

# DECISION NOTICE

## FINDING OF NO SIGNIFICANT IMPACT, AND FINDING OF NON-SIGNIFICANT LAND

FOR THE

### **Fremont-Winema National Forest Programmatic Restoration Project**

*USDA Forest Service  
Fremont-Winema National Forests  
Lake and Klamath Counties, Oregon*

Location: This decision will apply to restoration actions that would occur on the Forest and adjacent lands that can appropriately use National Forest funds to accomplish the project.

### **Background**

The Forest has had many years of experience with watershed restoration actions that involve riparian, wetland, upland, road, and in-stream projects. There is a need for the Forest to be able to respond quicker to simple actions when partners propose to sponsor a project on the Forest or the Forest needs to respond quickly to take advantage of available funds. The US Fish and Wildlife Service (USFWS) has been accomplishing many important restoration projects using their *Programmatic Environmental Assessment for Klamath Basin Ecosystem Restoration Office Projects for projects through 2015* (Programmatic Restoration EA). The Forest has a need to accomplish many of the same types of actions. However, the Forest takes a longer time to implement the restoration actions because of the lengthy National Environmental Policy Act (NEPA) process and/or a lack of funding to prepare the analysis. The Forest typically spends 10 to 20 thousand dollars and four to eight months to complete simple restoration actions that fall under a categorical exclusion. Historically the public provides few or no comments to these types of actions. Most of the available funding sources for implementation require the NEPA process to be completed and will not fund NEPA analysis. Often the Forest is unable to take advantage of available funds because it lacks the money to prepare the NEPA analysis or the analysis cost exceeds the implementation costs.

Council of Environmental Quality (CEQ) regulations provide for adoption of another agency's NEPA when the actions are substantially the same. 40 CFR 1500.5(h) allows an agency to eliminate duplication of Federal procedures by adopting appropriate environmental documents prepared by another agency (section 1506.3). 40 CFR 1506.3(b) allows an agency to adopt the NEPA analysis of another agency "if the actions covered by the original environmental impact statement and the proposed action are substantially the same. The agency adopting another agency's statement is not required to re-circulate it except as a final statement. Otherwise the adopting agency shall treat the statement as a draft and recirculate it (except as provided in paragraph (c) of this section)."

## Fremont-Winema National Forest Programmatic Restoration Project Decision Notice

The Fremont-Winema National Forest proposes to implement a decision that will cover the NEPA requirements for a list of future restoration projects by adopting the analysis disclosed in the USFWS Programmatic Restoration EA. Doing so would allow the Forest to collaborate more efficiently with partners on a set of actions over multiple ownerships. Therefore, restoration actions could proceed more quickly and make more efficient use of the Forest's budget.

The original proposal was developed with input from organizations that have provided comments and collaborated on other Forest projects. They indicated that project descriptions were too general and that the description of the silvicultural treatments did not adequately describe the type of actions that could be covered by the decision. The Forest adjusted the project descriptions by incorporating narrative from the US Forest Service Pacific Northwest Regional programmatic consultation biological assessment (BA) and associated biological opinion (BO) for restoration actions into our project category descriptions. This modification assures that (1) additional resource concerns found during project development are incorporated as mitigations into the action(s), (2) a context for the restoration action to fit landscape or watershed need is provided, and (3) an opportunity for the public to voice concerns about the action(s) so the Forest can determine if changes are needed to the project or if a project-specific NEPA analysis should be conducted. The Forest provided additional description for silvicultural treatments descriptions to network with a larger portion of the public prior to signing a decision. The public still voiced concern that the silvicultural actions were too general.

### Decision

After careful review of the projects covered by the USFWS's Programmatic Restoration NEPA document I have found them to be substantially the same types of actions the Forest is proposing and will adopt their analysis for supporting my decision to implement the programmatic restoration project. The categories of actions that will be covered by this decision are summarized below and in more detail in Attachment 1, Restoration Action Categories, and Attachment 2, Restoration Category Design Criteria. Not all the actions described in the USFWS document will be implemented under this decision. Excluded actions include those already covered by a Forest-wide decision, actions with a larger scope and more appropriately covered by an independent analysis, or actions the public felt the Forest cannot adequately describe at this time. The category descriptions are based on and, for the most part, use the same headings as those found in the USFWS Programmatic Restoration EA. Furthermore, the programmatic design features and project descriptions found in the *Fish Habitat Restoration Activities Biological Assessment of Dec12, 2006* and associated BO have been blended into the category descriptions. The proposal was also compared to the draft Biological Assessment for the next round of restoration consultation and found to be consistent with its guidelines. Once the final BA is completed and the regulatory agencies issue their Biological Opinions (BO), this decision will be reviewed and design criteria modified to be consistent with any new criteria and findings.

