DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT

for the

Grassy Fire Salvage
Environmental Assessment

and

Forest Plan Amendment #25

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

Introduction

The lightning-caused Grassy Fire began on August 13, 2004. It encompassed approximately 4,202 acres, including 1,436 acres of National Forest System lands on the Lakeview Ranger District, 136 acres Bureau of Land Management lands, and 2,630 acres of lands in private ownership (see Vicinity Map). The fire was within the Honey Creek Watershed in the North Warner Mountains. The legal description of the National Forest System lands is: Sections 29 – 32, T36S, R22E, Section 1, T37S, R21E, and Sections 5 – 6, T37S, R22E, WM surveyed, Lake County, Oregon. The area is centered approximately 18 miles northeast of Lakeview, Oregon. An interdisciplinary team has completed an Environmental Assessment (EA) for this project. A 30-day public comment period on a preliminary version of that EA was provided between January 14 and February 14 of 2005.

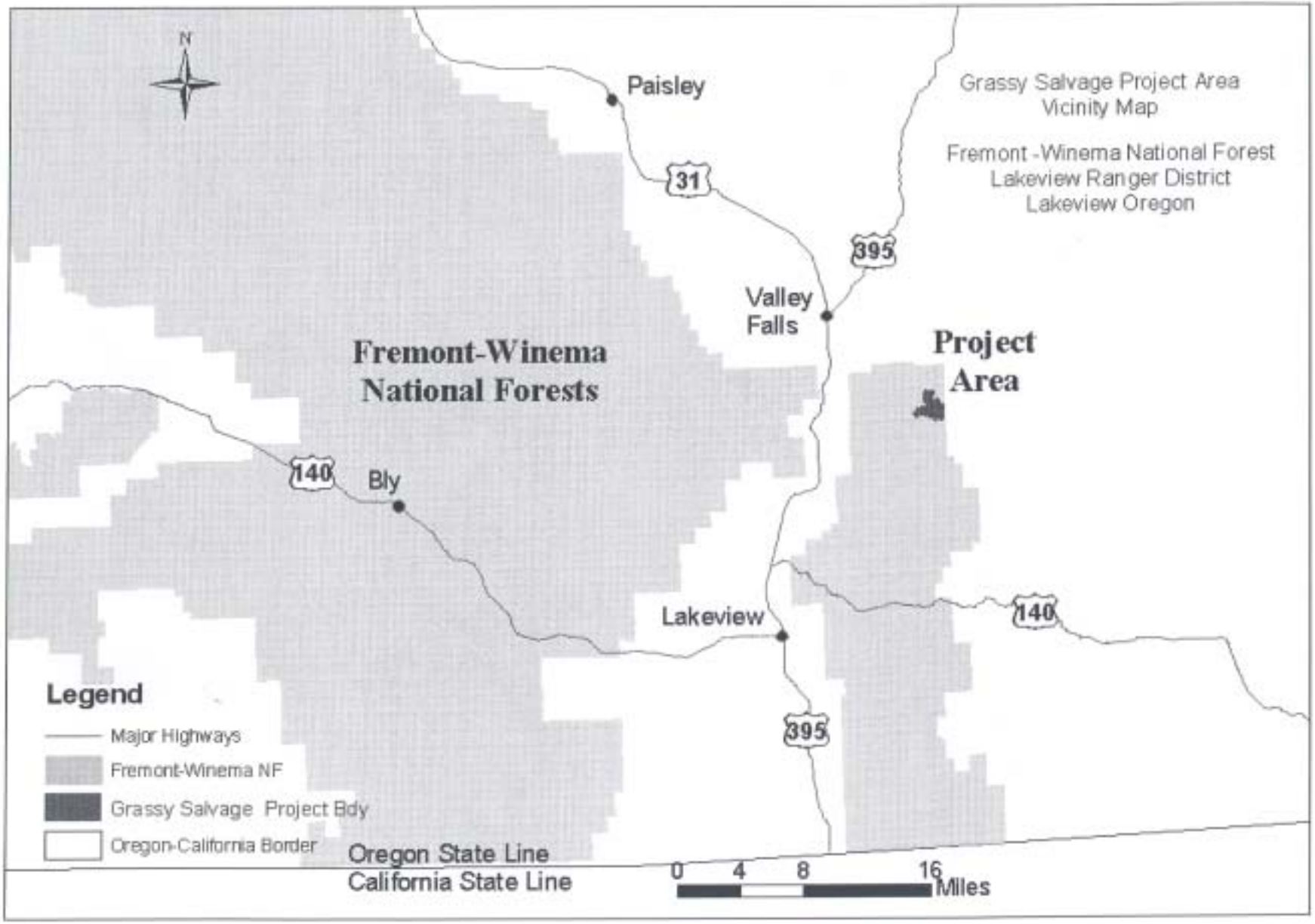
The Grassy Fire Salvage EA primarily discusses proposals to salvage fire-killed trees from within the perimeter of the Grassy Fire. It also considers commercial (green tree) thinning, fuels treatments (slash disposal), snag retention, stocking level control (small tree thinning), reforestation (tree planting), road reconstruction and temporary road construction, aspen stand enhancement (thinning of competing conifers), a headcut repair (in First Swale Creek) and large woody debris placement (in First Swale Creek), and a non-significant, site-specific forest plan amendment to allocate replacement old growth for an old growth stand that burned.

The proposals include design features or mitigations to make them consistent with the Forest-Wide Standards and Guidelines of the Forest Plan.

Several alternatives were considered. Some were eliminated from a detailed analysis because they did not meet purpose of and need for the project. Three alternatives (including No Action) were analyzed in detail in the EA. The EA is available for review at the Lakeview Ranger District office in Lakeview, Oregon or on the Winema National Forest web site at:

http://www.fs.fed.us/r6/frewin/projects/analyses/grassyfire/index.shtml

Figure 1: Grassy Fire Salvage Project Vicinity Map



This document presents the decision and reasons for the decision regarding which alternative from the Grassy Fire Salvage EA will be implemented. In this decision document, the planning process will be summarized as needed to provide adequate context for fully describing the decision.

Public Involvement

The Klamath Tribes was initially made aware of the proposal through written requests on September 24, 2004 to Elwood Miller Jr., The Klamath Tribes Natural Resources Director, and Gerald Skelton, The Klamath Tribes Culture and Heritage Director, to proceed with expedited public scoping. The Klamath Tribes Forester, Will Hatcher, provided notification that the Natural Resource Department concurred with the expedited public scoping. Once a specific set of management activities was formulated into a proposed action, initial public scoping occurred. The proposed action was contained in a scoping packet that was mailed to the public and government agencies for comment on September 28, 2004. This initial scoping process produced five public responses.

In January 2005, a fully described proposed action and a preliminary version of the EA (often referred to in the project record as the "comment EA") were made available for a 30-day public comment period, which ended February 14, 2005. The Forest Service received six separate responses during the comment period and one shortly after the close of the comment period. Comment letters were read by the ID Team, other staff, and the Responsible Official. All comments were included in a content analysis process. This process compiled, categorized, and coded the full range of public viewpoints and concerns. The evaluation of the comments is summarized in Chapter 4 of the EA (Table 4.1) and fully documented in a 32-page tabular document entitled "2005_03_08_Grassy_comment_analysis_and_response_table." This 32-page document is available on request from the project record or (without request) on the worldwide web at: http://www.fs.fed.us/r6/winema/management/analyses/grassyfire/.

Decision

Based upon my review of all alternatives, **it is my decision to implement Alternative 3**. The rationale for this selection is presented beginning on page 13 of this Decision Notice. My decision takes into consideration the manner in which each factor of the project purpose and need would be met by each of the alternatives and the manner in which each alternative responded to the key issues raised during the analysis.

