

# Decision Memo

## Fremont-Winema National Forest

### Forest Plan Amendment

### Winema LRMP Management Area 3

#### Decision & Summary

It is my decision to amend the Winema Land and Resource Management plan to eliminate the limitation to only treat 30-35% of Management Area 3 (Scenic Management) at one time.

36 CFR 219.13 (b)(3) says:

*Amend the plan consistent with Forest Service NEPA procedures. The appropriate NEPA documentation for an amendment may be an environmental impact statement, an environmental assessment, or a categorical exclusion, depending upon the scope and scale of the amendment and its likely effects....*

36 CFR 220.6(e)(16) describes the categorical exclusion that allows plans to be amended without completing and Environmental Assessment or and Environmental Impact Statement. It says:

*Land management plans, plan amendments, and plan revisions developed in accordance with 36 CFR 219 et seq. that provide broad guidance and information for project and activity decision making in a NFS unit. Proposals for actions that approve projects and activities, or that command anyone to refrain from undertaking projects and activities, or that grant, withhold or modify contracts, permits or other formal legal instruments, are outside the scope of this category and shall be considered separately under Forest Service NEPA procedures.*

This amendment has recently been completed at the project level and was found to have no effects. Interdisciplinary teams reviewed the proposed amendment at the project and forest levels and found that no extraordinary circumstances exist relevant to the amendment. The amount and types of treatments are not different than what was analyzed in the original plan. Only the timing of the treatments would change.

#### How the 2012 Planning Rule applies to the plan amendment<sup>1</sup>

I prepared this forest plan amendment under the 2012 Planning Rule for the Winema Land and Resource Management Plan. The 2012 planning rule has different provisions than the 1982 Planning Rule under which the existing plan was originally developed. This amendment follows the requirements outlined at 36 CFR 219.13 as outlined later in this document.

#### Purpose and Need of the Amendment

The Winema Land and Resource Management Plan was published in 1990. Due to changing understanding of forestry and ecosystems, delayed management that has led to the growing threat of catastrophic megafires, the plans need to be updated.

Overarching Desired Condition in MA3 (from Winema LRMP): *The desired future condition is a forested environment. This environment includes a mix of native coniferous trees and shrubs, periodically interspersed with natural meadows and flats, talus slopes, rock outcrops, and rimrock. Size classes range*

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<sup>1</sup> [Amendment Applies to all future Projects]

