were identified that went beyond the project area within the Augur/Camp and Bauers Creek subwatersheds of the Upper Thomas Creek Watershed.

Based on the site-specific analyses summarized in the Abe Vegetation Management Project EA and on previous experience with similar proposals, I have determined that implementation of the actions described in Alternative 2 are not a major Federal action, individually or cumulatively, and will not have a significant effect on the quality of the human environment, considering the context and intensity of impacts (40 CFR 1508.27). Therefore, an environmental impact statement will not be prepared. This determination is based on the design of the project, on the specific resource protection measures designed into the selected alternative (EA pages 19-22 or Appendix A of this Decision Notice) and on the consideration of the following factors:

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

A combination of treatments, including thinning and small diameter tree thinning and prescribed fire, will be used to treat approximately 2,900 acres of the 14,000 acres of National Forest lands in the Augur/Camp and Bauers Creeks subwatersheds of the Upper Thomas Creek Watershed. About 2,400 acres of *late and old succession* (LOS) forest will have densities reduced, allowing more growing space and site resources to large old trees that characterize these areas. The trend toward multi-layered, very dense stands will be reversed. Thinning from below on 500 acres of *mid-*

succession stands will maintain or increase diameter growth to develop additional large trees as well as shifting composition back toward ponderosa pine. After treatments, these stands structure will be moved toward more open, single story structure more closely resembling the HRV. These treatments will compliment the 2,200 acres of non-commercial small tree thinning and the 3,700 acre landscape underburn that were approved by the *Bald Stocking Level Control and Hazardous Fuel Reduction (Bald CE) Decision Memo* (2003).

Following treatments, about 46% of the total area in this planning area will be moved toward Fire Condition Class 1, where fire regimes are within or near the historical range, the risk of losing key ecosystem components is low, and vegetation attributes (species composition and structure) are intact and functioning within the historical range (Final EA, pages 32 and 38). Thirty-one percent of the analysis area will move into Condition Class 2 and 23% of the area will remain in a Condition Class 3 (most dysfunctional) after project treatments. Breaks in horizontal and vertical fuel continuities will slow fire and reduce its intensity, providing an area for suppression to be effective. Crown fire potential will be reduced. Project effects are limited to the project area, and except for smoke, are not transported out of the treated areas. This project changes the current conditions by moving forest conditions closer to reference conditions, where fire can be used to mimic natural disturbance patterns.

Soil compaction effects are expected to be benign in areas treated by harvest and mechanical thinning because no growth limiting compaction was found on transects within the Abe project area, including in areas where heavy equipment has been used in the past (Final EA pages 51-52). Proposed tree thinning will result in an open shade forest and complimentary ground cover response. The proposed treatments will limit erosion, improve infiltration, and add litter and nutrients to the system. Within a fire-maintained open forest structure, subsequent ground fires every 10 years will yield a sediment estimate of 6.4 tons per square mile per year. Annual erosion rates in treated areas are estimated to be between 0 and 0.33 tons/acre. Conversely, erosion rates in areas that have sustained a high severity fire are between 0.074 and 1.682 tons/acre. The chance of erosion without fire is 0-2% whereas the probability of erosion 1-year post-wildfire is 18-60% (Final EA page 52). Temporary road construction on 3 miles will generate some sediment; however, in this dry climate the rate of erosion from roads is lower than that of ground fires. With best management practices for water quality, such as water bars for seasonal closures, erosion will be mitigated to the greatest extent practicable (Final EA page 52). Implementation of the road decommissioning and road closures will result in lower road density and less connectivity between roads and streams, and therefore less road-derived sediment flowing into streams (Final EA page 53). Short-term, the greatest volume of erosion will be associated with the proposed whole tree installation along the downstream reaches of Bauers, Camp and Snyder Meadow Creeks. The risk of a high erosion event while the trees stabilize in place is low because Augur/Camp and Bauers Creeks subwatersheds have very low ratios of 1.72 and 1.75 miles per square mile of stream length to basin area of stream length to basin area, respectively, which indicates that low sediment transport rates prevail during average years (Final EA page 64).