Very briefly, I have selected Alternative 3 because it achieves a balanced approach between actions that promote the long-term development of sustainable forest conditions in conjunction with recovery of commercial timber value, and it retains substantial amounts of snag, down wood, and other wildlife habitat.

Comments submitted by the public during the 30-day comment period expressed support for Alternative 3 over the proposed action (Alternative 2). In sum, four of the six letters, from an unusually diverse range of interests, expressed support, or qualified support, for the approach embodied in Alternative 3.

Implementation of Alternative 3 will include the full measure of mitigation and resource protection measures analyzed for this alternative as described in the EA (pages 2-14 to 2-19). Monitoring, both during implementation and after, as described in the EA (pages 2-14, 2-16 to 2-18), will also

occur to assess compliance with Forest Plan standards and guidelines. It is my judgment that the extent and type of monitoring that has been designed into this project is appropriately modest. My judgment takes into account both a realistic expectation of funding and a perspective of need for monitoring based on lessons learned in implementing two very similar projects on the Lakeview Ranger District during the past three years.

It is also **my decision to implement the non-significant, site-specific forest plan amendment** that is described in the EA (page 2-11) and later in this document. That amendment will allow the re-allocation of area to meet the future habitat needs of old growth dependent species.

The actions listed below are authorized with the selection of Alternative 3 (all quantities are approximate); see also the Alternative 3 Map, page 32 of this Decision Notice.

Commercial Salvage - 589 acres; estimated salvage volume = 4,845 MBF.

Commercial Thinning – none.

Fuels Treatments – In timber sale units: whole tree yarding (WTY), yarding with tops-attached-to-last-log (YTA), landing pile burning. In areas of small tree thinning: lop and scatter.

Snag Retention – 744 acres - salvage units and snag retention/snag habitat areas near units. Total snags within these areas are estimated as: 2,398 (10-14.9 inches DBH); 2,554 (15-19.9 inches DBH) and 1,417 (greater than 20 inches DBH).

Stocking Level Control (small tree thinning) – 134 acres.

Reforestation (planting) – 749 acres.

Transportation System Improvements and Use – pre-haul maintenance or re-opening of about 5.0 miles of existing roads; reconstruction of approximately 4.8 miles of existing road (brushing, adding subgrade reinforcement, padding, and improving drainage); approximately 550 feet of temporary road, including 300 feet on existing template and 250 feet of new road.

Wildlife Enhancement Projects – two approximately ¼-acre stands of aspen enhancement (reduction of competing conifers).

Watershed Restoration Projects - headcut repair in First Swale Creek; down wood recruitment (snag felling) in First Swale Creek.

Old growth management (Forest Plan Amendment) – Allocate existing replacement parcel "PANANA200161N" to MA 14 (Old Growth); Allocate 24 acres of parcel "PPGOGO214051N" to MA 15 (Fish and Wildlife Habitat/Water Quality); allocate 6 acres of "PPGOGO214051N" to MA 5 (Timber and Forage).

Outside the scope of this Decision Notice - Previously authorized actions, including road management (decommissioning and closure) under the North Warner Access and Travel Management Plan), on-going road drainage improvements under the Fire Suppression Rehabilitation Plan, and noxious weed preventions and control (under an existing Forest-wide EA)

will continue to occur. Specific grazing management adjustments, beginning in 2005, will be implemented through provisions of existing permits. During the recovery period, planned grazing management techniques to minimize cattle use and allow vegetative recovery in the burned area will include the use of an allotment rider. Livestock will be deferred from the burn area until late September when livestock will move through the south end of the Grassy area as they return to private land.

Details of Authorized Actions

Commercial Salvage - If trees greater than 20.9 inches dbh have any green needles remaining, discernable from the ground, they will be retained (not salvage harvested). For trees 20.9 inches dbh or smaller, the salvage harvest guidelines will be as follows: Ponderosa pine with less than 30 percent of the green crown that existed prior to the fire, or 50 percent or more of the bole scorched, will be considered dead and eligible for salvage harvest, if not reserved for retention for habitat or other resource reasons. White Fir with less than 50 percent of the green crown that existed prior to the fire, or 30 percent or more of the bole scorched, will be considered dead and eligible for salvage harvest, if not reserved for retention for habitat or other resource reasons

Table 1: Commercial Salvage Harvest Units – Alternative 3

Unit Number	Est. Acres	Est. Volume (MBF)	Logging System	General Rx
1	364	3,306	Ground-based	Salvage
2	2	25	Ground-based	Salvage
3	9	63	Ground-based	Salvage
4	37	336	Ground-based	Salvage
5	8	86	Ground-based	Salvage
6	67	122	Ground-based	Salvage
7	25	227	Ground-based	Salvage
8	41	372	Helicopter	Salvage
9	33	299	Helicopter	Salvage
11	3	9	Ground-based	Salvage
Total	**589**	**4,845**		

All roads that are used for timber haul will receive road maintenance in accordance with the timber sale contract, including dust abatement. All roads that are used for timber haul or other contractor access are subject to Occupational Safety and Health Administration (OSHA) requirements. Within units, hazard tree felling is included in the salvage volume. It is expected that between 10 and 20 MBF outside of units would be felled to achieve hazard abatement, including both live and dead trees. The hazard is approximately equally divided between areas outside the units (but inside the sale area) and areas along the external haul routes. The criteria that would determine whether hazard tree abatement would be accomplished through “fall and leave” vs. “fall and remove” would be based on LRMP standards and guidelines for down wood.

Fuels Treatments – The commercial timber sale operation itself is expected to include the salvage of dead trees down to 9 inches dbh. In all ground-based units, trees 21 inches dbh or less will be

whole tree yarded, meaning they are yarded in one piece with tops and limbs attached. In all units except helicopter, for trees greater than 21 inches dbh, tops will be left attached to the last log and yarded to the landing (unless they break off). Limbs and tops piled at the landing will be burned, when in prescription, at the landings. About 25 acres of landing area is anticipated.

The activity fuels created from the stocking level controls outside the timber sale units, a total of 134 acres, will be treated by lop and scatter. The lop and scatter method of fuels treatment will require further treatment by either the use of prescribed fire, as a connected action, or crushing where slope and soil conditions allow. Crushing will be limited to slopes less than 35 percent.

Snag Retention - Retention of snags for snag and down wood dependent species will be achieved through two primary strategies: 1.) Specifically selected no-salvage/no treatment "snag retention areas" or "snag habitat areas" (with only small tree thinning) in proximity to harvest units; and 2.) Retention in the interior of harvest units. Snags that are representative of the species mix of a given site will be selected.

Table 2: Snag Retention – Alternative 3

Location	Acres	Snags >10-14.9" DBH	Snags 15-19.9" DBH	Snags >20" DBH
Within Proposed Harvest Units	589	836	682	461
Snag Retention/Snag Habitat Areas in Proximity to Units	155	1562	1872	956
Total*	**744**	**2,398**	**2,554**	**1,417**

*the above numbers reflect snag retention only within harvest units or snag retention/snag habitat areas. Snags (uninventoried) within the 692 acres that are outside of the above areas, but inside the project area, will also remain.

Stocking Level Control (non-commercial, small tree thinning) – 134 acres outside of timber sale units will be thinned, using chainsaws. Thinning would favor ponderosa pine trees and will be implemented on an average 20 foot x 20 foot spacing.

Reforestation (planting) – Planting will occur within all areas of timber salvage (589 acres) as well as other areas of young plantations that experienced loss of stocking due to fire (160 acres). These 749 acres will be planted with ponderosa pine tree seedlings at a rate of approximately 250 trees per acre. This rate reflects the relatively high rate of seedling mortality that has been experienced in similar locations.