After review of public responses, I removed the more complex vegetation treatments involving timber harvest and juniper treatments and controlled disturbances from the list of actions covered by this decision. An appropriate action to be covered by this decision must fit within the description and associated design criteria of one or more of the categories summarized below, see Attachments 1 and 2 for more detail.

1. Installation of in-stream structures using large wood and boulders, and gravel placement for fish habitat/passage;
2. Restoration to establish natural hydrologic functions in riparian/wetland habitats;
3. Hydrologic modifications to stream side channels;
4. Development of off-channel refuge areas;

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5. Reshaping ditched/straightened stream channels, abandoning and/or plugging straightened reaches, and/or relocation of streams to historic channels;
6. Installation of bioengineered stream bank stabilization and sedimentation/erosion reduction structures;
7. Installation of bioengineered soil and slope stabilization structures and the implementation of sediment and erosion reduction technique;
8. Restoration or enhancement of natural wetlands and their function;
9. Creation and/or management of wetlands and their function;
10. Installation or development of wildlife foraging, breeding, nesting, and basking structures;
11. Installation of stream bank and/or cross pasture fencing for livestock exclusion and/or control of grazing management, off-channel livestock facilities, livestock stream crossings, riparian and wetlands;
12. Installation of livestock fencing and/or cross fencing for grazing management or livestock watering facilities in uplands;
13. Drainage improvements on roads;
14. Planting native vegetation;
15. Silviculture treatments in riparian/wetlands and uplands, hand cutting of vegetation
17. Re-engineering of diversion structures;
18. External and/or internal modification of culverts;
19. Realignment of culverts;
20. Replacement of undersized culverts;
21. Replacement of culverts and bridges; and
22. Removal and use of large trees for in-stream and riparian restoration actions.

These actions are well defined and are detailed enough to disclose impacts. They are substantially the same as those used for consultation with regulatory agencies under the USFWS Programmatic Restoration EA. In fact, the actions are described in more detail and are being constrained so that expected impacts will be the same no matter where the action takes place. I have included in Attachment 3, restoration project description, instruction to provide detailed project descriptions modeled after the programmatic consultation for National Fire Plan Projects. Though this consultation is no longer used, its direction asks for complete and understandable project descriptions that will work well for this process.

Implementation Process:

Collaboration: A description of the collaborative process used to develop the proposal will be disclosed as part of the project description as well as how the action fits within the larger watershed scale of restoration and resource improvement proposals as part of either a Forest watershed assessment or joint proposals developed with other agencies and partners.

Coordination and consultation: A complete project description along with maps and diagrams, as needed, would be prepared for consultation with the Klamath Tribes and provided to the public for review (see Attachment 3). Voiced concerns would be used to adjust the action or determine if it is appropriate to implement the action under this programmatic restoration decision or an independent NEPA analysis. The project would need to be coordinated with any special use permittee potentially impacted by the project. Permittees would be given the opportunity to appeal the action (36 CFR 251) if they have questions about it impacting their

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permitted activity. Regulations require the Forest to provide CFR 251 appeal rights for any decision the Forest makes that potentially impacts a permitted action. For the public I will administratively review actions when requested for a three year period. This review would be to determine if the action is appropriate to implement under the programmatic restoration decision.

Surveys: The project area and any associated areas for large wood, gravel, or other material needed for the action will be surveyed for Endangered Species Act (ESA) and sensitive species, invasive species, and cultural resources. If any sensitive species or cultural sites are found, appropriate mitigation will be incorporated into the project description. The cultural resource findings will be coordinated with the State Historic Preservation Office (SHPO). Each action will have an invasive species prevention plan. In the Northwest Forest Plan portion of the Forest, site specific information will be used to determine what surveys or management of known survey and manage species sites would be required.

Need for Action: The project description would include why this action is needed, how it fits within the broad scale objectives for the watershed(s), and what the expected outcome(s) will be.

Monitoring: When necessary, provide for monitoring to assure the project objectives are met. This can be accomplished through partnerships. Monitoring design will be realistic in nature allowing it to be accomplished.

Documentation: A project will utilize the Restoration Project Description form (Attachment 3) to capture the project descriptions, document the above required steps, and record findings from monitoring.

