

**DECISION NOTICE  
and  
FINDING OF NO SIGNIFICANT IMPACT**

for the  
**Red Zone Safety Project  
and  
Fremont National Forest Land and Resource Management Plan Amendment #33  
Environmental Assessment**

USDA Forest Service Pacific Northwest Region  
Fremont-Winema National Forests  
Paisley and Bly Ranger Districts  
Lake and Klamath Counties, Oregon

**INTRODUCTION**

Vegetative treatments are proposed on National Forest System lands within a 300-foot wide corridor (150 feet on each side) along approximately 200 miles of well-traveled roads and 25 recreation sites within a 330,000-acre area of south-central Oregon, known locally as the “Red Zone”.

The planning area includes portions of both the Paisley Ranger District and Bly Ranger District. Of the approximate 330,000 acres, about 203,000 are National Forest System lands. The proposals are limited to National Forest System lands. The project is located within: T31S, R15-16E; T32S, R14-16E; T33S, R14-18E; T34S, R14-18E; T35S, R14-18E; T36S, R14-17E W.M. The project area contains three roadless areas identified in the Fremont National Forest Plan FEIS (1989, Appendix C); Brattain Butte, Hanan Trail and Deadhorse Rim. The project area also includes portions of two Wild and Scenic Rivers; North Fork Sprague River and Sycan River. Almost 40% of the road corridors (major travel routes) are prescribed as scenic corridors within the foreground-viewing zone per the Fremont National Forest Plan (1989, as amended). Additionally, this 330,000-acre planning area contains the Gearhart Mountain Wilderness Area (none in the proposed treatment corridors), numerous stands designated for old growth dependent species and many streams, both perennial and intermittent.

The Red Zone Safety Project and Fremont National Forest Land and Resource Management Plan Amendment #33 EA (hereafter referred to as the Red Zone EA) analyzes the effects of vegetative treatments for the purpose of improving public and employee safety and in the long-term reducing future mortality that would perpetuate the presence of danger trees in roadside areas and hazard trees at recreation sites. Proposals include specific project design features to make them consistent with the Standards and Guidelines of the Forest Plan, as amended.

Three alternatives (including No Action) were fully analyzed in the EA. The EA is available for review at the Paisley and Bly Ranger District offices in Paisley and Bly, Oregon or on the Fremont-Winema Forests public web site at:

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

This decision document presents the alternative that will be implemented from the Red Zone EA, 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.

### **NEED FOR THE PROPOSAL**

Over several years time epidemic levels of mountain pine beetle infestation has resulted in high levels of lodgepole pine mortality in the area roughly bounded by FS Road 30 on the west, Highway 31 on the north, FS Road 33 on the east, and FS Road 34 on the south.

The primary purpose of the project is to improve public and employee safety. This includes as promptly as practical, reducing the risks from danger trees along roadsides and hazard trees at recreation sites. The safety problem exists all across the Red Zone, regardless of management area allocation in the Fremont National Forest Land and Resource Management Plan (LRMP or “Forest Plan”). There is a need to reduce future mortality in stands with surviving trees in order to prevent them from exacerbating the safety problem in the near future. The objective is to create and maintain open conditions along the travel corridors that provide for safe escape routes for employees and the public, access for fire suppression resources and potential backburn control points, while also providing for long-term safety and accessibility of recreation sites in the Red Zone.

A site-specific Forest Plan Amendment is needed to meet safety objectives and allow treatments consistent with those prescribed elsewhere in the project to occur within approximately 276 scattered acres of allocated old growth.

There is also a need to provide forest products from the project area through the utilization of the trees felled for hazard/danger or thinning purposes. The Forest Service is committed to contributing to the economic well being of local communities.

### **THE DECISION**

Based on the results of the analysis documented in the EA, **it is my decision to implement Alternative 3.** The rationale for my selection is presented beginning on page 10 of this Decision Notice. My decision takes into consideration the manner in which each factor of the need for the proposal 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 3 will include the project design features analyzed for this alternative as described in Chapter 2 of the EA and included in this Decision Notice.

**The following actions are authorized with the selection of Alternative 3.**

**Design Elements of Alternative 3** (see Maps at end of Chapter 2 in the EA)

**Table 1: Project Area – the 300 foot zone (150 feet each side of road) along the following roads**  
(see also, maps):

<b>ROAD</b>	<b>TOTAL TREATMENT (MI)</b>	
2800000	1.68	
2800000	18.98	
2800033	4.66	Deadhorse and Campbell Lakes
2800056	0.70	
2800450	3.90	Bald Butte
2800596	0.30	
2800716	0.10	Bald Butte
2900000	9.50	
2900017	2.00	Slide Lakes
2901000	13.18	
3000000	9.60	
3000011	0.70	Currier Guard Station Rental
3219000	5.40	
3239000	12.88	
3300000	11.10	
3315000	14.91	
3323000	8.40	
3323151	10.08	Green Mtn.
3360000	10.50	
3360358	0.50	Withers Lake
3360359	0.48	Withers Lake
3372000	19.90	
3372015	1.57	N.Fk. Sprague River TH
3380000	6.58	
3400000	7.06	
3400012	1.10	Corral Creek CG and Lookout Rock TH
3400018	4.96	
3411000	15.20	
3546000	3.49	
<b>TOTALS</b>	<b>199.4</b>	<b>Road Miles</b>

The 150-foot each side of road buffer equates to approximately 7,000 acres. Additionally, 25 campgrounds (approximately 130 acres in total) or other recreation sites are considered to be within the project area (see maps at end of Chapter 2 in the EA):