Transportation System Improvements and Use – No new specified road construction will occur. The following existing transportation routes within the project area, (displayed on Figure DN-2) will receive necessary routine maintenance, including re-opening, to facilitate their use for timber haul: Roads 124, 125, 126, 128, 133, 134, 135, and 136. Other transportation system needs, listed in the following table as reconstruction, will also occur.

Table 3: Transportation System Needs

Road Number	Total Length	Reconstruction Miles	Proposed Road Action
3615352	3.069	0.2	1 drain dip, relay cmp
3720012	3.694	3.4	Drain dips-3, reshape ditch, install rock ford, reshape ditchouts
3615013		0.4	Pad over boulders, drainage
3720125	0.13	0.13	Brush, cmp in irrigation ditch
3720132		0.1	Subgrade re-enforcement, creek crossing
3720136		0.6	Brushed, scatter
Total		**4.83**	

cmp = corrugated metal pipe

Approximately 300 feet of temporary road will be used for access into Unit 6. This temporary road will be on the existing roadbed of an "unclassified" road. Construction of one new temporary road, about 250 feet in length, is expected. This road will provide access to a landing location in Unit 5 (in the NW 1/4, SW 1/4 of Section 32). It will be entirely within timber sale units 5 and 1.

Wildlife Enhancement Projects - Within the area identified as unit 12 (Alternative 2) there are two approximate ¼-acre stands of aspen that will be enhanced through the thinning of green competing conifers (less than 21 inches dbh) in their immediate vicinity.

Watershed Restoration Projects - Stream restoration work will include the repair of an existing headcut in First Swale Creek and the felling of up to 35 fire-killed trees into the stream channel of First Swale Creek to increase large woody debris. The headcut repair will use an excavator to re-shape the site, followed by the placement of wood and rock.

Old growth management – Non-significant, site-specific Forest Plan Amendment #25 authorizes the allocation of existing old growth replacement parcel "PANANA200161N" to MA 14 (Old Growth); further, it re-allocates existing old growth parcel "PPGOGO214051N", which due to the fire is no longer suitable old growth habitat, from MA 14 to:

- MA 15 (Fish and Wildlife Habitat/Water Quality) – approximately 24 acres
- MA 5 (Timber and Forage) – approximately 6 acres.

Mitigations and Resource Protection Measures/Monitoring - All mitigation and resource protection measures and monitoring that were identified as a part of Alternative 3 in the EA are authorized for implementation with this Decision Notice. These include measures pertaining to wildlife, fisheries and watershed, improvements to protect during operations, cultural resources and recreation. Since the adopted measures are identical to those presented in the EA, these are not repeated here. See EA Chapter 2, pages 2-14 to 2-19 and EA Appendix B (Mitigation Details).

Purpose and Need

The purposes of this project are to:

- As rapidly as feasible, restore a sustainable ponderosa pine forest in the Grassy Fire area.

- Provide the highest level of local job support and recovery of commercial timber value that is compatible with the first purpose above and with the standards and guidelines in the Fremont National Forest Land and Resource Management Plan (LRMP).
- Promote riparian and upland habitats in the Grassy Fire area that meet the desired conditions established by the Fremont N.F. LRMP. (Note: though the Fremont and Winema National Forests have become the "Fremont-Winema National Forests," management of the Fremont portion is still directed by the Fremont N.F. LRMP).

The underlying needs for action derive from the differences between current resource conditions and desired, sustainable, resource conditions, as discussed in the Forest Plan. There are four underlying needs for the project:

- The need for *forest stands with structural conditions closer to the Historic Range of Variability (HRV)* within the project area.
- The need for *commercially valuable timber from the project area*.
- The need for *wildlife habitat within the project area, including snags and down wood, and live forest.*
- The need for *high-quality fish and riparian habitat within the project area.*

Each of these needs as they relate to existing and desired conditions in the Grassy area is discussed in Chapter 1 of the EA.

The project area is primarily (76 percent) allocated to Management Area 5 (MA 5) in the Fremont N.F. Land and Resource Management Plan (LRMP), commonly called the "Forest Plan." In descending order of magnitude, other portions of the project area are allocated by the Forest Plan to MA 1 (Mule Deer Winter Range), MA 15 (Fish and Wildlife Habitat/Water Quality), MA 14 (Old-Growth Dependent Species Habitat), and MA 6 (Scenic Viewshed). See EA Chapter 1 for a full description of management direction as it pertains to all management areas within the project area.

The Forest Plan, as amended, allocates MA 5 to be managed for commercial production of sawtimber and forage for domestic livestock with an objective of promoting and maintaining Late/Old Structural (LOS) characteristics that include large diameter, open-canopy structure. MA 5 areas are to be managed with an objective of creating a healthy forest condition while moving forest stands toward structural conditions that are within the Historic Range of Variability (HRV). Historic Range of Variability refers to structural forest conditions that are based on pre-settlement conditions. Moving forest stands toward the Historic Range of Variability is desirable because such conditions provide the most sustainability in the long term. Sustainability refers to the ability of forested systems to withstand or resist rapid and widespread structural change due to fire, insects, and disease.

This project occurs within the Lakeview Federal Sustained Yield Unit. The Unit was established on October 10, 1950 in recognition of the important interrelationship between the Fremont National Forest and the local communities of Lakeview and Paisley to promote their economic stability. The 2001 revised Policy Statement recognizes that community economic stability is dependent on a healthy forest; therefore, the revised Policy Statement includes goals intended to promote a sustainable forest ecosystem within the Unit Area. These goals are consistent with the overall management goals and objectives for the Fremont National Forest, as established by the Forest Plan.

The project area is primarily characterized by forests of ponderosa pine and mixed ponderosa pine/white fir with lethal fire effects where less than 10 percent of the tree canopy survived. These areas are interspersed with smaller inclusions of lighter burned forest where differing fire intensities created a mosaic of moderate and light effects to vegetation. Ponderosa pine and white fir quickly lose commercial value, and their suitability as the raw material for sawtimber rapidly deteriorates following fire mortality. A few stands that remain predominately green consist of high-density, mixed conifer species.

The fire created optimal habitat both for species that generally favor large snags (such as Lewis' woodpecker) and those that favor smaller snags (such as black-backed woodpecker). These habitats will persist until trees begin falling in large numbers. Old growth stands were impacted by the fire. The LRMP directs that when events such as wildfire have affected a designated old growth stand to the point that it is no longer considered suitable habitat, a new old-growth stand should be delineated to replace the original habitat.

Alternatives

Other than Alternative 3, one other action alternative and a no-action alternative were analyzed in detail in the EA. An alternative suggested during initial project scoping was considered but not analyzed in detail. All Action alternatives that were developed and analyzed in the Grassy Salvage project were designed to meet the stated project purpose and need. All alternatives that were developed and analyzed in the Grassy Salvage project, including the snag distribution strategies contained in those alternatives, are fully compliant with Forest Plan Standards and Guidelines, as amended.

Alternative 1 – No Action

Under this alternative, no commercial salvage, commercial thinning, stocking level control, reforestation, fuels treatments, transportation system improvements, wildlife enhancement projects, watershed restoration projects, or old growth management (including Fremont National Forest Land and Resource Management Plan (LRMP) amendment), unless authorized by a previous planning process, would occur.

Ongoing management practices (such as road maintenance, fire suppression, and personal use firewood cutting) would continue with the selection of this alternative. Other future activities including road management (decommissioning and closure under the existing Access Plan) and noxious weed preventions and control (under the existing Forest-wide EA) would also occur. These activities are authorized by existing decisions. The North Warner Access and Travel Management Plan authorizes 2.0 miles of road decommissioning (or obliteration) and 3.9 miles of road blocking within the Grassy Project area.