Consultation for ESA listed species: The project design criteria incorporated from the programmatic consultation for watershed restoration projects assures that no additional consultation will be needed except for vegetation actions proposed in category 15 - Silviculture treatments in riparian/wetland and uplands. When these actions are determined to have a "may effect" on ESA listed species, consultation will be needed.

Yearly monitoring of use of this programmatic restoration decision: The Forest will track the use of this programmatic restoration decision and summarize the type and number of actions that utilize this decision. Projects that utilize this decision and the results of any associated monitoring associated will be made available on the Forest's projects web page.

## **Rationale for the Decision**

The impacts associated with implementing these restoration actions are well known by our past experience with such actions and are summarized in the US FWS Programmatic Restoration EA and the Forest Service BLM programmatic consultation BA. These actions would normally be prepared using a categorical exclusion and tend to be well supported by the community. The impacts are not significant, see below, on their own and are not expected to be highly concentrated in a particular area of a watershed. If for some reason actions do get concentrated in an area of the watershed, mitigations will be developed to reduce impacts, which may include staggering actions over time and space.

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A project's design criteria and additional mitigations incorporated during proposal development and field surveys will assure protection of various Forest resources of concern. The projects will also be consistent with Forest Plan standards and guidelines and management area direction. If a Forest Plan amendment is needed to implement a project, it will not be covered by this programmatic decision. This decision is not expected to compromise any resource values. The intent of the decision is to enhance resource values, to allow the Forest to respond more quickly, and to provide better support for local economic development. For example, it would assist the Forest in being able to provide restoration actions that support the Collaborative Landscape Restoration (CFLR) program in the Lakeview Sustained Yield Unit and allow more of the funds to be spent on implementing projects rather than on individual project NEPA analysis.

Partners and stake holders would also benefit. Projects would not be delayed by redundant NEPA process and the funds needed for NEPA analysis would not have to be found. It will change the way the Forest can interact with the community. The Forest will be able to more holistically support restoration needs identified across multiple land ownerships in a timely manner. This may include the use of Forest Service funds to accomplish actions on private lands.

Our work and collaboration with the Klamath Tribes would also benefit from this decision. Projects important to the continued supply of treaty rights would be easier to coordinate and implement. Here again, the Forest would not have to wait for the NEPA process to be completed or find the funds for analysis. Through a partnership, the Klamath Tribes could more easily fund and implement qualifying actions aimed at restoring habitat necessary for meeting treaty rights. The local community as a whole will benefit.

### **Other Alternatives Considered**

Selecting a no action alternative would continue the current practice of preparing NEPA analysis on a project-by-project basis. Managing resources this way has been a frustration to the community and our resource specialists because the Forest's inability to quickly respond and has kept us from being able to take advantage of implementation funds when they are available. Under current budget conditions the Forest has not been able to prepare NEPA for easy and necessary actions quickly enough or not at all, making us an unreliable partner. The delay and complexity caused by the Forest Service's interpretation of the NEPA process makes us a questionable partner for activities that should take little time to complete. The Forest loses the ability to show support for the development of restoration contractors in our local communities. We are losing the ability to help diversify the local economy and the use of the Forest for local incomes.

### **Public Involvement**

The Forest is adopting the USFWS Programmatic Restoration EA. In doing so under 40 CFR 1506.3 the Forest is not required to follow the standard Forest Service NEPA process in providing a comment period or appeal of the decision. The regulation says:

*(a) An agency may adopt a Federal draft or final environmental impact statement or portion thereof provided that the statement or portion thereof meets the standards for an adequate statement under these regulations. (It is adequate for the Forest to use this analysis.)*

*(b) If the actions covered by the original environmental impact statement and the proposed action are substantially the same, the agency adopting another agency's statement is not required to re-circulate it except as a final statement. Otherwise the*

*adopting agency shall treat the statement as a draft and re-circulate it (except as provided in paragraph (c) of this section. (The Forest is not re-circulating the final EA prepared by the USFWS. It is a final document and a decision can be made using its findings.)*

*(c) A cooperating agency may adopt without re-circulating the environmental impact statement of a lead agency when, after an independent review of the statement, the cooperating agency concludes that its comments and suggestions have been satisfied. (This does not apply.)*

*(d) When an agency adopts a statement which is not final within the agency that prepared it, or when the action it assesses is the subject of a referral under Part 1504, or when the statement's adequacy is the subject of a judicial action which is not final, the agency shall so specify. (This does not apply.)*

CEQ regulation 40 CFR 1500.5(h) also directs agencies to reduce delay “*by eliminating duplication ... with other federal procedures by providing that an agency may adopt appropriate environmental documents prepared by another agency (section 1506.3)*”.