Lee Thomas Forest Camp and Trailhead  
Campbell Lake Campground  
Deadhorse Lake Campground and Trailhead  
Marster Spring Campground  
Chewaucan Crossing Trailhead  
Jones Crossing Forest Camp  
Slide Lake/Slide Lake Trailhead  
Hadley Butte (viewpoint and hang glider launch site)  
Withers Lake  
Hanan/Sycan Trailhead  
Rock Creek Forest Camp  
Currier Springs Trailhead  
Pike's Crossing Forest Camp  
Sandhill Crossing Forest Camp  
Bald Butte Lookout (summer rental)  
Hanan/Coffeepot Trailhead  
Auger Creek Trailhead  
North Fork Sprague River Trailhead  
Gearhart Mountain Wilderness access points  
Corral Creek Campground  
Lookout Rock Trailhead  
Demming Creek Trailhead  
Boulder Springs Trailhead  
Mitchell Monument

**Table 2: Activities of Alternative 3**

<b>Item</b>	<b>Activity</b>
<b>Danger/Hazard trees</b>	Cut all. Remove, except where excluded by Project Design Features (PDF), for example, scabrock flats or slopes greater than 35% where trees cannot be reached by bull line, trees needed as large down wood, etc.
<b>Dead Trees</b>	Cut all. Remove, except where excluded by PDF, for example, scabrock flats or slopes greater than 35% where trees cannot be reached by bull line, trees needed as large down wood, etc.
<b>Activity Fuels Treatment (when not removed for use as forest products)</b>	Removal of residual activity fuels is intended as the first option. For material not removed from the site, lopping/scattering, mechanical treatment (mastication), burning in piles or jackpot burning concentrations that could include handpiles and debris at landings are secondary options.
<b>Planting</b>	Where needed to re-introduce genetic diversity, conifer planting at low densities will occur to maintain open forested conditions. Planting around recreation sites will be coordinated with recreation specialists.
<b>Temporary Access Points to Landing Locations</b>	To facilitate removal of forest products, prevent damage to surfaced roads and provide for safety during operations, short temporary access roads will be built from the surfaced road edge toward the center of the 150' treatment corridor to the landing location. Approximately 700 landings will be needed along the almost 200 miles of roads. These will be treated after use per the BMPs.
<b>Road Maintenance</b>	An estimated 182 miles of road will be maintained during the life of the project (See Chapter 3, "Transportation" for details). Road maintenance activities will be performed during three general timeframes within the life span of the project: <u>Pre-haul</u> road maintenance prepares the project road system for heavy truck traffic related to the sale. <u>During haul</u> maintenance sustains optimum road conditions favorable to continued haul activity. <u>Post haul</u> maintenance ensures that road elements within the sale area and on the haul routes within the National Forest are returned to their full operational maintenance level standards. Road maintenance actions may consist of surface blading (except on paved surface roads), ditch pulling, light to medium roadside brushing, culvert cleaning, small quantity cutbank slump removal, and maintenance of existing drainage structures (i.e. water bars, drain dips).
<b>Forest Plan Amendment to treat in MA 3 and MA 14 Old Growth</b>	Site-specific amendment to allow for the full suite of prescriptions and activities that are proposed elsewhere to occur where MA 3 or MA 14 designated Old Growth stands are within the 300' safety corridor along roads. (See details below)

### **Site-Specific Forest Plan Amendment**

The proposal for this project includes a site-specific Forest Plan Amendment to allow safety-related prescriptions to be implemented within allocated old growth areas in the Red Zone Safety Project area. Specifically, for this project, on approximately 276 acres of MA 3 or 14, treatments will include the full range of actions as described in Table 2 above (cutting and removing danger/hazard trees, cutting and removing dead trees, fuels treatments, etc.) and the live tree thinning described on page 2-9, along with the Project Design Features that are proposed elsewhere in the project area. These actions will occur within portions of 37 discreet blocks of MA 3 or 14 allocations that border project roads in a scattered manner throughout the Red Zone planning area (see map in EA Chapter 2).

### **Live Tree Thinning Design Elements of Alternative 3**

Live tree thinning will occur to promote long term safety by creating low-density, open forested conditions.

- Retain all live 21” and greater trees that do not meet the criteria of a danger or hazard tree.
- Retain all 5-needle pine trees (whitebark pine, western white pine and sugar pine) that do not meet the criteria of a danger or hazard tree.
- Retain all old growth juniper (definition of old growth juniper, from “Old Growth Western Juniper Woodlands”; Miller, 1999).

The definition of old growth juniper is as stated in “Old Growth Western Juniper Woodlands” (Miller, 1999): As juniper ages, canopy morphology shifts from cone shaped to rounded top tree. As age advances, the tree may also develop a combination of the following characteristics: broad non-symmetrical tops, deeply furrowed bark, twisted trunks or branches, dead branches and spike tops, large lower limbs, trunks containing narrow strips of cambium, hollow trunks, large trunk diameters relative to tree height, and branches covered with bright yellow green lichen (*Letheria* sp.).

- Small diameter trees (0 to 4 inches DBH) may be lopped and scattered or mechanically treated (masticated) or piled for burning if not removed for biomass.
- RHCA's will retain live conifers, where they exist, up to 30 square foot of basal area.

#### ***Except where modified by Project Design Features:***

Thin ponderosa pine to 30 square foot basal area; or when surrounding trees are less than 10” DBH to a 30-foot spacing.

Cut and remove all less than 21” DBH lodgepole pine, white fir and (non-old growth) western juniper.

### **Project Design Features (PDF) of Alternative 3**

The following Project Design Features (sometimes referred to as mitigations and/or resource protection measures) are an integral part of Alternative 3. Monitoring strategies are also included below, by resource area.