Activities that fall under completed fire suppression rehabilitation planning would be completed in the near future. In general, this includes rehabilitation of firelines and drainage improvements on roads that were used during fire suppression.

Specific grazing management adjustments, beginning in 2005, would be implemented through provisions of existing permits that allow incorporation of necessary adjustments into annual operating plans.

Alternative 2 – Proposed Action (in both the Initial Project Scoping and in the EA)

This alternative is in response to the purpose and needs identified in EA Chapter 1 and in this Decision Notice. As such, Alternative 2 represents the agency's initial proposal to meet project purpose and need. The primary differences between this proposed action and the selected Alternative 3 are in regard to snag retention strategies and commercial thinning.

Commercial Salvage - This alternative includes the harvesting of burned trees on approximately 589 acres, in 10 harvest units. In addition, burned trees in three predominately green units, totaling 61 acres would be salvage harvested. Ponderosa pine with less than 30 percent of the green crown that existed prior to the fire, or 50 percent or more of the bole scorched, would be considered dead and eligible for salvage harvest, with no diameter limits, if not reserved for retention for habitat or other resource reasons. White Fir with less than 50 percent of the green crown that existed prior to the fire, or 30 percent or more of the bole scorched, would be considered dead and eligible for salvage harvest, with no diameter limits, if not reserved for retention for habitat or other resource reasons.

Commercial Thinning - Harvesting of both dead and live trees is proposed in 3 units (units 12, 13, and 14), totaling 61 acres. These areas can be described as having pockets of dead trees intermingled with pockets of predominately green trees. Salvage of dead trees in these units would use the same guidelines as described above. These 61 acres of predominately or intermingled green, forested stands would be thinned to enhance development of sustainable conditions Late/Old Structural (LOS) conditions. Commercial thinning would retain all live trees 21 inches dbh and greater, and thin small to medium size trees (7 or 9 to 20.9 inches dbh). In pockets of predominately live (or green) trees, thinning would be targeted to basal area of 60 square feet.

Fuels Treatments - same as Alternative 3.

Snag Retention - Retention of snags for snag and down wood dependent species would be achieved through two primary strategies: 1.) specifically selected no-salvage/no treatment "snag retention areas" in proximity to harvest units; and 2.) retention in the interior of harvest units.

Table 4: Snag Retention – Alternative 2

Location	Acres	Snags >10-14.9" DBH	Snags 15-19.9" DBH	Snags >20" DBH
Within Proposed Harvest Units	650	879	751	449
Snag Retention Areas in Proximity to Units	94	1,017	717	717
Total*	**744**	**1,896**	**1,468**	**1,166**

*the above numbers reflect snag retention only within harvest units or snag retention areas. Snags (uninventoried) within the 692 acres that are outside of the above areas, but inside the project area, would also remain.

Stocking Level Control (non-commercial, small tree thinning) - Thinning of small understory trees is proposed within timber sale units 12, 13, and 14 (totaling approximately 61 acres), plus 73 acres outside of timber sale units. Thinning would favor ponderosa pine trees and would be implemented on an average 20 foot x 20 foot spacing.

Reforestation (planting) - same as Alternative 3.

Transportation System Improvements and Use - same as Alternative 3.

Wildlife Enhancement Projects - same as Alternative 3.

Watershed Restoration Projects - same as Alternative 3.

Old growth management – same as Alternative 3.

Mitigations and Resource Protection Measures/Monitoring - same as Alternative 3.

Alternative 3 – Selected

The actions included in Alternative 3 have been previously described in this document. Alternative 3 represents a modification of the proposed action. Initial scoping respondents offered the following input or suggestions on the topic of snag management:

- All large dead trees (greater than 20 inches dbh) and 50 percent of each size class smaller than 20 inches dbh, should be protected.
- Retain sufficient large snags to meet Lakeview Federal Sustained Yield Unit goal: restore "a healthy, diverse, and resilient forest ecosystem that can accommodate human and natural disturbances." Consider Snag Retention guidelines in Klamath Tribes forest management plan.
- Retain adequate amount of legacy standing and down, especially the largest diameter snags.
- Only salvage trees with no green needles.

In the EA, these responses were incorporated into "Key Issue #1", stated as:

> Commercial salvage can adversely impact snag and down wood habitat through the removal of snags.

Alternative 3 is designed to retain a greater number of snags than Alternative 2, while still meeting all elements of project purpose and need. It drops commercial harvest (salvage or green) in the three predominately green units (Units 12, 13, and 14). For the remaining units (1 through 9 and 11), if trees greater than 20.9 inches dbh have any green needles remaining, discernable from the ground, they are to be retained (not salvage harvested). For trees 20.9 inches dbh or smaller, in units 1 through 9 and 11, the salvage harvest guidelines are the same as for Alternative 2.

A total of 744 acres within the fire were inventoried for snags, post-fire. This represented the areas that had the most potential for activities (salvage) that would affect (remove) snags. Some of these areas became parts of harvest units in the alternatives and some have been designated as snag retention areas or snag habitat areas (with only small tree thinning) in proximity to the proposed harvest units. In these inventoried areas, Alternative 3, by incorporating the strategies described above, will retain an average of 8.5 snags per acre.

Alternatives Considered, But Eliminated from Detailed Study.

Only alternatives or specific design elements that were responsive to purpose and need were fully developed and analyzed. Alternatives are, by definition, other strategies or ways to meet purpose and need. One additional alternative was considered during the analysis, but not fully developed. This alternative or strategy was a "non-commercial, restoration-only" alternative, as suggested in an October 20, 2004 letter from the Klamath Forest Alliance. A similar request for a more passive recovery was contained in an October 25, 2004 letter from the Oregon Natural Resources Council, which requested a "non-commercial, restoration-only" alternative. This letter also suggested that an alternative based on the 1995 Beschta Report be considered (no logging on sensitive sites; protect all live trees; retain all snags greater than 20"dbh and 50 percent of snags in each size class below 20" dbh).

This alternative was not fully and separately analyzed for two reasons:

- Alternative 1 provides sufficient information about such an approach.
- Such an alternative would not meet purpose and need.

I am able to gather most of the information that I need to evaluate a "non-commercial, restoration-only" alternative by an examination of the analysis of Alternative 1. Chapter 2 of the EA fully discusses the close relationship between a "non-commercial, restoration-only" and Alternative 1 (see EA Table 2-1, "Comparison of Non-Commercial Restoration-Only Alternative with Alternative 1"). There are current authorities for a number of restoration actions under several existing decisions, all of which are considered during the analysis of Alternative 1 and of the action alternatives. This includes road decommissioning (or obliteration) and blocking. Information about the effects of several other design elements suggested for a "non-commercial, restoration-only," such as "thinning of plantations and young dense stands around fire-killed areas" and "aspen planting" is available because similar actions have been included in Alternatives 2 or 3.

In addition, a "non-commercial restoration-only" alternative was not analyzed in detail because it would not meet purpose and need, in regard to the following purposes:

- As rapidly as feasible restore a sustainable ponderosa pine forest in the Grassy Fire area.
- Provide the highest level of local job support and recovery of commercial timber value that is compatible with the first purpose above and with the standards and guidelines in the Fremont N.F. Land and Resource Management Plan (LRMP).

or in regard to the following needs:

- The need for forest stands with structural conditions closer to the Historic Range of Variability (HRV) within the project area.
- The need for commercially valuable timber from the project area.

See EA Chapter 2, under the heading "Alternatives Considered, But Eliminated from Detailed Study" (pages 2-19 to 2-24) for a consideration of this approach, including discussion on both "Beschta 1995" and the updated "Beschta 2004". Also, see EA Table 2-1 (page 2-5).