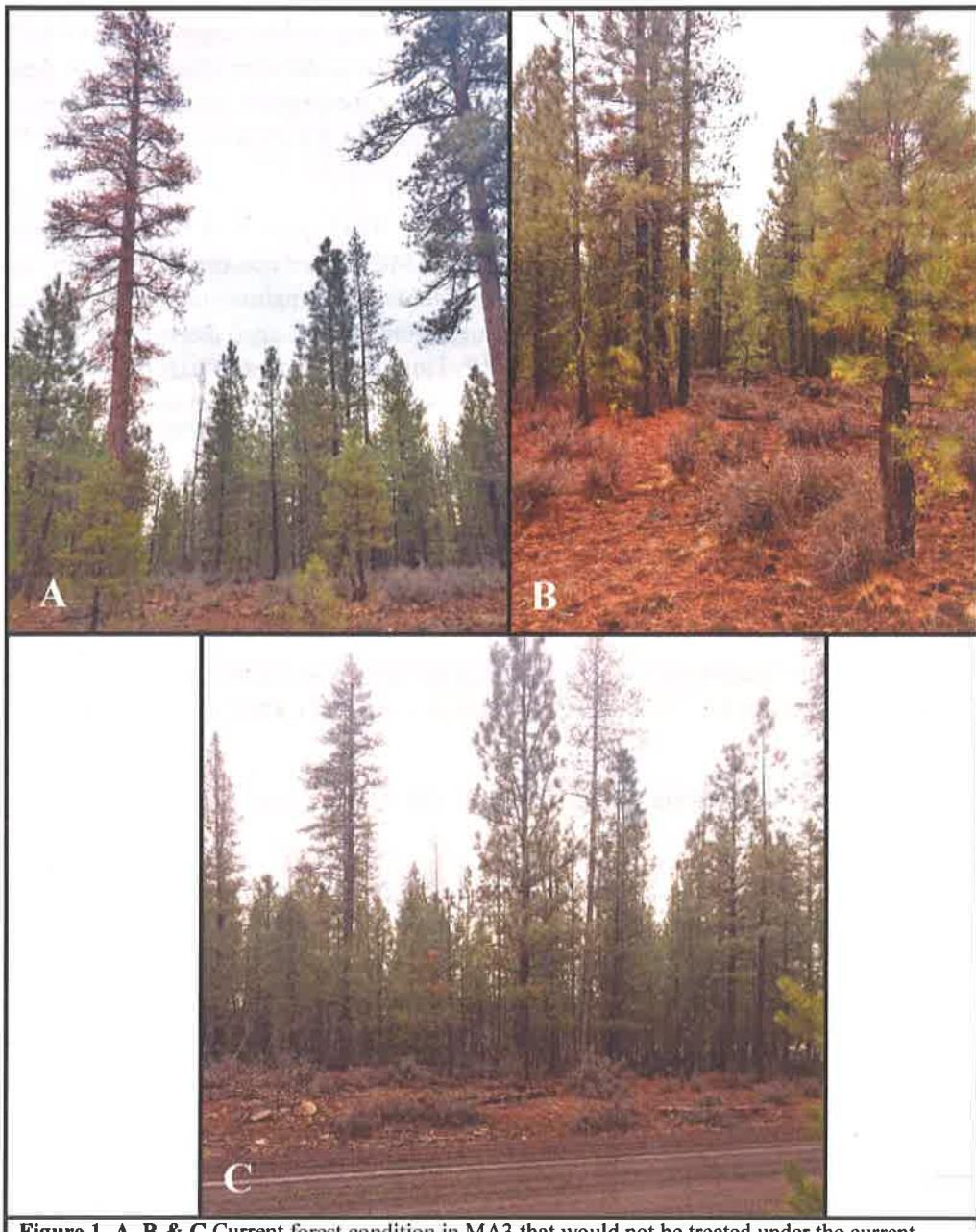
*from seedlings to large diameter trees; a multicanopied, vegetative appearance occurs in appropriate scale with the viewing distance. Where they naturally exist, deciduous trees such as aspen and cottonwood are perpetuated for autumn color. Management activities repeat form, line, color, and texture that are common within the characteristic landscape.*

To summarize MA3 intent, each Intensity Specific area emphasizes a detailed description of each of the following for ponderosa pine:

- Development and retention of large ponderosa pine trees
- In ponderosa pine development of open park like structure
- Distribution of tree diameter size classes in even and uneven-aged groups
- Clumps and openings of various size and shape
- Healthy, multi-canopy forest

Currently this MA is not meeting MA3 objectives, specifically in ponderosa pine areas and the retention and development of large ponderosa pine trees in the Foreground (3A and 3B):

*Large tree character will be perpetually retained in the foreground retention area in all species, except lodgepole pine, through maintaining three to five large diameter trees (between 30 inches and 36 inches DBH) on the average per acre. These should be distributed in groupings for greatest visual effect. Some areas may have high numbers of large diameter trees, and other areas may have fewer small clumps. Openings may or may not have mature large-diameter trees, if not, more trees will be retained on other acres to maintain the three-to-five-trees-per-acre average in the foreground overall.*



**Figure 1. A, B & C** Current forest condition in MA3 that would not be treated under the current LRMP 1(A) Large Ponderosa Pine (over 30 inches diameter at breast height( on the left is being killed due to a complex of density related mortality agents. (B) Lack of Park-like structure and tree overcrowding in MA3 (C) Viewed from a road, large tree character is not being retained or visually showcased due to high site stocking, primarily from natural regeneration of lodgepole pine over the last 50 years.

The current condition of ponderosa pine forest in MA3 is one where site stocking is so high that large ponderosa pine are being killed from a complex of density related mortality agents (see Figure 1A) and smaller ponderosa pine are competing directly with lodgepole pine. Large tree character is not being retained or visually showcased due to high site stocking. Forest health and visual quality is not meeting LRMP objectives in these areas. Open park like structure does not exist commonly in MA3 due to high tree densities and species competition between ponderosa pine and lodgepole pine. Distribution of

desired tree diameter classes is difficult due to general overcrowding and homogenization of the forest in MA3. A relatively even aged/sized cohort of lodgepole pine in the understory (less than 150 year old) has shifted the large tree character of MA3. If large trees exist in the foreground, they are not prominent due to high stocking and development of healthy groups or multi-canopy forest is not possible with limitations on percent area restrictions.