#### **Wildlife**

1. Should any proposed or listed endangered, threatened, or sensitive species be found during project activities within, adjacent, or near enough that activities could be a disturbance,

activities will be halted until the effects of the activity can be determined and protection measures adopted.

2. If an active raptor nest is found during operation, LRMP Standards and Guidelines will be followed at a minimum. The LRMP states that “*major activities such as logging and road construction adjacent (300 yards) to active raptor nests, should be postponed until young have fledged (usually around July 30)*” (LRMP, p.180). Contact the Wildlife Biologist.

### **Fisheries, Aquatics and Soils**

1. Best Management Practices – All roadwork associated with implementation of the project will follow the Roads Best Management Practices (Fremont National Forest Supplement). All timber sale-associated work will follow the Timber Sale Best Management Practices (Fremont National Forest Supplement). See Appendix B – Project Design Features Details. BMPs provide project specific incorporation of the guidelines in the Fremont NF Soil Productivity Guide (USDA 2000).
2. Tree felled in RHCAs will be retained on site at level necessary to meet desired conditions for large down wood. Trees excess to needs for large down wood in RHCAs will be removed.
3. There will be a minimum 50-foot “no equipment” buffer next to perennial streams. RHCAs will retain live conifers up to 30 square foot of basal area. Mechanical entry will be limited to the outer portions of RHCAs while inner areas will have traditional chainsaw lop and scatter methods. Within the 50' buffer, felling and removal will be done by hand.
4. No treatments will occur where Road 3239 crosses the Sycan River (T32S, R14E); where Road 3411 crosses the North Fork Sprague River (T35S, R14E); and where Road 34 crosses Brownsworth Creek (T36S, R16E) to protect occupied bull trout habitat. The Fisheries Biologist will be consulted if there are specific danger trees that need to be addressed. (*see map in project file*)
5. Treatments at Pikes Crossing, where Road 30 crosses the Sycan River (T33S, R15E), will be specifically designed by the Fisheries Biologist to meet RHCA and aquatic habitat needs. (*see map in project file*)
6. Along portions of four roads treatments on the down-slope side of the roads will be designed by the Fisheries Biologist to meet RHCA needs. Consult with the Fisheries Biologist for treatment of Road 3372 adjacent to North Fork Sprague River and Gearhart Wilderness (T35S, R16E); Roads 3372 and 3380 (T33S, R15E); Road 3380 in the area of Skull Creek (T33S, R15E and T33S, R16E); and Road 28 adjacent to Sycan River near the junction with Road 30 (T33S, R16E). (*see map in project file*)
7. Treatments will be specifically designed by the Fisheries Biologist to enhance conditions at four meadow crossings including where Road 3411 crosses Cold Creek and North Fork Sprague River near Lee Thomas Campground; where Road 3372 crosses North Fork Sprague River north of the junction with 3411; and where Road 3323 crosses Crazy Creek just south of junction with Road 151. (*see map in project file*)

8. For protection measures based on specific Soil Map Unit Identifiers see the spreadsheet titled “*Red Zone Safety Project: Soils/Hydro Restrictions on Operations based on Soil Map Units and Riparian Buffers*” in the project file.

**Wild and Scenic River Corridors**

1. Excluding danger trees, retain 80% stream shading or 100% of potential shading for all perennial streams in Wild and Scenic River Corridors.
2. Excluding danger trees, retain fifteen late seral/climax stage (old) conifer trees within 100 feet for each 100 feet of class I, II and III channel.
3. Excluding danger trees, retain ten old conifers within 100 feet for each 100 feet of class IV channel.
4. No temporary road construction in Wild and Scenic River Corridors.
5. No water withdrawal from the Sycan River or North Fork Sprague River for dust abatement.

**Botany**

Noxious Weeds: The following first four measures are mandatory under the 2005 R-6 Invasive Plant EIS ROD -

1. Actions conducted or authorized by written permit by the Forest Service that will operate outside the limits of the road prism (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. This does not apply to initial attack of wildland fires, and other emergency situations where cleaning would delay response time (USDA Forest Service, 2005).
2. Inspect active gravel, fill, sand stockpiles, quarry sites, and borrow material for invasive plants before use and transport. Treat or require treatment of infested sources before any use of pit material. Use only gravel, fill, sand, and rock that is judged to be weed free by District or Forest weed specialists (USDA Forest Service, 2005).
3. Conduct road blading, brushing and ditch cleaning in areas with high concentrations of invasive plants in consultation with District or Forest-level invasive plant specialists, incorporate invasive plant prevention practices as appropriate (USDA Forest Service, 2005).
4. Native plant materials are the first choice in revegetation for restoration and rehabilitation where timely natural regeneration of the native plant community is not likely to occur. Non-native, non-invasive plant species may be used in any of the following situations: 1) when needed in emergency conditions to protect basic resource values (e.g., soil stability, water quality, and to help prevent the establishment of invasive species); 2) as an interim, non-persistent measure designed to aid in the re-establishment of native plants; 3) if native plant materials are not available; or 4) in permanently altered plant communities. Under no

circumstances will non-native invasive plant species be used for revegetation (USDA Forest Service, 2005).

5. 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 additional invasive plant prevention practices will be developed as appropriate.

**Sensitive Plants:**

1. There will be no burning or development of temporary access points and/or landings within occupied habitat of *Eriogonum umbellatum glaberrimum* (green buckwheat).
2. There will be no burning or development of temporary access points and/or landings within protected sites of *Castilleja chlorotica* (green-tinged paintbrush) and *Penstemon glaucinus* (blue-leaved penstemon).
3. The Eastside Botanist will be consulted on placement of temporary access points, landings, and burn piles within managed habitat of *Castilleja chlorotica* (green-tinged paintbrush) and *Penstemon glaucinus* (blue-leaved penstemon).