Reasons for the Decision

I have read the Grassy Fire Salvage EA and have determined that there is sufficient information to provide a reasoned decision. The analysis documented in the Grassy Fire EA explores the necessity for action (or no-action) in relation to four identified needs. The analysis also weighs the relative success of the alternatives in achieving three identified purposes. Finally, my decision considers the public comments and the key issues raised by those comments.

Decision Factor - Why the Project is Needed (*the need for action versus no-action*)

1. Development of a sustainable forest with structural conditions closer to the Historic Range of Variability depends initially on reforestation, and then on maintaining stand conditions and fuels conditions that do not contribute to future fires with large-scale stand replacement mortality. The latter is practical only if fuels conditions allow facilitating the eventual return of characteristic fire (i.e. frequent, low-intensity, stand-tending fire) to areas that were historically fire-dependent. The combinations of planting and snag retention that are a central component of the action alternatives will enable a young forest to develop under conditions that would allow the use of prescribed fire within 25 to 30 years. Prescribed fire is considered an important, cost-effective tool in moving young ponderosa pine stands toward sustainable older stands.

The 2004 surface and crown fire occurred in a forest with a density structure that was a significant departure from historic open ponderosa pine forest conditions. The fire occurred within a forest characterized by a high tree density and a multi-storied structure that was outside of HRV. This condition was a primary contributing factor to the stand replacing fire behavior that occurred.

A no-action alternative would rely on natural regeneration, rather than planting. Due to extensive areas of tree mortality, the amount of area without a ponderosa pine seed source is greater than would have typically occurred historically. Most of the seed produced by a ponderosa pine does not disperse much farther than the height of the cone on the mother tree. A no action scenario is likely to result in a very incomplete initial reforestation, characterized by a grass/forbs/shrub-dominated ecosystem interspersed with areas of young conifers overlain with heavy down fuels within 10 to 20 years. This is described on EA pages 3-9 to 3-11 and 3-22 to 3-25.

I note that differing scientific conclusions about the influence of large logs on fire behavior were cited by the public, during the comment period. Some objections to removing larger logs, through salvage harvest, argue that the ability of the forest floor to hold and retain moisture will be reduced because a structural component that could moderate fire behavior is lost. However, these differing conclusions appear to be the result of factors that widely vary with geography and climate. One of the most frequently cited references supporting these comments (Amaranthus et al, 1989) is highly pertinent to Douglas-fir forests of the Siskiyou National Forest and not to the project area. See EA Chapter 3, Fire and Fuels "Additional Background Information" (page 3-19 to 3-20) for discussion of the applicability of the Amaranthus study to this project.

While large fuels do, indeed, retain moisture longer than small fuels, measurements of fuel moisture in the dry semi-arid regions of Oregon that are relevant to this project have shown that during the period of highest wildfire danger (July and August), fuel moistures have typically been very low across the entire range of fuel sizes. At the point where large fuels are at very low moisture levels, they cease their contribution to localized moisture regimes and simply become flammable fuel that exacerbates fire behavior and contributes to a higher intensity, longer duration fire. The role of

large logs during the 2004 Grassy Fire is noted in the Fire Behavior Forecasts (Martin, Stover and Zeil, August 2004) that were issued during the suppression action. Three days following the Grassy Fire start, despite frontal moisture being expected, these forecasts noted that, "extremely dry fuel conditions will still be in effect for the large down fuel." Five days after the start, the forecast noted that, "extremely dry fuel conditions will still be in effect for the large down fuel and will continue to burn until they are put out." This behavior is consistent with the findings of Brown (Brown, 2003) relating to the role of large down wood in prolonging fire behavior. See EA pages 1-4, 3-20 and 3-24, for additional discussion.

In a no-action scenario, I believe that neither the character of the regeneration nor the fuels conditions that would result would contribute to development of a sustainable structure within HRV. Instead, a no-action approach would increase the potential occurrence of another round of high intensity fire outside of the low intensity historical fire pattern. Such a scenario would not contribute to the *need for forest stands with structural conditions closer to the Historic Range of Variability (HRV) within the project area*.

2. The Fremont National Forest Land and Resource Management Plan (LRMP) (1989), includes a Forest-wide management goal to provide sawtimber and other wood products to help sustain a viable local economy. A no-action scenario would do nothing to meet the *need for commercially valuable timber from the project area*. As discussed later, the action alternatives provide varying levels of attainment in relation to this need.

3. The *need for wildlife habitat within the project area, including snags and down wood,* could be met in the short-term without action. However, meeting the longer-term needs that are associated with live forest habitats, particularly late and old structural forest habitats, which are in short supply in the area, would be significantly retarded without action, as noted above. Active intervention to re-establish these stands is the quickest way to re-create the live LOS forest habitats lost in the fires.

The mere identification of replacement old growth areas, following events such as wildfire, has no immediate effect on old growth-dependent species because the areas are present whether they are identified or not. However, without the site-specific Forest Plan amendment to designate a replacement old growth area as MA 14, there is less assurance that future management of that parcel would be designed to maintain old growth habitat.

Aspen responds favorably from the fires without action. However, the no-action alternative would not actively enhance areas of aspen through the falling of competing conifers

4. The *need for high-quality fish and riparian habitat within the project area* would be partially met without action. There are road decommission and closure authorizations available under existing authority (North Warner Access and Travel Management Plan). As described in the EA, existing Fire Suppression Rehabilitation plans call for some degree of the road drainage improvements. Grazing management will be implemented through provisions of existing permits and will include techniques to minimize cattle use and allow recovery in the burned area. However, the analysis has identified that the primary existing risk to the proper function of Honey Creek is the potential for sediment to be introduced via First Swale Creek. The primary existing risk to First Swale Creek has been identified by the analysis as channel instability and erosion due to lack of large wood and problems associated with an existing headcut (EA, page 3-118). Only the action

alternatives, through the addition of large wood to First Swale Creek and the repair of the headcut, would address these identified primary risk factors.

Decision Factor - Meeting Project Purpose

I have selected Alternative 3, in part, because it will achieve acceptable results in relation to the stated project purposes:

- As rapidly as feasible, restore a sustainable ponderosa pine forest in the Grassy Fire area.
- Provide the highest level of local job support and recovery of commercial timber value that is compatible with the first purpose above and with the standards and guidelines in the Fremont N.F. Land and Resource Management Plan (LRMP).
- Promote riparian and upland habitats in the Grassy Fire area that meet the desired conditions established by the Fremont N.F. LRMP.

Both Alternatives 2 and 3 would meet all three elements of stated project purpose. Alternative 1, for the same reasons discussed earlier pertaining to the "non-commercial, restoration-only" alternative, would not meet all three elements.

1. *Sustainable forest conditions* - Alternative 2 would promote restoration of sustainable pine forests on a slightly larger area (about 8 percent more acres) than Alternative 3. However, both action alternatives focus on the same 589 acres that experienced of highly lethal fire effects. It is in these areas where prompt action is needed to begin the process, through re-planting, of the long-term development of sustainable forest conditions.

Alternative 3 does not include understory commercial thinning on 61 acres that would be implemented with Alternative 2. These 61 acres are in areas where the fire burned with differing intensities, producing a mosaic of forest vegetation with moderate, light, or no fire effects. Without any action the existing varied live tree densities in these areas would result in pockets of overstocked trees that will experience inter-tree competition for the limited amount of water, soil nutrients, and sunlight. The probability of producing an old park-like ponderosa pine forest would be reduced considerably because white fir will increase until a disturbance occurs. However, Alternative 3 does take the first step toward promoting more sustainable conditions in these areas by including small diameter thinning. Not implementing the commercial thinning or salvage in these areas that would have occurred with Alternative 2 is an acceptable tradeoff because of the valuable and diverse snag-dependent species habitat that these areas will provide through the retention of additional snags of all size classes.