The timber harvest and thinning portions of this project will not retard or prevent attainment of Riparian Management Objectives (RMOs) or adversely affect native fish (TM-1 and FM-1 of INFISH), as no adverse direct or indirect effects to any fish species is expected. All RHCA treatments are designed to acquire desired vegetation characteristics in order to attain RMOs (TM-2 of INFISH). Fuels reduction in the Project Area will reduce the risk of wildfire and its effects on fish habitat described above, thereby contributing to the attainment of RMOs (FM-4 of INFISH).

The project area is not in an INFISH priority watershed. None of the alternatives involve road construction within RHCAs. Proposed temporary road construction within RHCAs has been minimized to the greatest extent possible (RF-2), while providing for maximum benefits to forested stand conditions across the project area. Proposed road decommissioning and reconstruction, and the addition of wood to streams will serve to accelerate attainment of RMOs and are fully consistent with the goals and applicable INFISH Standards and Guidelines, particularly, RF-2 and FW-1 of INFISH. The proposed culvert replacements and headcut restoration projects will restore or enhance fish passage at the sites, making them fully compliant with RF-5 of INFISH.

The greatest potential to retard the attainment of RMOs with any one of the action alternatives stems from the potential sediment delivery to streams while working instream to repair headcuts and replace or remove culverts. The amount of sediment delivered to streams in the short term is expected to be at an immeasurable level compared to the existing site conditions and is expected to be reduced in the long term (see Project Soils and Hydrology Report). Therefore, implementation of Alternative 2 is not expected to retard the attainment of RMOs. Implementation of the Abe Project Alternative 2 is not expected to adversely affect inland fish nor will it prevent attainment of RMOs as described in INFISH (Final EA page 69).

There are no Inventoried Roadless Areas (IRA) within the Abe Vegetation Management Project area and none of the alternatives include proposed activity within an IRA (Final EA page 70).

The area north of Cox Creek in the Bauers Creek subwatershed has been identified as an unroaded area by Oregon Wild (Map 2 in Appendix A of the EA). Oregon Wild suggested the Forest Service consider the values contained in the unroaded area and the effects of treatments in that area.

Alternative 2 includes about 100 acres of commercial harvest stands in the unroaded. No new roads will be built into the unroaded area. Access is provided by the existing 011 road at the bottom of the hillside. There are no unique plants or animal habitat characteristics in the unroaded area proposed for treatments that do not also exist within the rest of the project area. However, the scabrock flats to the northeast of the proposed treatment areas are a unique feature within the analysis area. The unroaded area is managed under the guidelines of the Forest Plan for MA 5 Timber and Range Production; it has not been managed for primitive, semi-primitive non-motorized and semi-primitive motorized classes of dispersed recreation. Past human activities make it unlikely that this area will be useful as a reference landscape. It is unlikely these unroaded areas would be considered as potential wilderness due to their location in proximity to private industrial timberlands, past management activities and the fact that they do not contain characteristics considered to be unique relative to the rest of the Abe project area and the Fremont National Forest (Final EA pages 70-71).

Implementation of the Abe Project with associated prevention measures will not contribute to a cumulative effect on the spread of invasive species (Final EA, pages 74-75). Following Forest Plan Standards and implementing prevention practices as described in Chapter 2 of the EA (page 21) or in Appendix A of this decision document, such as requiring cleaning of all off road equipment to result in weed free equipment and avoidance of known weed infestations will decrease any potential risk for establishment of new noxious weed sites as a result of the project activities.

Non-forested plant communities will benefit from removal of encroaching conifers and junipers. Removal of encroaching vegetation will increase light, water and nutrients available for non-forested plant species. Removal of juniper in big sagebrush sites will increase species diversity and richness, herbaceous cover and biomass, and ground cover (Bates et. al., 2005). The activities associated with thinning, piling and burning, will have minimal effects to the sites treated due to the mechanisms

used. Using chainsaws to fell trees and hand piling will not decrease ground cover or result in effects to plant vigor. Burning will have some short-term effects at the piles, but will be relatively small relative to area and time (Final EA page 81). Burning non-forested vegetation will result in short term loss of plant cover and vigor. Early and mid-seral species will occupy the sites that are burned at high intensity. Areas that have a somewhat intact perennial species component that are burned at moderate to low intensity may see an increase in production as early as the following growing season. Long term effects to species composition and cover and overall plant community function will be beneficial. Late seral non-forested species will dominate and add to an increase in ground cover and will result in decreased bare ground. Burning within and around the aspen stands will stimulate regeneration and invigorate stands (Final EA page 82). Water absorption and storage capacity will increase as canopy cover decreases. Evapotranspiration rates will be reduced as canopy cover is decreased because tree limbs will intercept less precipitation. Increased shading opportunities for snow patches will lower evapotranspiration rates, thus increasing snow retention and groundwater recharge. Increases in groundcover and herbaceous species will also be beneficial to water storage and flow regulation.