**Cultural Resources**

1. There will be pre-operations coordination between the assigned Archaeologist and either the sale administrator, contracting officer's representative, or force account work leader to discuss all information pertaining to cultural resource protection. A clear protective strategy for each of the known sites in the project area will be communicated. Examples of protective strategies include avoidance, hand felling, and requirements for locations of temporary access points, landings or log decks, and/or monitoring. Specifics are described in the Archeology Survey Report (2008) for the project.
2. Establishment of protection lines or other avoidance measures, such as lighting patterns will be implemented prior to any burning around cultural sites.
3. In the event of new cultural materials being discovered during on-the-ground preparation for the project or at any time during any ground disturbing activity, work will cease until the Forest Archeologist or Eastside Archeologist has reviewed the site on the ground and protection measures have been developed.
4. Within contract practicalities, in order to reduce cultural site vulnerability in designated areas, two or three trees with less than or equal to a five-inch DBH will be cut and left on site. The logs will deter cattle from trailing across a site, people from driving through, or other future disturbance at the site.

**Roads**

1. No tracked equipment will be allowed on paved surface roads except during winter operations and only under conditions that protect the road surface from damage.
2. Directional falling away from all road surfaces is required.

3. No decking or skidding allowed on paved surface roads except during winter operations and only under conditions that protect the road surface from damage.
4. No accumulation of debris material allowed within any road prism (i.e. running surfaces, cutbanks, ditchlines, fill slopes).
5. Temporary access points to landings will be constructed to protect surfaced roads.
6. All traffic control regulation and signing will follow Manual of Uniform Traffic Control Devices (MUTCD) standards.
7. Forest specifications for snow removal will govern winter haul operations on all FS system roads.

## **Monitoring**

### **Cultural Resources**

1. All recorded sites will be monitored during project implementation for any impacts.

### **Noxious Weeds**

1. Revisit project areas to determine the effectiveness of prevention measures, and to detect new infestations before they spread.
  - Monitor project areas after ground disturbing activities are implemented for 1-3 years.
  - Monitor main roadways and developed recreation areas.

### **Soil and Water**

1. Implementation and Effectiveness monitoring of BMPs.
2. Review of selected landings, burn piles and underburns by a soil scientist and/or hydrologist to determine which if any restoration treatments are needed to allow establishment of grass and sedge understory.

## **RATIONALE FOR THE DECISION**

Based on the analysis documented in the Red Zone EA, **I have selected for implementation Alternative 3.** 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 need for the proposal, 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 3, because it addresses the mix of resource concerns identified in the area and provides for the best prospective results in regard to stated need for the proposal. I believe the expected results of the actions associated with Alternative 3 will be consistent with the goals intended to “Provide opportunities for people to realize their material, spiritual, and recreational values and relationships with the forest” within the Lakeview Stewardship Unit and is otherwise consistent with the Long Range Strategy for the Lakeview Stewardship Unit.

I believe Alternative 3 responds more effectively than Alternative 2 to the need to improve public and employee safety in the Red Zone area. The treatments of Alternative 3 will produce a longer-term improvement in safe travel on the roads and at recreation sites by creating more open conditions that will reduce future mortality. The continued mortality that would occur under Alternative 2 would perpetuate the safety problems for many years. Road corridors will be more effective as control lines or fuel breaks in the event of a wildfire. The more open conditions will ensure adequate access for suppression resources and equipment, while allowing for the safe evacuation of the area in the event of a wildfire.

Amending the Forest Plan to allow for treatments in allocated old growth (MA 3 and MA 14) will increase effectiveness of treatments by addressing the danger/hazard trees and the potential for additional danger trees in the near future.

The treatments described in Alternative 3 are expected to generate approximately 160,000 tons of biomass and 7 MMBF of sawtimber volume. This addresses the need to provide forest products from the project area through utilization of the trees felled for hazard/danger or thinning purposes. It will result in supporting jobs in the local communities and contributing to the economic well being of local communities. Alternative 3, meets this need better than Alternative 2 because it will result in about 20,000 tons more of biomass and 2 MMBF more sawtimber volume.

During the 30-day public comment period on the Preliminary EA, several respondents expressed concerns with the treatments proposed within portions of three Inventoried Roadless Areas. From the analysis in the EA, I believe that Alternative 3 best provides for continued use of the Forest Visitor Roads adjacent to the roadless areas and meets the need for conditions that create long-term improvements to public and employee safety, without resulting in any significant adverse impacts.

Alternative 1 would not meet the needs or objectives for the proposal because it would do nothing to promote safety and continued use of Forest Visitor Roads and recreation sites.

I believe that Alternative 3 balances the needs for the proposal with being responsive to the identified issues and comments that arose during analysis. I believe that Alternative 3 provides the most effective first step toward long-term safe access and use of the roads and recreation sites in the project area, while minimizing impacts to important forest resources.

## **ALTERNATIVES CONSIDERED**

Other than the selected Alternative 3, the Proposed Action of Alternative 2 and a No Action alternative were analyzed in detail in the EA. While both 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, Alternative 3 incorporates prescriptions to create a more open, potentially longer lasting safety zone adjacent to the primary roads and recreation facilities than Alternative 2.

### **Alternative 1 – No Action**

Under this alternative, no cutting and removing danger/hazard trees, dead trees, live tree thinning, planting or activity fuels treatments, unless authorized by another planning process, would occur in

response to the need for the proposal. Ongoing management practices (such as road maintenance, fire suppression, and personal use firewood cutting) could continue with the selection of this alternative.