The USFWS NEPA process had adequate public involvement and has been successful with implementing the programmatic decision. The Forest networked our proposal to adopt the analysis of the USFWS' Programmatic Restoration EA for our decision with approximately 340 individuals, organizations, and permit holders. The Forest received eight written responses and two phone calls about the decision. Comments have been grouped into the following categories.

Trust: Trust of the Forest to do what we say was a major concern voiced by most respondents. Almost all concerns voiced could be tied to public trust of the Forest to do what it proposed and not to stretch the covered actions into proposals that should not have been covered by the decision. I realized public trust needed to be addressed because of the NEPA adoption process I chose and because of the programmatic nature of the decision which will cover the NEPA process for many types of future restoration/resource improvement actions. In addition, there is a need to assure the collaborative nature of future project development will be followed. A letter to the Forest was written as part of this decision to explain how the programmatic restoration process will work and focus the Forest on building relationships.

In order to build public trust, I have removed the more complex and controversial parts of the proposal dealing with commercial removal from the silvicultural treatments as well as potential large landscape actions associated with juniper treatments. I also removed the controlled disturbance actions associated with the use of fire in riparian areas and other parts of the landscape. These types of treatments to be effective have the potential to be large in scale. The public wants to be involved with the development and NEPA analysis of these types of actions. The Forest is unable to develop a detailed description of these complex actions therefore they will not be covered by this programmatic decision. Hand-type treatments for hardwoods and other vegetation management actions were retained as long as trees are not removed as a commercial product. I expect down trees near roads to get cut for personal-use firewood.

Collaboration and public involvement: Development of project proposals covered by this decision will be collaborative. The Forest is expected to work with local agencies, groups, and tribal government to build support and develop actions within a holistic watershed approach. It is considered an important aspect of restoration to have actions that work together and that Forest projects support the desired condition and functions of a watershed. The next round of programmatic

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restoration consultation (replacing the current programmatic consultation) also provides for a more holistic approach to restoration and improvement actions. It is important that the restoration actions proposed for implementation under this decision take into account the other actions occurring in the watershed.

Collaboration will be focused on the groups and agencies working on the projects. The partnerships that develop restoration proposals will be expected to have members representing various interest groups. It is likely that some people will not feel represented by the collaborative process. Prior to implementing the proposal, the Forest will post the actions on its web page to allow other interested public to review and respond to the Forest with any concerns. Though this is not a NEPA process, it enables the Forest to use public concerns and modify the action or determine if the action is better disclosed under an independent NEPA analysis if necessary. I believe this collaborative and public process will provide better involvement than most of the actions documented using a categorical exclusion and decision memo.

NEPA Process: I have heard the concern that by adopting another agency's NEPA analysis the public will lose the ability to provide comments and appeal decisions. The actions I am proposing to implement under this programmatic decision are ones that historically do not receive many comments and are well supported. This process will provide a public review period prior to implementation so that public concerns can be reviewed and the action modified if necessary. This is not the same as the NEPA comment period which established standing for an appeal. This public review process will be the key to determining if the action should be covered by an independent NEPA analysis.

For this decision, an appeal period was not offered however public comments were received on the proposed decision prior to implementing it. The process was similar to an objection process. The public responses were used to modify the decision that was circulated to the public.

The district ranger will be the official authorizing an action under this programmatic restoration decision. For the next three years I will set up a review process so the public can ask me to review an action they feel should not be authorized by this programmatic decision. This will allow the process to develop and help develop public trust. The review will focus on the design criteria and how well the actions fit the decision's criteria.

Analysis: The analysis within the USFWS programmatic EA is adequate to support my decision for the described actions. It has been reviewed and commented on by the public. I will provide an opportunity for the public to provide focused comments about specific proposed restoration actions prior to implementation. Resource concerns can be dealt with in specific project mitigation. The sideboards provided by the project design criteria focus impacts so they can be disclosed and projects implemented consistent with those disclosed impacts. Additional disclosure of impacts to Forest Service, Pacific Northwest Region (Region 6) sensitive and ESA listed species is being provided in the BEs prepared for this decision. Should there be any new science that needs consideration, like when the new programmatic consultation Biological Opinion (BO) or updated analysis for restoration actions, this decision will be reviewed and the projects or design criteria changed to be consistent with the new findings, restoration objectives, or technics per direction in FSH 1909.15 section 18.