Removal of restrictions in ponderosa pine limiting treatment to 30-35 percent of the areas at one time will allow these areas to move toward the MA3 objective, LRMP desired conditions, Intensity Specific objectives. Specific Objectives include: the emphasis on retention and maintenance of ponderosa pine over lodgepole pine, various opening sizes and arrangement, and uneven-aged diameter classes found in table 4-22, 4-23, 4-24, 4-25, 4-26, and 4-27 of the LRMP. Timing and extent of past management did not meet the standards and guidelines for ponderosa pine. The forest has grown beyond the ability meet MA3 objects by only treating 30-35 percent of the area at one time.

36 CFR 219.13 says “*A plan may be amended at any time. Plan amendments may be broad or narrow, depending on the need for change, and should be used to keep plans current and help units adapt to new information or changing conditions...*”

### **Proposed Action**

This amendment would allow treatment as needed to meet the objectives in MA3, including Intensity Specific Standards and Guides in 3A, 3B, and 3C in addition to overall LRMP objectives of forest health and scheduled harvest.

In the Winema Land and Resource Management Plan (LRMP), Management Area (MA) 3 is Scenic Management and is described as:

*This management area may be applied to lands visible for a distance up to 5 miles from selected travelways, bodies of water, or public use areas. These areas are classified as retention or partial retention based on the Visual Management System, as explained in “National Forest Landscape Management,” Vol. 2, Agriculture Handbook Number 462. Retention and partial retention are further subdivided into distance zones. Standards and guidelines differ for each distance zone and focus more intensively on activities that are view at close range.*

The Goal for MA 3 is to “*maintain and create visually appealing scenery that represents the landscape character of the Forest. Emphasis is on areas viewed from selected travelways, use areas, and bodies of water.*”

Standard and Guideline 9 under Timber says:

*In ponderosa pine and pine associated species where uneven-aged management is applied, from 30 percent to 35 percent of an area shall be considered for treatment at any one time, and treatments shall be dispersed over the total area. All lands should be entered, as needed, on a 20- to 30-year cutting cycle.*

The proposed amendment would lift treatment constraints to aid in achieving desired conditions in MA 3. This amendment would eliminate the requirement limiting treatment to 30-35 percent of the area at one time. Standard and Guideline 9 would be changed to:

*In ponderosa pine and pine associated species where uneven-aged management is applied, treatments would occur as needed to meet MA3 – Scenic Management objectives. (MA3, Timber 9).*

## **Compliance with the Rule's Procedural provisions**

As explained below, this amendment complies with the procedural provisions of the 2012 Planning Rule (36 CFR Part 219.13(b)).

### **Using the best scientific information to inform the planning process (§ 219.3):**

An interdisciplinary team (IDT) was formed to look specifically at the amendment. All IDT members reviewed the best available science that contributes to this Decision Memorandum.

This amendment to lift the requirement limiting treatment to 30-35 percent of an area was analyzed in the Lobert Restoration Project FEIS: *forest plan amendment is proposed that would amend MA 3-Scenic Management Timber Standard and Guideline 9. This standard and guideline states “in ponderosa pine and pine associated species where uneven-aged management is applied, from 30 to 35 percent of an area shall be considered for treatment at any one time, and treatments shall be dispersed over the total area. All lands should be entered, as needed, on a 20- to 30-year cutting cycle (MA3, Timber 9).... Treatment in these areas and subsequent underburning could reduce fire intensities and rates of spread especially where mechanical treatment is done in combination with prescribed burning (Agee & Skinner, 2005)*

Overstocked stands, based on the Stand Density Index (Reineke 1933), are at higher risk of insect- and disease-related mortality than appropriately stocked or understocked stands due to increased competition for resources such as nutrients, water and sunlight (Barrett 1979). Climate change is expected to exacerbate density-related mortality, by reducing tree vigor, thereby increasing susceptibility to insects and disease (Bentz et al. 2010).