### **Alternative 2 – Proposed Action**

The action proposed by the Forest Service was to treat vegetation on about 7,000 acres within a 300-foot zone (150 feet each side of road) along approximately 199 miles of well-used public access roads, in addition to vegetation treatments at about 25 recreation sites. The treatments would include felling dead and infested trees and thinning of live trees. Lodgepole pine prescriptions in Alternative 2 are focused on removing trees that may still be green but are highly susceptible to mountain pine beetle mortality or to hazard or dangers in campgrounds or along roads in association with wind breakage. The proposal includes a Forest Plan Amendment to treat vegetation in portions of designated old growth stands within the project area. The proposed action has been further refined by the addition of details of the prescribed treatments and specific project design features. The details of the proposed action can be found in Chapter 2 of the Red Zone Safety Project EA, identified as “Alternative 2”.

### **Other Alternatives Considered, But Eliminated from Detailed Study.**

The suggestion for a large-scale dead tree removal operation was initially considered prior to public scoping and then further considered following late-Spring 2008 public scoping.

One of the scoping respondents, while supporting the proposal, further suggested “large block sized salvage harvest operations along ridgelines....in concentrated dead lodgepole pine areas to allow higher potential of stopping a large fire” and “dead timber salvage for the (economic) benefit”.

An alternative that followed the theme suggested by this feedback, while it would improve attainment of one of the stated project needs (“to provide forest products from the project area”) would be broader than the stated primary purpose to “improve long-term public and employee safety .... in roadside and hazard trees at other high use areas”. The broadening of the proposal would proportionally increase the magnitude and complexity of the analysis, which could delay project implementation. Given that the primary focus of the project is public safety, and that the need to achieve results rapidly is important, it was the Responsible Officials determination to not pursue a broadened approach with this analysis.

## **PUBLIC INVOLVEMENT**

The Klamath Tribes was initially made aware of the proposal when Tribal Directors were contacted February 6, 2008 to initiate consultation on the project. At that time maps were provided that showed locations where tree felling (150 feet either side of identified roads) was being considered with a primary objective of public safety. Once a more detailed description of specific management activities was formulated, a proposed action, with maps, was publicly scoped in a mailing to the combined NEPA mailing lists of the Paisley, Bly and Lakeview Ranger Districts. That scoping packet was distributed to about 200 parties in late May and early June 2008. The proposal was also listed in each quarterly Schedule of Proposed Actions, beginning with the Spring 2008 issue. A web link at <http://www.fs.fed.us/r6/frewin/projects/analyses/redzone> was publicized through the above methods of contact.

This initial scoping process produced responses from:

Mike Anderson (the Wilderness Society)  
Chandra LeGue (Oregon Wild)  
Gary Johnson (Collins Pine)  
Stephen and Flora Harris  
Stephanie Tidwell (Klamath-Siskiyou Wildlands Center)  
Edward and Marilyn Livingston

Additional input was gained during 2008 from on-going discussions by Ranger District staff members with staff members of both the Klamath Tribes Natural Resources Department and the Klamath Tribes Culture and Heritage departments.

The Lakeview Stewardship Group toured the area in July 2008 with Fremont-Winema National Forests staff invited as guests. Fremont-Winema National Forests staff briefed both the Klamath County Commissioners and the Lake County Commissioners on the project and the situation in the entire “Red Zone” during the late summer of 2008. Additional input was gained from an August 21, 2008 visit to the project area by Governor Kulongoski, the Oregon State Forester and the Region 6 Regional Forester, accompanied by Fremont-Winema National Forests staff.

A 30-day public comment period was provided on a Preliminary EA detailing the proposed action and alternatives to it from December 12, 2008 till January 12, 2009. Comments were received from nine different organizations and individual. Forest Service consideration of these comments is provided in Chapter 4 of the EA (March 2009).

## **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 Red Zone Safety Project EA (USDA Forest Service, March 2009). 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 3 would be limited in scope and geographic application (40 CFR 1508.27(a)). The location of the actions is described in the EA (page 1-4) and on maps (Map Figures 1-1, 1-2, 2-2, 2-3). The physical and biological effects are limited. Except for smoke from burning piles, no effects were identified that went beyond the planning area within the Red Zone.

Based on the site-specific analysis summarized in the Red Zone Safety Project EA and on previous experience with similar proposals, I have determined that implementation of the actions described in Alternative 3 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 project design features (sometimes referred to as mitigation measures) incorporated into the selected alternative (Pages 7-10 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 3 have been fully considered within the EA. Beneficial and adverse direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed within the appropriate context and intensity. I find that my decision would have neither a significant beneficial or adverse impact because the acres treated are a small percentage of similar acres across the landscape in the Fremont National Forest, and the anticipated effects are similar to those in past safety and 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:

This treatment will reduce tree vegetation, reduce residual tree hazards and reduce crown fire potential in the road safety corridor. Through development of the safety zone, growth will be allocated to the most vigorous species, predominantly ponderosa pine, and inter tree competition will be reduced. Understory reinitiation will have the chance to survive because the stands will be open enough to provide resources and growing space for ponderosa pine seedlings (EA pages 3-9 – 3-10)

More areas will be open to the public after the hazardous trees have been felled and removed and more recreation opportunities will be available. Removal of the hazardous trees in recreation sites before they fall will also help protect the infrastructure (e.g. picnic tables, outhouses, etc.). Dispersed campsites that are located within 150 feet of roads may still be available for public use after hazardous trees have been felled and removed from the adjacent roads. Access to trails will be maintained by keeping roads open to 12 identified trailheads within the Red Zone. The clearing of 199 miles of road corridors will improve both public access and fire fighter response strategies and timeliness (EA pages 3-15 – 3-16).