There will be no direct affect to permitted grazing in the Abe Project area. Grazing will continue to be administered under the terms and conditions of grazing permits issued (Final EA page 83).

All existing recreation opportunities will continue to be available with implementation of Alternative 2. There will be a short-term interruption of solitude in specific areas as treatments and project activities are implemented. Dispersed camping and other recreational activities may be disrupted or displaced in specific areas for a short time while thinning treatments and fuels reduction or prescribed fire are being implemented.

Traffic will increase on system roads short-term as log hauling occurs and when contractors are working on projects in the area. Forest road conditions in the Abe project area will be improved for public use through routine maintenance performed by the contract operators and the planned road improvements are implemented. Fish passage and habitat conditions will be improved in several areas of the subwatersheds, which could lead to improved fishing experiences. Closing and decommissioning a total of 44 miles of existing roads will reduce motorized recreation opportunities. The road system that would remain will continue to provide access for recreational use but in a more limited way. Ultimately the proposed activities will result in long-term beneficial effects to recreation resources through improved forest and riparian vegetation health (Final EA page 84).

The proposed treatments will achieve desired future conditions and meet the visual quality objectives of Maximum Modification for the area. In the short-term, the increased numbers of stumps and the open nature of the forested stands when viewed in the foreground will likely be the most apparent visual change resulting from implementation. Skid trails and rehabilitated temporary roads will be noticeable in the short-term until vegetation becomes re-established. Prescribed fire will have the temporary visual effect of blackening ground vegetation, scorching needles of low branches, or killing the smallest trees. The proposed activities will have some short-term effects, but these will not be apparent to the casual forest visitor in a few years. In the long-term, scenic integrity will be increased through the diversity that exists in healthy forest stands (Final EA page 85).

The temporary increase in human disturbance may contribute to wildlife species altering movement patterns and habitat use, however the activities will be temporary and short-term in nature, and

disturbance levels will return to normal when project implementation is completed (Final EA pages 89-97).

Thinning will decrease stand densities and move toward the open ponderosa pine stands that historically occurred in the area. This will benefit wildlife species that use open stands; however, this will have a negative affect on those wildlife species that use denser conifer stands. Improved stand health will likely reduce the number of snags created annually in the project area; however, it is expected that incidental stress related mortality will contribute to snag and down wood components over the long term. Green ponderosa pine trees 21 inches in diameter or larger will be retained, allowing the largest and oldest trees to eventually become snags and large downed wood. The natural processes of age, drought, and insect and disease stresses will likely lead to scattered mortality of trees throughout the planning area. Untreated areas will continue to provide increased snag densities. Stand densities will be decreased, yet still remain fully stocked and within the historical range of variability (Final EA page 93).

All Forest Plan standards and guidelines for Management Indicator Species (MIS) will be met with implementation of Alternative 2 of the Abe Project EA. No significant effects to any wildlife species have been identified in the EA (Final EA, pages 91-96).

The Regional Forester's Amendment #2 requires the identification of wildlife connectivity corridors designed to connect designated old growth areas and LOS habitat types across the landscape. Connectivity corridors were delineated for the Abe Project per Regional Forester's Plan Amendment #2 direction (see Map 6). Treatments in stands within the connectivity corridors will retain the desired medium to larger trees and canopy closures that are within the top-third of site potential, which will maintain the functionality of the corridors. Implementing the proposed project will help assure current and future vegetation conditions that are sustainable and resilient, and more closely resemble historical conditions. Therefore, those species that occurred here historically, and dispersed from here or through here historically will still be provided vegetation to do that. Additionally, there are areas outside of treatment units and 5-15% of each treatment unit that will not be treated, so there will be areas of denser vegetation should some wildlife species require those (Final EA page 97).