2. *Job support and commercial timber value* - The lumber and wood products sector, including secondary wood products, is a large contributor to the economic well being of the Lakeview, Oregon area. The Grassy Fire Salvage project is within the Lakeview Federal Sustained Yield Unit. Contributions to the local economy are made not only by direct employment and salaries, but also because many local businesses derive a portion of their sales from primary wood products employees. Alternative 2 could meet an element of project purpose slightly better than Alternative 3. Because it would harvest more volume (considering both salvage and green), Alternative 2 could provide approximately 10 percent greater job support than Alternative 3 (EA, page 3-135).

3. *Riparian and upland habitats* - Both action alternatives meet or exceed Forest Plan standards for snags and snag habitat. Within harvest units and snag retention/snag habitat areas in proximity to

units, Alternative 2 retains about 6.0 snags per acre and Alternative 3 retains 8.5 snags per acre. This includes snags in three size classes: >20" dbh; 15" to 19.9" dbh; and 10" to14.9".

In a size class breakdown, Alternative 3 will retain (compared to Alternative 2):

- 22 percent more snags that are greater than 20 inches dbh (1,417 compared to 1,166)
- 74 percent more snags that are 15 to 19.9 inches dbh (2,554 compared to 1,468)
- 26 percent more snags that are between 10 and 14.9 inches dbh (2,398 compared to 1,896)

I believe that the more conservative approach toward snag management embodied in Alternative 3 offers a better prospect for providing a better diversity of snag habitat than does Alternative 2. The additional snag habitat provided in Alternative 3 is accomplished in two key ways:

First, by using a "0 percent green" standard for determining which trees greater than 20.9 inches dbh would be salvaged, additional large dead trees will be left standing and will be available as snag habitat in units 1 through 9 and 11. Given the science cited in the EA (page 1-19 and 3-7), it is reasonable to expect that these large trees, particularly ones that have less than 30 percent remaining green needles, will become snags in the very near future and provide snag habitat.

Secondly, in three separate areas proposed as harvest units in Alternative 2 where the fire left a mosaic of burned and unburned forest, Alternative 3 leaves all commercial sized trees, whether 0 percent green, 30 percent green, or 100 percent green. These three areas range in size between 15 and 23 acres. This will have an immediate effect of providing three additional blocks of diverse mosaic snag habitat.

Alternatives 2 and 3 equally promote riparian habitats that meet the desired conditions established by the Forest Plan.

Decision Factor - The Issues and Public Comment

I have selected Alternative 3, in part, because it offers a better solution to the key issues. The following issues, identified by public scoping responses to the initial proposed action, were identified and tracked through the analysis process.

- Key Issue #1: Commercial salvage can adversely impact snag and down wood habitat through the removal of snags.
- Key Issue #2: Some public input emphasizes that salvage does not contribute to ecological recovery. Further, that the range of alternatives should include restoration without commercial salvage.

The following table summarizes the performance of the alternatives in relation to the Key Issues that were developed from responses to the initial proposed action:

Table 5: Comparison of Alternatives (Key Issues)

Key Issues		Alternative 1			Alternative 2			Alternative 3		
Effects on <u>snag and down wood</u> habitat		**Snag Size Class/Numbers Retained***			**Snag Size Class/Numbers Retained***			**Snag Size Class/Numbers Retained***		
		10-14.9”	15-19.9”	>20”	10-14.9”	15-19.9”	>20”	10-14.9”	15-19.9”	>20”
		23,396	12,161	5,448	1,896	1,468	1,166	2,398	2,554	1,417
		About 55 per acre*			About 6 per acre*			About 8.5 per acre*		
		* within 744 acres of proposed units and nearby retention or snag habitat area. There are snags (uninventoried) in the 692 acres of project area that are outside of units or nearby retention/habitat areas that would also remain.								
Contribution to ecological <u>recovery</u>	Effect on future development of sustainable old forest conditions:									
	- In forested areas with lethal fire severity (approximately 1,250 acres)	Limits the potential for old forest development on all acres			Increases the probability for old forest development on 589 acres			Increases the probability for old forest development on 589 acres		
	- In forested areas within the fire mosaic (approximately 250 acres)	Limits the potential for old forest development on all acres			Increases the probability for old forest development on 134 acres			Increases the probability for old forest development on 73 acres		
	Does Fuel Model 12** occur during the expected succession of fuel conditions?	Yes			No			Yes (Units 12, 13 and 14 only)		
		** FM 12 has a receptive fuel bed for a high intensity fire, high heat per unit area, low rates for fireline production and does not facilitate the eventual reintroduction of prescribed fire								

The most apparent feature of the comments received during the 30-day period was the diversity of support, or qualified support, for Alternative 3. Public comment from two conservation groups offered qualified support for Alternative 3, because of the snag retention design that it adopts. The sawmill, which, under Lakeview FSYU rules, will be given initial exclusive rights to purchase timber sales from this project, expressed support for Alternative 3 because the company believes its selection could potentially mitigate the chances for an administrative appeal. The Environmental Protection Agency recommended selection of Alternative 3, specifically citing the 0 percent green needle salvage criteria.

I do not over-interpret this diverse public input as meeting the definition of a consensus, since other input was without support for either Alternative 3 or Alternative 2. However, it does indicate to me that Alternative 3 offers a good solution toward meeting purpose and need in light of public input. The public comments received during the 30-day comment period reflect many of the same concerns that lead to the identification of key issues earlier in the planning process. The primary concern, as is typically the case in post-fire planning, is in regard to the retention of snags and snag habitat (Key Issue #1).

Snag inventories for the project were done in September 2004 and were designed to determine compliance and performance relative to Forest Plan standards for snags. At the first breakdown, those standards differentiate snags by two size classes: greater than 10 inches dbh and greater than 15 inches dbh. The latter category is then further qualified as "20 inches preferred" (EA page 3-37). A limitation of the EA is that it does not specifically address the retention of *very large* (greater than 30 inches) snags as a separate entity. Concern for this was expressed during the comment period. While recognizing this quantitative shortcoming, Alternative 3, by adopting a substantially more conservative approach, will achieve significantly greater retention of snags in all larger size classes. This is because of two specific design elements. Alternative 3 uses a different salvage criteria (for trees greater than 20.9 inches dbh) and Alternative 3 fully retains three additional 15 to 23-acre patches of mosaic burn.

The exploration of Key Issue #2 is documented in the EA in two main aspects. First, in Chapter 2, the *range of alternatives* considers the inclusion of a "non-commercial restoration- only" Alternative. The conclusions of that consideration are documented in the EA and briefly summarized earlier in this Decision Notice. Using that part of Key Issue #2 as a sole consideration, only Alternative 1, of the fully analyzed alternatives, would fully satisfy the concern. Alternative 1 would provide a non-commercial approach while, due to existing authorities, allowing important restoration activities such as road decommissioning to proceed. In comparing the action alternatives, Alternative 3, with its reduced commercial harvest, offers more attention to this part of Key Issue #2, than does Alternative 2.

The EA also offers substantial analysis of the effects of the various alternatives on the other component of Key Issue #2, which deals with *ecological recovery*. The rapid restoration of sustainable ponderosa pine forests is a primary restoration purpose for this project. As noted earlier in this Decision Notice, Alternative 2 could have provided slightly better achievement of this objective than any other alternative. Alternative 3, because it does not implement any commercial thinning in Units 12, 13, and 14, achieves somewhat less.