The selected alternative will allow for a breaking up of continuous blocks of high fire hazard areas. This breaking up of the high hazard areas will have an effect on a fire moving through the area. The intensity of the fire will be less, which in turn may alleviate some of the environmental damage and also the forward movement of the fire will be slowed down, allowing for a chance of suppressing it. Creating open forested conditions along road corridors will allow for better access and quicker response times for suppression resources. The treated road corridors could potentially be used as control lines or fuel breaks in the event of a wildfire. The access and egress problems along the roadways will be greatly alleviated with the removal of the dead and dying trees and the thinning to create open conditions. The reduction in ground fuels and ladder fuels will aid in successful use of aerial support to utilizing roadways as possible containment lines (EA pages 3-23 – 3-24)

The danger/hazard, dead tree removal and live tree thinning will yield an open forest and complimentary ground vegetation response. Increases in grasses, forbs and shrubs will limit erosion, improve infiltration, and add litter and nutrients. The construction of temporary access points and landings will have a local, short-term impact on soil productivity as soil displacement and some compaction will occur during the construction and use of these temporary roads and landings. It is not anticipated that detrimental displacement as defined by the Fremont Soil Productivity Guide will occur within the project area. Soil compaction is not likely to occur to any significant degree on the pumice soils prevalent in the project area. Construction of temporary

access points to landing locations will follow the BMP's for roads, thereby mitigating potential sediment inputs to streams (EA pages 3-35 – 3-39).

Damage to soils could occur in the areas of large burn piles that maintain longer durations of heat. Localized reductions in organic matter, loss of soil productivity in the immediate area and reduced water infiltration could result. These effects will be minimized by burning under appropriate soil moistures and conditions, and by careful monitoring during implementation. Maintenance of road segments to bring them up to standards for timber hauling should have beneficial effects on water quality in that drainage, and roads will not be allowed to concentrate water for long distances (EA pages 3-35 – 3-39).

Soil disturbance as a result of treatment activities will be minimized by implementation of Project Design Features, BMPs (see EA Chapter 2 and Appendix B), and control of operations through standard contract provisions (EA pages 3-36 – 3-39).

Vegetation and woody material left on-site, coupled with the large down woody material that will be retained in the area of affected stream channels, should adequately store any increase in sediment delivered to stream channels, and prevent a measurable increase in sediment delivery rates to streams. Effects to water quality from activities in the roadside corridors are not expected to be measurable. All ground disturbing activities associated with these actions will occur outside of RHCAs, with the exception of thinning treatments within RHCAs. Any effects to stream channels and/or fish habitat conditions will be at an immeasurable level in the planning area. The activities of this project will not retard or prevent attainment of 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 (EA pages 3-36 – 3-40).

MIS with habitat present include primary excavators, red-naped sapsucker, pileated woodpecker, black-backed woodpecker, northern goshawk, American marten, and mule deer. The proposed project will treat about 3.4 percent of federal land within Red Zone area. While the proposed project will remove some habitat and may directly harm individuals if they are nesting during the time of project implementation, based on the acres treated, remaining untreated acres, and the amount of available adjacent habitat, effects to these species will be minimal (EA pages 3-45 – 3-51).

The treatments will reduce the risk of trees falling onto the roadway and striking a vehicle or trapping a vehicle in the forest. Developing open forested conditions along the road corridors provides for safe escape routes for the public and access for fire suppression resources in the event of a wildfire. The treatments proposed along travel corridors are responsive to and help promote the Forest Plan goals to operate and maintain a safe and economical transportation system providing efficient access for the movement of people and materials. The treatments also help perpetuate the intended road management objectives for the roads included in the proposal (EA pages 3-64 – 3-67).

The treated corridors (300 foot wide) will become nearly completely characterized by very open ponderosa pine stands (where conditions allow). It is expected that 60% of the road safety corridors will be in open conditions and 40% will be in a thinned forest condition. In the short

term, the increased numbers of stumps and the open nature of the forest stands will likely be the most apparent visual change resulting from implementation. The retention of live non-danger/hazard trees greater than 21 inches DBH will provide an increased awareness of the presence of old growth trees, particularly ponderosa pine. In the long term (20 years), as trees reestablish and grow, the visual characteristics of the corridors will become subordinate to the landscape (EA pages 3-71 – 3-72).

Log decks and slash piles will be visible to visitors during implementation. In the short term, the resulting logging slash and decks will affect the scenic quality of the area for motorist or users of the Scenic River. However, the vast numbers of dead and dying trees due to beetle infestation currently have an affect on the scenic experience for visitors. Slash piles will only remain on the landscape for a short duration and will be burned or otherwise removed following operations (EA page 3-71).

Implementing prevention practices including weed free equipment and avoidance of existing weed infestations will decrease any potential risk for establishment of new noxious weed sites. The Forest's weed control program along with the Project Design Features and Monitoring included in the action alternatives will significantly minimize the potential for spread and establishment of invasive species (EA pages 3-81 – 3-83).

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 (EA, pages 3-15 – 3-16, 3-106, 3-108). This finding is supported by knowledge of past similar projects in which no effects to public health or safety have occurred. The project will meet all criteria to protect air quality and will not result in any long-term effects to air quality (EA, pages 3-24 – 3-25). Alternative 3 will result in beneficial effects to public safety because it provides for long-term safe use of Forest Visitor Roads and recreation sites in the Red Zone planning area (EA pages 3-15 – 3-16).
3. There will be no significant effects on unique characteristics of the area (40 CFR 1508.27(b)(3)) such as parklands or prime farmlands, as there are no such areas in the project vicinity (EA page 3-108). The project will have no impact on floodplains or wetlands as described in Executive Order 11990. Adherence to INFISH (1995) direction provides the mechanism by which the Forest Service complies with Executive Order 11990.