2. My decision will not adversely affect public health or safety (40 CFR 1508.27 (b)(2)). No significant effects to public health or safety have been identified (Final EA page 102). This finding is supported by knowledge of past similar projects in which no effects to public health or safety have occurred. The project will meet all criteria to protect air quality and will not result in any long-term effects to air quality (Final EA pages 41-43). Alternative 2 could result in a slightly beneficial effect upon public health and safety because in the long-term, the risk of high intensity wildfire will be diminished.
3. There will be no significant effects on unique characteristics of the area (40 CFR 1508.27(b)(3)) such as parklands, prime farmlands, wild and scenic rivers, or ecologically critical areas as there are no such areas in the project vicinity (Final EA page 102). No activities are planned in the small wetlands occurring in the project area; therefore no significant effects will occur to wetlands (Final EA page 102).
4. The effects on the quality of the human environment are not likely to be highly controversial (40 CFR 1508.27(b)(4)). These types of activities have taken place on the Lakeview Ranger District in

similar areas and the resulting effects are well known and understood. In that sense, there is no known scientific controversy over the impacts of the project. CEQ guidelines relating to controversy refer not to the amount of public opposition, but to where there is a substantial dispute as to the size, nature, or effect of the action. Given the site-specific conditions and impacts disclosed in the Abe EA (Final EA pages 26-103), the effects of implementation of this decision on the quality of the human environment are not likely to rise to the level of scientific controversy as defined by the Council of Environmental Quality.

5. The alternative I have decided to implement will not impose highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)). The Fremont-Winema National Forests have considerable experience with the types of activities to be implemented and the activities proposed in this decision are well-established land management practices. The risks are well known and understood. Based on previous similar actions, the probable effects of this decision on the human environment, as described in the Final EA, do not involve effects that are highly uncertain or involve unique or unknown risks.
6. My decision to select Alternative 2 of the Abe Vegetation Management Project for implementation does not set a precedent for other projects that may be implemented to meet the goals and objectives of the Forest Plan, nor does it represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6)). The site-specific, non-significant Forest Plan Amendment that is included in Alternative 2 is limited to the Abe Vegetation Management Project.
7. Abe EA Alternative 2 is not related to other actions with individually insignificant but cumulative significant impacts (40 CFR 1508.27(b)(7)). The Final EA (Appendix C) provides a table and descriptions of all activities and natural events that have occurred, are currently occurring, or are likely to occur in the two-subwatershed project area. The information in the table is incorporated into cumulative effects discussions for the particular resources addressed in the environmental consequences section of Chapter 3 of the Abe Project Final EA. No significant cumulative effects have been identified in the Abe EA.
8. Cultural resource field surveys were completed prior to preparing the analysis for this project. Alternative 2 will not adversely affect districts, sites, highways, structures, or objects listed in, or eligible for, listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural or historical resources (40 CFR 1508.27(b)(8)). This is because all known sites will be avoided, sites discovered during implementation of the project will be avoided, and monitoring of sites will occur during project implementation (Final EA pages 19 and 86). Under the auspices of a "Memorandum of Agreement" with the State Historic Preservation Officer (SHPO), the Forest Archeologist has certified that the project will have "No Effect" on listed or eligible cultural resources.
9. The actions associated with Alternative 2 are not likely to significantly adversely affect any endangered, threatened, or sensitive terrestrial wildlife species, aquatic species, plant species, or designated critical habitat (40 CFR 1508.27(b)(9)) under the Endangered Species Act of 1973 based on the following information from biological evaluations and assessments prepared for this project:

Documented or suspected habitat for federally listed Threatened, Endangered or Candidate plant species does not occur on the Fremont-Winema National Forests. Botanical surveys were conducted across the area as a whole throughout the past several years and as recently as July of 2006.