Monitoring: Any monitoring called for as part of a project will be performed and results displayed on the Forest web page. The overall use of the programmatic restoration decision will also be monitored. It is important to disclose to the public the number and type of actions that are being proposed and implemented in specific watersheds. Programmatic restoration actions implementation monitoring

will occur yearly and will be posted on the Forest web page. As a startup for the implementation monitoring process, I plan to create a third party monitoring process and invite individuals to evaluate how the process is working and publish their findings on our Forest web page.

### **Finding of No Significant Impact**

My determination of significance is based on careful consideration of the EA and Forest BEs in consideration of the context and intensity factors listed in 40 CFR 1508.27.

#### *Context*

The actions included are described in Attachments 1 and 2 of this decision and will take place across the Fremont-Winema National Forest. The overall planning area for the Programmatic Restoration Project is the Fremont-Winema National Forest. The effects disclosed in the USFWS EA are for specific actions at various locations to be determined at the time of project development. The effects, as controlled by the project design criteria and specific mitigation, would be nearly the same no matter where the activity occurs. The additional site specific mitigations applied to actions are intended to keep the impacts within an acceptable range, consistent with the Forest Plans, and provide site specific protection to resources. If an action cannot be designed to fit the programmatic constraints, an independent NEPA analysis would be required prior to implementation.

Though the actions will occur across the Forest, they will be located in specific areas and the majority would be small in scale. Hardwood restoration and thinning for stocking level control are actions that have the potential to be large in size. These actions may be up to approximately 70 acres for hardwood thinning and 40 acres of thinning per site. Additional mitigation and public input would assure that impacts from these actions would be small in scope and not carry far beyond the impacted areas.

Based on the analysis and the extent of potential effects, this project is local in scope and administration. Impacts, for the most part, will be confined to the activity site with mitigations incorporated to assure impacts will be consistent with those disclosed in the analysis and reduce any potential downstream disturbance.

#### *Intensity*

The beneficial and adverse direct, indirect, and cumulative impacts discussed in the EA have been disclosed within the appropriate context. Effects are expected to be low in intensity because of project design and the resource protection features put in place to reduce impacts to resources. Significant effects to the human environment are not expected. The rationale for the determination of significance is based on the environmental assessment in light of the factors listed below:

#### **1. Impacts that may be both beneficial and adverse (40 CFR 1508.27(b)(1))**

While the EA discloses short-term and minor deviations from the existing conditions, in my experience with similar projects, none of these effects have been found to be significant. These actions taken individually could fall under a categorical exclusion because history has shown these effects to be minor. Effects associated with these actions can be accomplished with resource protection and minimal impacts to other uses of the Forest. All proposed activities would result in conditions consistent with direction found in the Forest Plan.

#### **2. Effects to public health and safety (40 CFR 1508.27(b)(2)).**

Implementation of any of the actions would not result in any health or safety concerns to the public. Should an action be taken that may impact downstream water use, mitigations would be incorporated to protect that use or the action would not occur using this programmatic restoration decision.

**3. Effects to unique characteristics of the geographic area (40 CFR 1508.27(b)(3)).**

The proposed restoration actions would not be large enough in scale to detrimentally impact unique characteristics of the geographic area. The site specific actions would work together to restore aspects of the landscape or specific habitat needed to maintain desired species and diversity.

**4. Effects on the quality of the human environment that are likely to be highly controversial (40 CFR 1508.27(b)(4)).**

There are differing opinions on whether restoration is appropriate, where it should occur, and what the impacts are to the ecosystem. The level of controversy or interest in restoration actions is not the focus of this criterion; rather it is the degree of controversy over the effects.

To assure the Forest considers potential controversy over impacts from an action, the programmatic restoration decision has several check points. The first is that the action must meet the design criteria for the categories the action falls under. The project will disclose how it fits within the context of a larger watershed or local need for restoration, the Klamath Tribes will be consulted, and the public may review the project so that concerns can be considered prior to implementing the action.

The USFWS did not find any significant disagreements with the disclosure of effects in the EA or public comments. They have been successful in implementing actions on private lands. Although there may be controversy and disagreement among the public over the potential for significant effects from a project of this size, the professional experts and scientific research consulted agree that the activities can be implemented without significant adverse effects on the environment. Should actions be grouped together in close proximity, timing constraints mitigation will be developed to reduce impacts. All actions meet Forest Plan Standards and Guidelines.