Three roadless areas have been identified within the Red Zone project area: Brattain Butte, Deadhorse Rim and Hanan Trail (Appendix C, 1989 Fremont Forest Plan EIS). The 245 acres of these three roadless areas that are within the project area are, by project definition, within 150 feet of an open primary recreation and/or administrative access road. As such, in all cases any project activity will occur only within the outer 150 foot-wide edge of any roadless area (EA pages 3-73 – 3-74).

The overall effects of Alternatives 3 will be minimal in relation to natural appearance, solitude or unroaded recreation opportunity. Given the limited nature of the Red Zone proposal, and with no additional reasonably foreseeable future actions, there will be minimal, rather than substantial, cumulative affects on the long-term trend of the roadless qualities of these three areas, with either of the action alternatives (EA pages 3-76 – 3-78).

Both the North Fork Sprague and Sycan River are designated Wild and Scenic Rivers. Portions of the river corridors are pure stands of lodgepole pine, and therefore evidence of the mountain pine beetle epidemic is particularly evident. The effect of the dead tree removal and live stand thinning will be to open up the forest and allow increased sight distance. In the short term, the increased numbers of stumps and the very open nature of the forest stand will likely be the most apparent visual change resulting from implementation. The retention of live non-danger/hazard trees greater than 21 inches DBH will provide an increased awareness of the presence of old growth trees, particularly ponderosa pine. In the long term (20 years), as trees reestablish and grow, the visual characteristics of the corridors will become subordinate to the landscape (EA pages 3-71 – 3-72).

Log decks and slash piles will be visible to visitors during implementation. In the short term, the resulting logging slash and decks will affect the scenic quality of the area for motorist or users of the Scenic River. However, the vast numbers of dead and dying trees due to beetle infestation currently have an affect on the scenic experience for visitors. Slash piles will only remain on the landscape for a short duration and will be burned or otherwise removed following operations (EA pages 3-71 – 3-72).

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 Paisley and Bly Ranger Districts in similar areas and the resulting effects are well known and understood. In that sense, there is no known scientific controversy over the impacts of the project. CEQ guidelines relating to controversy refer not to the amount of public opposition, but to where there is a substantial dispute as to the size, nature, or effect of the action. Given the site-specific conditions and impacts disclosed in the EA (EA pages 3-2, 3-108), the effects of implementation of this decision on the quality of the human environment are not likely to rise to the level of scientific controversy as defined by the Council of Environmental Quality.
5. The alternative I have decided to implement will not impose highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)). The Fremont-Winema National Forests have considerable experience with the types of activities to be implemented and the activities proposed in this decision are well-established land management practices. The risks are well known and understood. Based on previous similar actions, the probable effects of this decision on the human environment, as described in the EA, do not involve effects that are highly uncertain or involve unique or unknown risks.
6. My decision to select for implementation Alternative 3 of the Red Zone EA 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 Forest Plan Amendment included in Alternative 3 is limited to the actions of the Red Zone Safety Project.
7. Red Zone EA Alternative 3 is not related to other actions with individually insignificant but cumulative significant impacts (40 CFR 1508.27(b)(7)). The EA (Appendix A) provides descriptions of all activities and natural events that already have occurred, are currently occurring, or are likely to occur in the planning area. The information from Appendix A is incorporated into

affected environment and existing condition descriptions or in cumulative effects discussions for a particular issue or resource in the environmental consequences sections of Chapter 3 of the Red Zone EA. No significant cumulative effects have been identified.

8. Cultural resource field surveys were completed prior to preparing the analysis for this project. Alternative 3 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 protected, sites discovered during implementation of the project will be avoided, and monitoring of sites will occur during project implementation (EA pages 2-12 and 3-55 – 3-58). 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 3 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:

The Oregon and Columbia spotted frogs are Federal candidate species for listing under the Endangered Species Act. However, they are also Forest Service sensitive species, and were addressed as a part of the Biological Evaluation for this project. The best available habitat on the Ranger Districts has been surveyed with no detections (EA page 3-42).

The Wildlife Biologist made 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” of any Region 6 sensitive wildlife species that may be present in the planning area (EA page 3-44).

Red Zone Safety Project is “Not Likely to Adversely Affect” redband trout and Miller Lake lamprey. The proposed project “may impact individuals or habitat of redband trout and Miller Lake lamprey” however, this project is not likely to result in a trend toward federal listing or loss of viability of Region 6 sensitive fish species, redband trout or Miller Lake lamprey. The project will have “No Effect” on federally threatened bull trout (EA page 3-40).

Documented or suspected habitat for Federally listed Threatened, Endangered, or Candidate plant species does not occur on the Fremont-Winema National Forests. Three plant species, *Astragalus applegatei*, *Tuctoria greenei*, and *Orcuttia tenuis*, are currently Federally listed in Klamath and Lake Counties.

Applegate’s milkvetch, *Astragalus applegatei* is listed as Endangered in Klamath County. This species is known from three populations in the Lower Klamath Basin near the city of Klamath Falls, Klamath County. It is restricted to flat-lying, seasonally moist, strongly alkaline soils, which was historically characterized by sparse, native bunch grasses and patches of bare soil. This habitat type does not occur on the Forests.