An excess of 35% of stands within MA3 are overstocked (Cochran 1993), thereby necessitating the immediate allowance to mechanically thin more than 30 -35% of MA3. Furthermore, a cutting cycle of 20-30 years is not frequent enough to meaningfully improve the health and resilience to fire, insect, and disease, considering the high level of density-related competition the stands within this Management Area are currently experiencing.

### **Providing opportunities for public participation (§ 219.4) and providing public notice (§ 219.16):**

This amendment was scoped in December 2017 for 30 days and again in January 2018 for an additional 30 days. A legal notice was published in the newspaper of record (Herald & News) on January 30, 2018. A description of the amendment as well as the substantive requirements was sent to 49 people/groups including industry, federal agencies, tribes, local government, state agencies, and environmental groups. The Forest Service received letters from 4 individuals during scoping. The draft Decision Memorandum was released for a 30-day public comment period and a legal notice was published in the Herald and News on June 1, 2018. The Forest Service received comments from one group. The proposal was first published in the Fremont-Winema Schedule of Proposed Actions (SOPA) on January 2, 2018.

**Using the applicable format for plan components (§ 219.7 (e)):** The revision is specific to Management Area 3 and applies only in the management area outlined in the description.

Wording will be changed or omitted from the Plan for the proposed plan amendment, formatting will stay the same.

## **The plan amendment process (§ 219.13):**

The responsible official determined that the amendment, which is currently needed in large scale planning projects, would be needed in the future, and should be applicable Forest-wide to increase planning efficiency. Based on previous analysis at the project level and the interdisciplinary process used for this planning effort, the amendment would not result in any significant effects to the human environment.

**Effective date (§ 219.17(a)(2):** The plan amendment will be effective when the Decision Memorandum is signed after the pre-decisional administrative review process is complete.

## **Objection opportunity (Subpart B):**

This decision is subject to the objection procedures outlined in 36 CFR 219 subpart B. This Decision Memorandum was made available for a 45-day objection opportunity beginning with the publication of a legal notice in the Herald & News on December 5, 2018. The document and project record are available on the project web site at: <https://www.fs.usda.gov/project/?project=52968>. The Objections Reviewing Officer was Glenn Casamassa, Regional Forester.

**Who may file an objection (36 CFR 219.53):** Only individuals, or organizations that submitted substantive formal comments specific to the proposed plan amendment during any designated opportunity for public participation (scoping or public comment periods) may object.

**Timeline for filing of objections (36 CFR 219.56):** Evidence of and responsibility for timely filing is described in 36 CFR 216.56(a). The objection must be postmarked or received within 45 days of the legal notice announcing this decision, which was in the Klamath Falls Herald and News newspaper, the newspaper of record for the Winema National Forest. The publication date of the legal notice in the

Klamath Falls Herald and News is the exclusive means for calculating the time to file an objection, and those wishing to object should not rely on dates or timeframes provided by any other source.

**Requirements of an Objection (36 CFR 219.54):** All objections must be filed, in writing, with the reviewing officer for the plan. All objections must be open to public inspection during the objection process.

**No objections were received during the objection period.**

## **Compliance with the Rule's Applicable Substantive Provisions**

Because the Winema Land and Resource and Management Plan was prepared using the 1982 planning rule procedures, the current planning rule requires that those substantive rule provisions that are directly related to the amendment apply, within the scope and scale of the amendment. As explained in the discussion that follows, both the purpose and the effects of the amendment are such that multiple provisions are directly related to each amendment, and have been applied within the scope and scale of the respective amendment.

### **Planning rule requirements that are directly related to the amendment.**

The rule requires that substantive rule provisions that are directly related to the amendment must be applied to the amendment. A determination that a rule provision is directly related to the amendment is based on any one or more of the following criteria:

1. The purpose of the amendment (§ 219.13(b)(5)(i));
2. Beneficial effects of the amendment (§ 219.13(b)(5)(i));

3. Substantial adverse effects associated with a rule requirement (§ 219.13(b)(5)(ii)(A)); when an EA or CE is the NEPA documentation for the amendment, there is a rebuttable presumption that there is no substantial adverse effect, and thus no direct relationship between the rule and the amendment based on adverse effects (§ 219.13(b)(5)(ii)(B)).
4. Substantial lessening of protections for a specific resource or use (§ 219.13(b)(5)(ii)(A)).
5. Substantial impacts to a species or substantially lessening protections for a species (36 CFR 219.13(b)(6)).