Potential habitat exists for two sensitive plant species in the Abe Vegetation Management Project area: Baker's globe mallow (*Iliamna bakeri*) and blue-leaved penstemon (*Penstemon glaucinus*). Although **neither species has been found during surveys** of the project area in 1995, 1998, 2000, and 2006; habitat exists for them and thus an analysis of potential effect has been completed (Final EA page 86). Implementing Alternative 2 will have a beneficial impact (to varying degrees) to both species. Baker's globe mallow seeds require scarification to break dormancy. Surveys on the Fremont National Forest indicate that this species does well following fire and other disturbances. Blue-leaved penstemon tends to do poorly under closed canopies. Opening up the stands will potentially create more favorable conditions for this sensitive plant. Although there may be some loss of individual plants, it is not expected that the proposed activities will lead to a loss of species viability or trend towards listing these species under the Endangered Species Act (Final EA page 87).

The only federally listed wildlife species in the project area is the bald eagle. A portion of the project area is used as a roosting/foraging area. Activities associated with Alternatives 2 are not expected to cause any direct or indirect disturbances or effects on primary bald eagle habitat or individual eagles during implementation. This is due to the topography, distance and location of the nearest thinning units from the known roost area. Although it is also unlikely that log hauling activities will be occurring during the active roosting period (Dec. 1 – April 15), mitigation measures will be implemented to prevent potential disturbances along the 3780-011 Road from the base of Gilmore Peak to its crossing on Shingle Mill Creek (Final EA page 90). The Wildlife Biologist determined that the Abe Project will have “no effect” on bald eagles or their primary habitat either directly, indirectly or cumulatively.

No federally listed (proposed, endangered or threatened) fish species occupy habitat within the project area (Final EA page 57). Modoc Sucker, a species which is listed as Endangered under the Federal Endangered Species Act in the state of California, also occurs in the Thomas Creek drainage of the Goose Lake Basin. The Modoc sucker is not listed as a Proposed, Endangered, Threatened or Sensitive species in the State of Oregon (USDI 2007). Modoc sucker genes have been identified in the Goose Lake suckers found downstream of the Forest in Bauers Creek, although these genes are prevalent in Goose Lake suckers throughout the Goose Lake Basin. The Modoc sucker phenotype has not been found in any streams in the Augur/Camp or Bauers Creek subwatersheds. Therefore, suckers identified within the Augur/Camp and Bauers Creek subwatersheds are not considered Modoc suckers (S. Reid, pers. comm. 2007). There is no Modoc sucker habitat that has potential to be affected by implementation of the Abe Project (Final EA page 57).

Redband trout (*Oncorhynchus mykiss*) is the only Region 6 Sensitive fish species known to occur within the project area; they occupy habitat in all fish-bearing streams. The redband trout is a unique species adapted to the Warner Basin environments and habitats. These fish have adapted over time to live in harsh environments characterized by great extremes in water temperatures and flow. Implementation of the project will result in very low potential for adverse impact to redband trout. This project may impact individual redband trout, but will not contribute to a loss of species viability or lead to federal listing of redband trout (Final EA pages 64, 65 and 69).

The list of federally Endangered, Threatened and Candidate wildlife species (dated 2/28/2007) was reviewed for species that may be present on the Fremont-Winema National Forests, and found within the project area. There will be no effects or impacts to Canada lynx, yellow-billed cuckoos,

or Oregon and Columbia spotted frogs because appropriate habitat does not exist in the Abe project area and none of these species are known to exist in the project area (Final EA, page 87-88).

The Forest Service Region 6 Sensitive Animal list (revised November 2004) was reviewed for species that may be present on the Fremont-Winema National Forests. No habitat exists in the project area for Oregon or Columbia spotted frogs, pygmy rabbit, least bittern, greater sage grouse, yellow rail, upland sandpiper, tricolored blackbird, or American peregrine falcon; therefore no effects are expected to these species (Final EA page 87-88 and *Biological Evaluation for Sensitive Terrestrial Wildlife Species within the Abe Project Area*, Ramsey 2007).

A finding of ‘May impact individuals or habitat, but will not likely contribute to a trend toward federal listing or loss of viability to the population or species’ was made for sensitive species of Pacific Pallid bat, California wolverine, and gray flycatcher (Final EA page 91).

10. This decision is in compliance with relevant Federal, State and local laws, regulations and requirements designed for the protection of the environment (40 CFR 1508.27(b)(10)).