Greene's tuctoria, *Tuctoria greenei* and slender orcuttgrass, *Orcuttia tenuis*, were listed as Endangered and Threatened, respectively, in Lake County on September 18, 2008. These two annual grasses are known to occur in vernal pool habitats on the Modoc National Forest in California south of the project area. No locations or suitable habitat have been identified in Oregon to date. The lack of suitable habitat will be confirmed by surveys beginning during the 2009 field season in coordination with U.S. Fish and Wildlife Service. If suitable habitat is located, then inventories will be conducted to determine the presence or absence of these species.

Of the known sensitive species that are documented or suspected to occur on the Fremont-Winema National Forests, three sensitive plant species, *Castilleja chlorotica*, *Eriogonum umbellatum glaberrimum* and *Penstemon glaucinus*, have occupied habitat within the project area. Project Design Features have been specifically tailored to minimize any impacts to these species from project implementation (EA pages 2-12 and 3-92 – 3-94).

The Forest Botanist made a finding of “no impact” or “may impact individuals or habitat, but will not likely contribute to a trend towards Federal listing or cause a loss of viability to the population or species” for all Region 6 Sensitive Plant, Lichen and Fungi Species that have potential habitat within the planning area (EA pages 3-95 – 3-100).

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 Paisley and Bly Ranger Districts 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, with the exception of treatments in allocated old growth (MA 3 and MA 14), is consistent with the goals, objectives, and direction contained in the Record of Decision (ROD) for the Fremont National Forest Land and Resource Management Plan and accompanying Final Environmental Impact Statement (1989). Alternative 3 (excepting activities in MA 3 and MA14) 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 (EA page 3-59).
3. This decision is in compliance with Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (EA page 3-106). The project also complies with Executive Order 11990 (protection of wetlands) (EA page 3-107) and Executive Order 13112 (invasive species) (EA page 3-79).

4. 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 acknowledgement of incomplete or unavailable information, scientific uncertainty and/or risk.

### **NFMA Finding of Non-Significant Forest Plan Amendment**

This decision is being made under the 2008 Forest Service planning regulations (36 CFR 219) which allow plan amendments to be made using the procedures from the 1982 planning regulations during the three-year transition period (36 CFR 219.14(b)(2)). This amendment is being made using the 1982 procedures. FSH 1909.12, Section 5.32, outlines the factors to be used to determine whether a proposed change to the LRMP is significant or not significant, based on National Forest Management Act requirements.

I have determined that my decision to adopt the proposed Forest Plan Amendment #33 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 following standards and guidelines for management of allocated old growth (MA 3 and MA 14):

- Old-growth pine and pine-associated stands are dedicated, i.e. receive no timber management; however, these stands may have wildlife habitat enhancement projects to maintain or enhance old-growth habitat.
- Natural fuels management will take place in old-growth areas only to meet old-growth habitat objectives.
- Lodgepole pine old growth will be managed on a 120-year rotation by designating a system of replacement old growth for that which becomes unsuitable habitat due to wildfire, insect infestations, windthrow, etc. (LRMP, page 139).

This amendment will allow for safety-related prescriptions to be implemented within allocated old growth areas in the Red Zone Safety Project area (EA pages 2-7 – 2-8). Treatments within designated old growth are for the purpose of creating and maintaining open conditions along the travel corridors that provide for safe ingress and egress for employees and the public, access for fire suppression resources and potential backburn control points, while also providing for long-term safety and accessibility of recreation sites in the Red Zone. Specifically, for this project, on approximately 276 acres of MA 3 or 14, treatments will include the full range of actions that are planned elsewhere in the project (cutting and removing danger/hazard trees, cutting and removing dead trees, fuels treatments, etc.) and live tree thinning described on EA page 2-9, along with the Project Design Features that are proposed elsewhere in the project area. These actions will occur within portions of 37 discreet blocks of MA 3 or 14 allocations that border project roads in a scattered manner throughout the Red Zone planning area (EA page 3-52).

This site-specific amendment applies only to the Red Zone Safety Project 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. There are approximately 17,455 acres of allocated old growth within the planning area. This site-specific amendment will result in treatment activities occurring in 1.6 percent

of the allocated old growth within the planning area. Any outputs will be minimal given the limited nature and scope of the activity (EA page 3-52).

**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 Appeal Deciding Officer is Mary Wagner, Regional Forester. Any Appeal should be addressed to the Regional Forester. Hard copy of the appeal can be delivered using the postal address ATTN 1570 Appeals, P.O. Box 3623 Portland, OR 97208-3623; it can be faxed to (503)808-2255; e-mail should be sent to, [appeals-pacificnorthwest-regional-office@fs.fed.us](mailto:appeals-pacificnorthwest-regional-office@fs.fed.us) or the appeal can be delivered by hand to 333 SW First Avenue, Portland, Oregon between the hours of 8:00am to 4:30 pm, except legal holidays. The appeal must be received within 45 days of the legal notice announcing this decision in the Klamath Falls *Herald and News* newspaper. The publication date of the legal notice in the Klamath Falls *Herald and News* is the exclusive means for calculating the time to file and appeal and those wishing to appeal should not rely on dates or timeframes provided by any other source.

Electronic submittals must contain the projects name and the appellant's name, address, and phone number, if available, and either a scanned signature or other verification of authorship upon request. 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. For electronically mailed comments, the sender should normally receive an automated electronic acknowledgement from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgement of the receipt of the comments, it is the sender's responsibility to ensure timely receipt by other means. Individuals and organizations wishing to be eligible to appeal must meet the information requirements of 36 CFR 215.6.

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.

/s/ Karen Shimamoto  
KAREN SHIMAMOTO  
Forest Supervisor  
Fremont-Winema National Forests

April 7, 2009  
DATE

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