**5. Effects on the human environment that are highly uncertain, or involve unknown risks (40 CFR 1508.28(b)(5)).**

My decision will not impose any highly uncertain, unique, or unknown environmental risks. These types of restoration actions have been performed for years, have been well accepted by the community, and impacts well known. Individually they can be covered in categorical exclusion.

**6. Establishment of a precedent for future actions with significant effects or implication of a decision in principle about a future consideration (40 CFR 1508.27(b)(6)).**

The decision is similar to many that have previously been made and will continue to be made by Forest Service line officers for restoration activities on National Forest System lands and is not expected to establish a precedent for future actions nor does it represent a decision in principle about a future consideration. An action may fit within a plan or sequence of restoration actions to accomplish a specific landscape objective but because actions occur over time, as funding becomes available, it does not mean the first action set a precedent for the future because the decision to proceed with future actions is dependent on other factors.

**7. Relationship to other actions with individually insignificant but cumulative significant impacts (40 CFR 1508.27(b)(7)).**

Though multiple restoration actions may occur in a watershed or specific reach of a stream that involves multiple land owners, they would be looked at together and mitigations applied such that cumulative impacts of concern would not occur.

**8. Effects to resources listed or eligible for listing in the National Register of Historic Places, and significant scientific, cultural, or historic resources (40 CFR 1508.27(b)(8)).**

Cultural resources protection measures will be incorporated into project development to reduce the risk of damage to cultural sites.

**9. The Programmatic Restoration projects would not adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (40 CFR 1508.27(b)(9)).**

The project site would be reviewed for sensitive and ESA listed species. Specific mitigations would be incorporated into the project to address concerns. All actions, but those that fall under category 15, silviculture treatments in riparian/wetland and uplands, have project design criteria to be consistent with the Regional programmatic consultation for restoration actions. Should a silvicultural treatment be determined to have a "may effect" on ESA listed species, consultation with the appropriate regulatory agency would occur.

**10. The Programmatic Restoration projects do not threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10))**

The project complies with the Endangered Species Act and the Clean Water Act. Wetlands would be protected through additional mitigation when needed. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. Implemented actions will be designed consistent with the Fremont and Winema National Forest Land and Resource Management Plans.

**Finding**

On the basis of the information and analysis disclosed above, it is my determination that implementation of the Programmatic Restoration project does not constitute a major federal action significantly affecting the quality of the human environment; therefore an Environmental Impact Statement is not needed.

**Findings Required by Other Laws and Regulations**

*National Forest Management Act and Forest Plan Consistency*

This decision is also tiered to the Final Environmental Impact Statements for the Fremont National Forest Land and Resource Management Plan and the Winema National Forest Land and Resource Management Plan (40 CFR 1500.4, 40 CFR 1502.20 and 40 CFR 1508.28). This decision to implement restoration actions is consistent with the intent of the Forest Plans' long term goals.

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Projects will be designed for conformance with appropriate land and resource management plan standards and incorporate appropriate guidelines for soil and water, wildlife habitat, riparian and fisheries habitat, cultural resources, facilities, recreation, range, ecosystems, air quality, pest management, threatened, endangered, and sensitive species, visual resources, and management areas.<sup>1</sup> I have determined that this decision is consistent with the two Forest Plans based on implementation requirements.

The decision will comply with Executive Orders 11988 and 11990, dealing with floodplains and wetlands. The decision also complies with other laws and regulations such as the National Forest Management Act, Clean Water Act, Endangered Species Act, and the National Historic Preservation Act by being consistent with the Forest Plans and implementation instructions.

**Implementation Date**

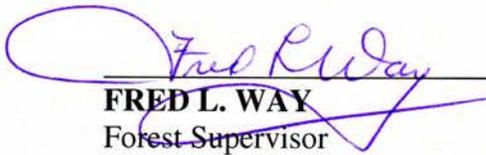
This decision is not subject to appeal and can be implemented immediately.

**Administrative Review or Appeal Opportunities**

There is no administrative review or appeal offered for this decision because 40 CFR 1506.3 does not require a comment period to determine who would have standing for appeal. The Forest did offer a public review of the decision prior to signing. Public comments were considered and the proposal modified.

**Contact**

For additional information concerning this decision contact Phillip Gaines, Forest Fisheries Biologist, at 541-947-6258, e-mail: [phillipgaines@fs.fed.us](mailto:phillipgaines@fs.fed.us) or the mailing address is 1301 South G Street Lakeview, OR 97630 USA.

  
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**FRED L. WAY**  
Forest Supervisor

*28 December 2012*  
Date

<sup>1</sup> Chapter 4 of the Fremont and Winema National Forests Plans