OTHER FINDINGS

1. Federal regulations require that permits, contracts, cooperative agreements, and other activities carried out on the Lakeview Ranger District are consistent with the Fremont National Forest Land and Resource Management Plan (Forest Plan), as amended. I have reviewed my decision against Forest Plan direction, and I have determined that this action is consistent with the goals, objectives, and direction contained in the Record of Decision (ROD) for the Fremont National Forest Land and Resource Management Plan and accompanying Final Environmental Impact Statement (1989). With the exception of the site-specific Forest Plan Amendment to cut white fir trees greater than 21 inches in diameter, Alternative 2 complies with all applicable direction, including both Management Area and Forest-Wide standards and guidelines, Regional Forester’s Eastside Forest Plan Amendment No. 2 and the Inland Native Fish Strategy (INFISH, 1995). The project meets the “does not retard attainment” of Riparian Management Objective requirement of INFISH.
2. The procedures used to initiate and complete the planning of the project are consistent with the 1999 Memorandum of Agreement between The Klamath Tribes and the U.S. Forest Service. The project is not expected to have an adverse effect on Treaty Rights or treaty right resources (Final EA page 95).
3. This decision is in compliance with Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (Final EA page 103). The project also complies with Executive Order 11990 (protection of wetlands) (Final EA page 102) and Executive Order 13112 (invasive species) (Final EA page 71).
4. This decision is consistent with Forest Service Manual direction regarding roads analysis. I have determined that additional roads analysis is not needed for this project based on the following factors:

An interdisciplinary team (consisting of the SE Zone roads manager, hydrologist, fisheries biologist, wildlife biologist, assistant fire management officer, and silviculturist) was directed by the District Ranger to review the Upper Thomas Creek Watershed Access and Travel Management Plan (USDA 1997), evaluate its applicability to the Abe Project and make project

level road management recommendations. The team determined which roads to recommend for decommissioning and closure after the project was completed. Some of the recommendations in the Upper Thomas Creek Watershed Access and Travel Management Plan were carried over to the Abe project, and others were changed to better meet restoration objectives.

5. On December 22nd, 2004 the Under Secretary of Agriculture approved regulations for National Forest System land management planning (36 CFR 219, published in the Federal Register on January 5, 2005). These regulations became known as the 2005 Planning Rule. On March 30, 2007 the court in *Citizens for Better Forestry v. USDA Civ. No. 05-1144* and *Defenders of Wildlife v. Johanns Civ. No. 04-4512*, in the Northern District of California, enjoined the Forest Service from implementation and utilization of the 2005 Planning Rule. On July 3, 2007 the same court refused to amend its prior judgment and affirmed that the March 30, 2007 order applied nationwide. The result of these two rulings is that the entire Forest Service is currently operating under the prior planning rule, adopted in November 2000 at 36CFR 219 and subsequently interpreted in an Interpretative Rule at 69 Fed. Reg. 58055 (September 29, 2004). This project is planned under the regulation at 36CFR 219.35 (2000) and the Interpretative Rule of September 29, 2004. As required by 36 CFR 219.35, I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and, where appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

NFMA Finding of Non-Significant Forest Plan Amendment #31 for the Abe Project

I have determined that my decision to adopt the proposed Forest Plan Amendment #31 is a non-significant amendment to the Fremont National Forest Land and Resource Management Plan, 1989, as amended, in accordance with regulations.

This site specific Forest Plan Amendment will result in a departure from the standard and guideline to maintain all live trees greater than 21 inches in diameter. This is a component of the 1994 Regional Forester's Eastside Forests Plan Amendment 2 ("eastside screens"). This amendment will allow for removal of white fir greater than 21 inches in diameter where it will contribute to forest health and restoration of ponderosa pine. This site-specific amendment applies only to the Abe Project area and does not apply to any future decisions in other areas. It will not alter multiple use goals and objectives for long-term land and resource management. The Regional Forester's Forest Plan Amendment 2 modified the emphasis on timber production by directing that a balance be struck between Forest Plan objectives for timber production and maintenance of late and old seral structure. This amendment is intended to compliment the suite of activities for the Abe project, with the objective of improving LOS conditions and moving them nearer HRV. Any outputs will be minimal given the limited nature and scope of the activity.

IMPLEMENTATION, ADMINISTRATIVE REVIEW and APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to 36 CFR 215. Any written notice of appeal of the decision must be fully consistent with 36 CFR 215.14, "Appeal Content."