Another concern raised by public comments was the potential impact of the proposed activities within an unroaded area identified by the Oregon Natural Resources Council (ONRC). The 1,258-acre area is about four miles long, roughly divided in the middle by Honey Creek, and varies in width between ¼ mile wide and ½ mile wide through the Honey Creek canyon. It increases to over a mile in width at its lower elevations, outside the project area, as it exits the canyon. It is defined on its upper elevations by Roads 012, 013, 123, and 352. These roads, apparently built during or before the 1960s, are either mid-slope or top-of- slope roads in relation to the canyon topography. About 360 acres of the identified 1,258-acre area are within the Grassy Fire, and, therefore, within the project area boundary. The Riparian Habitat Conservation Area (RHCA) associated with Honey Creek, 600 feet wide at a minimum, traverses the middle of the area. No salvage activity will occur within the Honey Creek RHCA.

Alternative 3 includes less overall activity within these 306 acres than does Alternative 2 (88 acres of activity with Alt. 3 compared to 123 acres with Alt. 2). See EA, pages 3-139 to 3-140 and 3-145 to 3-146; Tables 3-32, 3-33, 3-35 and 3-36; and figures 3-2 and 3-3. Of the 88 acres of activity, 67 involve salvage logging. The remainder involve planting or small tree thinning only. Of these 67 acres of salvage, 48 acres will be achieved using helicopter systems. The 19 acres of ground-based activity will occur at five separate locations ranging between 0.5 acre and 8 acres. All five areas lie just below existing open roads. One temporary road, approximately 250 feet long, is needed to cross an existing irrigation ditch within the unroaded area and access a landing location (in unit 5).

The Environmental Assessment considered and displayed the expected impacts to the values unroaded areas can provide or contribute to. These include: natural appearing landscapes, which offer distinctive features and/or solitude; protection of cultural and heritage resources; high quality or undisturbed soil, water, and air; habitat for abundant and healthy fish and wildlife populations; diversity of plant and animal communities, including areas that are relatively at less risk from noxious weeds; and habitat for threatened, endangered, and sensitive species. Considering the impacts disclosed in the EA (page 3-139 to 3-149 and 3-196 to 3-197) and considering the small amount of area affected and the short period in which operations will be occurring, it is my judgment that the impacts to the unroaded area or the values it provides will not be significant.

Conclusion

Both action alternatives include snag retention provisions that meet or exceed minimum Forest Plan Standards and Guidelines for cavity dependent species habitat. However, I believe that the specific balance achieved with Alternative 3, in regard to the two most significant issues that arose during the analysis, provides the best overall response. Alternative 3, while providing for greater snag retention, overall, than Alternative 2, including a 22 percent greater retention of snags greater than 20 inches, achieves about 90 percent of the job support and recovery of commercial value, as would Alternative 2. It is my judgment that the difference in predicted timber volume between the action alternatives is not substantial, and that selection of Alternative 3 fully meets purpose and need for this project in regard to local job support and recovery of commercial value.

FINDING OF NO SIGNIFICANT IMPACT

Sufficient information has been disclosed in the analysis to make a reasoned choice among alternatives. Information available from the analysis of Alternative 3 and of past actions of similar context and intensity on the Lakeview Ranger District indicate that no significant impacts are likely. Most recently these similar past actions include the Grizzly Fire (2002), which resulted in the Cub Timber Sale (2003), as discussed on EA pages 2-16 to 2-17, 2-21 and 3-115.

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 1-2 and 2-10) and on maps (EA, figure 2-2 and 3-3; Decision Notice Map 2). The physical and biological effects are limited. No effects were identified that went beyond the project area or the immediate downstream vicinity in Honey Creek within the Honey/Fish Watershed.

Based on the site-specific analysis summarized in the Grassy Fire Salvage 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). Thus, an environmental impact statement will not be prepared. This determination is based on the design of the project, on the mitigation and resource protection measures included in the selected alternative (EA pages 2-14 to 2-19 and EA Appendix B (Mitigation Details), and on the consideration of the following factors:

1. Both 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. 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:

The 589 acres of salvage harvested and planted areas are expected to proceed through a successional sequence that includes an initial grass/forbs/shrub stage, with increasing dominance by conifers within five years. The planting of ponderosa pine at low to moderate densities will permit this species to form a dominant composition of the future forest. Combined with typical future management activities, the presence of ponderosa pine increases the probability that old forest conditions can become established similar to reference conditions (EA, page 3-14).

Due to the nature of the fire, in many areas there are few remaining needles and reduced quantities of small limbs remaining that would contribute to post-salvage fuel loadings. Harvesting standing dead timber larger than 8”dbh will create a succession of fuel conditions that removes sufficient large woody material to insure that fuel model 12 will not result on the treated 589 acres. Fuel model 12 is of great concern in terms of future fire line intensity and problems with suppression (EA, page 3-22). Though Alternative 3 leaves Units 12, 13, and 14 with undesirable fuels condition, due to the continued presence of ladder fuels and the eventual presence of large fuels on the forest floor, it is my judgment that leaving these three areas, totaling 61 acres, offers an acceptable tradeoff for the wildlife habitat values they will provide.

Removing dead trees reduces habitat for cavity dependent species, including black-backed woodpeckers and Lewis’ woodpeckers. However, the snag retention designs included in Alternative 3 will provide quantities of down wood that should, in the future, exceed LRMP Standard and Guidelines, as amended by the Regional Forester’s Amendment #2 (EA, pages 3-41 to 3-42). This finding is true whether inventoried snag numbers are used to arrive at a snag density that is expressed in terms of salvage units and snag retention/snag habitat areas (a total of 744 acres); or when inventoried snag numbers are considered across the entire project area (1,436 acres). Existing down wood within proposed harvest units will be retained. Down logs and snags felled for hazard reasons will only be removed if they are in excess of Forest Plan standards (EA, page 2-7).

Effects on Management Indicator species (mule deer, three-toed/black backed) woodpecker and primary excavators, red-naped sapsucker, northern goshawk, American marten, and pileated woodpecker) will all be within Forest Plan standards.

With no short-term change in cover as a result of Alternative 3, cover will continue to meet LRMP standards and guidelines. The overall effect of the actions should keep deer population numbers stable; however, distribution and use as a result of the fire in the local area may change (EA, page 3-63 to 3-64).

Despite salvage activity with Alternatives 3, snag densities will be retained to provide for 100 percent potential population levels of primary cavity nesters, which include black-backed woodpeckers (EA, page 3-67). The snag retention design in Alternative 3, including no salvage activities in aspen or riparian areas, coupled with the implementation of actions that contribute in the long term to red-naped sapsucker habitat (reforestation, aspen enhancement at two locations, and allocation of a replacement old growth stand) should result in stable populations of red-naped sapsuckers or other riparian dependent species (EA, page 3-72 to 3-73). With no change in potential goshawk nesting habitat in the project area, it is not anticipated that existing goshawk populations will be impacted by Alternative 3 (EA, page 3-76). Potential short-term negative impacts on goshawk from disturbance are discussed in the table below.

The project components will produce a varied array of localized positive and negative impacts on marten habitat. Given the retention of habitat in Alternative 3, particularly of areas where the fire burned in a light to moderate mosaic, the combination of needed habitat components most needed by marten will be retained. It is not expected that local marten populations will change (EA, page 3-79). Commercial salvage in Alternative 3, with the snag retention levels it includes, will continue to provide the necessary habitat components for pileated woodpecker (EA, page 3-82).