### **Lift requirement limiting treatment to 30-35 percent of the area in Management Area 3 (Winema Plan)**

#### **Scope and scale of the amendment**

The scope and scale of the amendment is defined by the purpose for the amendment, described below and limited to Management Area 3.

Applying these criteria, I have made the following determination.

This amendment would allow treatment as needed to meet the objectives in MA3, including Intensity Specific Standards and Guides in 3A, 3B, and 3C in addition to overall LRMP objectives of forest health and scheduled harvest. Because of this purpose, the directly related provisions of the rule are therefore:

§ 219.10(a)(1)— Aesthetic values, air quality, cultural and heritage resources, ecosystem services, fish and wildlife species, forage, geologic features, grazing and rangelands, habitat and habitat connectivity, recreation settings and opportunities, riparian areas, scenery, soil, surface and subsurface water quality, timber, trails, vegetation, viewsheds, wilderness, and other relevant resources and uses. As well as

§ 219.10(b)(i)— Sustainable recreation; including recreation settings, opportunities, and access; and scenic character. Recreation opportunities may include non-motorized, motorized, developed, and dispersed recreation on land, water, and in the air.

MA3 guidelines focus on visuals and aesthetics, and applying the directly related requirements ensures the forest will be able to meet those management goals. Removal of area regulation type treatment restrictions in ponderosa pine area limiting treatment to 30-35 percent of the areas at one time will allow these areas to move toward the MA3 objective, overall LRMP desired conditions, and the other Intensity Specific objectives including the emphasis on retention and maintenance of ponderosa pine over lodgepole pine, various opening sizes and arrangement, and uneven-aged diameter classes found in table 4-22, 4-23, 4-24, 4-25, 4-26, and 4-27 in ponderosa pine. Timing and extent of past management did not meet the area regulation type Standards and Guidelines set forth for ponderosa pine and since LRMP inception the forest has grown beyond the ability to manage to meet MA3 objectives by only treating 30-35 percent of ponderosa pine of the area at one time.

Having applied those rule provisions, I found that the rule requirements did not require a change to the proposed amendment and therefore no changes were made to it.

Based on the review of the proposed action and the project specific amendment in the Lobert EIS, I have determined that the proposed amendment does not have adverse effects and does not lessen protections.

### **Project and activity consistency with the plan**

This amendment applies to the area analyzed under the Winema Plan. The project is consistent with the Forest Plan goals and objectives.

Barry L. Imler

Barry L. Imler  
Forest Supervisor

2-5-19

Date

## Citations

Agee, J., & Skinner, C. (2005). Basic principles of forest fuel reduction treatments. *Forest Ecology and Management*, 211(1): 83-96. doi:10.1016/j.foreco.2005.01.034

Barrett, J. W. 1979. Silviculture of ponderosa pine in the Pacific Northwest: the state of our knowledge. USDA Forest Service Pacific Northwest Research Station. GTR PNW-97.

Barbara J. Bentz, Jacques Régnière, Christopher J Fettig, E. Matthew Hansen, Jane L. Hayes, Jeffrey A. Hicke, Rick G. Kelsey, Jose F. Negrón, Steven J. Seybold; Climate Change and Bark Beetles of the Western United States and Canada: Direct and Indirect Effects, BioScience, Volume 60, Issue 8, 1 September 2010, Pages 602–613, <https://doi.org/10.1525/bio.2010.60.8.6>.

Cochran, P.H.; Geist, J.M.; Clemens, D.L.; Clausnitzer, Rodrick R.; Powell, David C. 1993. Suggested stocking levels for forest stands in northeastern Oregon and southeastern Washington. Res. Note PNW-RN-513. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 26 p

Reineke, L.H. 1933. Perfecting a stand-density index for even-aged forests. *Journal of Agricultural Research*, 46 (7): 627-638.