The notice of appeal must be filed hard copy with the Appeal Deciding Officer, ATTN: 1570 APPEALS, 333 S.W. First Avenue, P.O. Box 3623, Portland, Oregon, 97208-3623, faxed to (503) 808-

2255, sent electronically to appeals-pacificnorthwest-regional-office@fs.fed.us, or hand delivered to the above address between 7:45AM and 4:30PM, Monday through Friday except legal holidays. The appeal must be postmarked or delivered within 45 days of the date the legal notice for this decision appears in the Klamath Falls *Herald and News*. The publication date of the legal notice in the Klamath Falls *Herald and News* is the exclusive means for calculating the time to file an appeal and those wishing to appeal should not rely on dates or timeframes provided by any other source.

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word, rich text format or portable document format only. E-mails submitted to e-mail addresses other than the one listed above, in other formats than those listed, or containing viruses will be rejected. Only individuals or organizations that submitted comments during the comment period may appeal. It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed.

If no appeal is received, implementation of this project will not occur prior to 5 days after the end of the appeal period, following the date on which the legal notice announcing this decision appeared in the Klamath Falls *Herald and News*.

If an appeal is filed, implementation will not occur prior to 15 days following the date of appeal disposition. If multiple appeals are filed, the disposition date of the last appeal will control the implementation date.

Karen Shimamoto

KAREN SHIMAMOTO

Fremont-Winema National Forests Supervisor

September 14, 2007

DATE

Contact Person: Rachelle Huddleston-Lorton
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Distribution

Doug Heiken, Oregon Wild
Gary Johnson, Fremont Sawmill

Appendix A

Resource Protection Measures

In response to public comments on the proposal, existing Standards and Guidelines, and resource specialists concerns, resource protection measures were developed to prevent potential impacts to resources as a result of implementing any of the action alternatives. These resource protection measures would be applied to activities associated with implementation of Alternative 2.

Cultural and Heritage Resources

In the event that cultural resources are found during implementation of proposed activities, project activities shall stop in the immediate area. The Forest Archaeologist will be contacted and a plan to mitigate or avoid impacts shall be formulated before project activity proceeds.

Soils/Hydrology

- Best Management Practices (BMPs) will be implemented (Appendix B of the EA).

Fisheries - Project Specific Protection Measures

Bauers Creek Thinning and LWD Placement

- No ignition will occur within 100 feet of any stream channel.
- No burn piles will be located within 100 feet of any stream channel.

Camp Creek Thinning and LWD Placement

- No fuels treatment will occur downslope of the 170 and 171 roads.

Snyder Meadow Creek Thinning and LWD Placement

- No burn piles will be located within 100 feet of any stream channel.
- No thinning slash will be treated within 50' of the potentially affected stream channels.

Remainder of Project

- No water will be removed from Bauers, Augur, Camp, East Camp, or Shingle Mill Creeks.
- No fireline will be constructed within RHCAs.
- To the greatest extent possible/feasible all fireline will be restored to pre-disturbance contours.
- All fireline rehabilitation will occur in the same calendar year that the burning is implemented.
- All fireline will be rehabilitated to the following standards:

Hand-Constructed Fireline: Hand construct waterbars according to the spacing guidelines shown in the table below. Where feasible, angle waterbars to direct water outlet into the unburned side of the fireline and pull back berms.

Table 2.1. Minimum waterbar spacing for handline rehabilitation

Fireline Gradient (%)	Minimum Waterbar Spacing (ft.)
0-20	100
21-40	50
41+	25

Tractor Plow-Constructed Fireline: Construct waterbars according to the spacing guidelines shown in the table below. Where feasible, angle waterbars to direct water outlet into the unburned side of the fireline and pull back berms.

Table 2.2. Minimum waterbar spacing for mechanical fireline rehabilitation

Fireline Gradient (%)	Minimum Waterbar Spacing (ft.)
0-5	200-160
6-10	160-120
11-15	120-100
16-20	100-60
21-30	60-40
31-45	40-25
46+	25

- No activity fuels treatment will occur within 50 feet of any stream channel.
- No cutting of any trees during pre-commercial thinning, non-commercial thinning, and/or fuels reduction treatments will occur within five feet of any streambank.
- All trees cut during pre-commercial thinning, non-commercial thinning, and fuels reduction treatments within RHCAs that could reach streams should, as much as practicable be felled toward the stream and left intact.
- All trees cut during pre-commercial thinning, non-commercial thinning, and fuels reduction treatments within RHCAs will be accomplished without the use of any ground based equipment.
- In the case that it is determined necessary for a new temporary road to enter an RHCA or cross an unmapped intermittent stream channel, the temporary road will be constructed, used, and obliterated in one operating season.
- In the event that a temporary road crosses an intermittent stream channel, all work at the crossing, including construction and obliteration, will occur when the stream channel is dry or within the ODFW preferred instream work window.
- No new temporary road construction will cross any perennial streams.
- All road related activities would follow the Fremont National Forest Best Management Practices (BMPs) for roads (Appendix B of the EA).
- No fuel storage or equipment re-fueling will occur within RHCAs in accordance with INFISH Standard and Guideline RA-4.
- All timber harvest activities would follow the Fremont National Forest Timber Sale Best Management Practices listed in Appendix B of the EA.
- No stumps shall be treated with any borax product within RHCAs.

Invasive Species

- If timing allows, noxious weed sites will be treated prior to project implementation.
- Weed sites will be avoided when possible.
- Contractors, road maintenance personnel and others implementing project activities will be provided with a map of known weed locations.
- If noxious weed sites are discovered within the project area, report the sighting to District Weed Personnel. The site will be reviewed on the ground and invasive plant prevention practices will be developed as appropriate.

- Coordination between the timber sale administrator and the weed coordinator should also occur prior to hazard tree abatement to prevent any entry into weeds sites along haul routes to the project area.
- Prevent the introduction of new noxious weeds caused by moving sand, gravel, borrow, and fill material from known infested pit materials. Maintain stockpiled, uninfested material in a weed-free condition.
- Actions conducted or authorized by contract or written permit by the Forest Service that will operate outside the limits of the road surface (including public works and service contracts), require the cleaning of all heavy equipment (bulldozers, skidders, graders, backhoes, dumptrucks, etc.) prior to entering National Forest System Lands. Thinning and slashbuster equipment must be weed free prior to entry onto the Forest and must be cleaned between harvest units when going from known infested areas to non-infested areas.
- Contractors will have a pre-inspection of all off-road equipment performed and provide in writing that off-road equipment is free of noxious weeds prior to starting operations.

Wildlife

Log hauling along Forest Road 3780-011 Road have the potential disturb and displace roosting eagles if it occurs during the time of active use by bald eagles (Stalmaster & Newman 1978, Keister et. al. 1987, Buehler et. al. 1991). The following resource protection measures would be implemented to avoid potential impact to eagles and to maintain the No Effect on bald eagles and their habitats:

- Avoid active log haul along the 3780-011 Road from 1 December through 15 April annually. Log haul can occur along this route if it is confined to that period at least 2 hours after local sunrise and 2 hours prior to local sunset times.
- No work would occur within the Bald Eagle winter roost area from 1 December through 15 April to decrease the potential for disturbance.

Sensitive Plants

If densely populated areas of Baker's globe mallow are found the Forest botanist will be notified so that protection measures for seed retention areas can be established.

Roads

Commercial use of roads is subject to the Fremont Road Damage Policy (1977).

Range

Specific project activities, such as prescribed fire, thinning, and road decommission and closures will be coordinated with the grazing permittees through the Range Specialist so that effects to permitted use of grazing allotments is minimized.

Monitoring

The Fremont National Forest Land and Resource Management Plan FEIS includes a monitoring plan in Chapter 5 of the Forest Plan (pp 207-231). This monitoring plan identifies key activities and outputs to be tracked to ensure that activities reasonably conform to Management Area direction and that outputs satisfy the objectives of the Plan. Forest Plan monitoring will be relied upon and is considered adequate with the exception of site-specific monitoring identified below.

- Landings would be monitored for a minimum of 3 years after management activities by the District and/or Forest weed coordinator.
- Effects to soils would be monitored for the Alternative implemented to ensure that Forest Plan Standards and Guidelines are being met.