A summary of expected impacts, including localized short term adverse impacts to: soils; water quality/aquatic habitat; and unroaded areas as well as several of the wildlife species mentioned above, is displayed in the following table:

Table 6: Non-significant Adverse Impacts From Alternative 3

Resource	Adverse Impact	Size or Scope of the Impact	Reason an Impact of this Size or Scope is not Significant
Forest Veg.	Sexton (1998) found salvage logging resulted in decreased understory biomass, species richness, species diversity, growth of ponderosa pine, and bitterbrush survival.	589 acres of salvage.	Short-term, localized impact. Re-measurement of Sexton's plots (1999 and 2003) indicated differences between salvaged and non-salvaged plots were lessening in terms of abundance and species richness (EA, page 3-194 to 3-195). Sexton study site is now characterized by an extensive needlegrass and shrub component. Impact is minimal in terms of the overall vegetative development period. Alt. 3 meets Forest Plan standards.
Forest Veg.	Grazing (livestock and wildlife) could reduce establishment of pine seedlings.	749 acres of planted ponderosa pine.	Previous projects were successfully reforested with planted ponderosa pine (EA, page 3-12). Planting at a rate of approximately 250 trees per acre has been shown to result in acceptable levels of stocking.
Wildlife: Gray Flycatcher	Salvage and commercial thinning activities remove trees that could provide beetles for forage, causing the gray flycatcher to adjust foraging areas.	589 acres of salvage.	Positive and negative effects are noted in Chapter 3. Considering all factors, the Biological Evaluation found that Alt. 2 or Alt. 3 may affect individuals, but are not likely to result in a trend toward Federal listing or loss of viability for the gray flycatcher (EA, page 3-51). Alternative 3 has no commercial thinning and provides 61 more acres of snag habitat than Alt. 2. Alternatives are within Forest Plan standards.

Table 6: Non-significant Adverse Impacts From Alternative 3 (continued)

Resource	Adverse Impact	Size or Scope of the Impact	Reason an Impact of this Size or Scope is not Significant
Wildlife: Wolverine	Negative effects related to increased human use during implementation could cause wolverines (if present) to adjust use or movement patterns.	Based on wolverine home range and project size, up to 1 male and 1 female may be affected.	Positive and negative effects are noted in Chapter 3. Considering all factors, the Biological Evaluation found that Alt. 2 or Alt. 3 may impact individuals but would not result in a trend toward Federal listing (EA, page 3-54). No habitat will be removed or altered. Disturbance is very short term (a few months). There will be long-term beneficial effects from stocking level control and tree planting. Alternatives are within Forest Plan standards.
Wildlife: Pallid Bats	Commercial salvage and commercial thinning decrease snag densities. By removing an additional 35 snags, watershed restoration project could negatively affect pallid bats.	Based on available habitat and project size, up to 100 individuals may be affected. Most of this through noise disturbance.	Positive and negative effects are noted in Chapter 3. Considering all factors, the Biological Evaluation (B.E.) found that Alt. 2 or Alt. 3 may impact individuals but would not result in a trend toward Federal listing (EA, page 3-58). Project will retain numerous large snags and the rock outcrops will continue to be present, so adequate roosting habitat should be maintained. Alternatives exceed Forest Plan standards. Alternative 3 will retain 22% more large snags than would Alt. 2. Alternative 3 has no commercial thinning.
Wildlife: Mule Deer	Salvage and commercial thinning may delay response for some forage species and negatively impact mule deer. Increased human use during implementation may negatively impact mule deer.	589 acres of salvage	Positive and negative effects are noted in Chapter 3. Under Alternative 3, approximately 60 percent of the area will not be harvested and these areas should allow for unimpeded forage production (EA, page 3-63). Monitoring (Malaby2002) has shown that the effects on forage from salvage logging are short term (EA, page 3-194 to 3-195). Disturbance is very short term. Alternatives 2 and 3 are within Forest Plan standards.
Wildlife: Black-backed Wood-peckers	Salvage and commercial thinning may cause direct harm for individuals nesting in a felled tree or cause nest abandonment. Indirect effects to black-backed woodpeckers by decreasing prey. Wildlife project (aspen) could negatively affect black-backed woodpeckers by reducing conifers.	589 acres of salvage. Two ¼ acre areas of aspen project.	A significant number of snags will be retained to provide foraging habitat (EA, page 3-68). Both action alternatives include snag retention designs that exceed Forest Plan standards. Foraging habitat potential is greatest with Alternative 3, as a larger number of snags will be retained. The small ½ acre of conifer removal for aspen enhancement should have negligible effect on future conifer snag numbers on any scale. Alternative 3 has no commercial thinning.

Table 6: Non-significant Adverse Impacts From Alternative 3 (continued)

Resource	Adverse Impact	Size or Scope of the Impact	Reason an Impact of this Size or Scope is not Significant
Wildlife: Black-backed Wood-peckers	Small tree thinning could negatively affect future habitat by reducing future snag numbers (it would reduce the number of trees that die over time).	134 acres of small tree thinning	A significant number of snags will be retained to provide habitat that exceeds Forest Plan standards (EA, page 3-42 and 3-68). Alternative 3 will provide 61 acres of additional habitat to that provided by Alternative 2. Long-term development of LOS should promote habitats with historical snag and down wood components.
Wildlife: Black-backed Wood-peckers	Recent salvage on private land has decreased habitat for black-backed woodpeckers.	450 acres of private land salvage	Within the burned National Forest System lands adjacent to the private land salvage (the Grassy Project Area), an overall average snag density of 8.5 snags per acre would be retained within areas proposed as salvage unit or snag retention/habitat area near salvage unit (EA, page 3-68). This exceeds Forest Plan standards.
Wildlife: Red-naped Sapsucker	Salvage and commercial thinning remove trees containing heart-rot, which could provide nesting habitat. Small tree thinning could negatively affect sapsuckers by causing fewer trees to die.	589 acres of salvage. 134 acres of small tree thinning	Positive and negative effects are noted in Chapter 3. (EA, page 3-71 to 3-73). A large number of snags will be retained to provide adequate habitat (8.5 snags per acre). This complies with Forest Plan standards. Aspen enhancement project should directly benefit this species, which favor, and are closely associated with, large aspen trees. Long-term development of LOS should promote habitats with historical snag and down wood components. Alternative 3 has no commercial thinning
Wildlife: Snag and Down Wood Dep. Species	Firewood cutting may result in loss of some snags and down wood for habitat (true for Alt. 1 also).	Minimal area (< 80 acres) close to open roads.	Area is further from Lakeview compared to three other recent fires (Appendix A-14). Many snag retention/snag habitat areas are detached from open roads (Figure 2-1 and 2-2). Alternative 3 provides 61 acres of additional habitat compared to Alternative 2.
Wildlife: Northern Goshawk	Increases in human activity may cause goshawks to adjust foraging areas.	589 acres of salvage; other activities of smaller scale.	Positive and negative effects are noted in Chapter 3 (EA, page 3-75 to 3-76). Activities are not likely to start until after the critical breeding season. Impacts will be short term and localized. Stocking level control, reforestation, aspen enhancement, and watershed improvement projects all benefit goshawk.
Wildlife: American Marten	Increases in human activity may cause martens to adjust foraging areas and use other areas. Whole tree yarding and yarding with top attached reduces the amount of future down wood in areas and reduces potential habitat	589 acres of salvage; other activities of smaller scale.	Positive and negative effects are noted in Chapter 3. Abundant down wood will become present in areas outside of salvage; and within salvage areas at quantities that exceed Forest Plan standards (EA, page 3-41). The needed combination of habitat components to provide the highest quality marten habitat occurs in areas of mosaic burn (EA, page 3-79). Alternative 3 does not include any activities, other than 61acres of small tree thinning, in such locations. Riparian corridors provide important habitat for martens. Neither alternative would alter such habitats. Stocking level control, reforestation, aspen enhancement, and watershed improvement projects should all benefit marten. Disturbance is very short term.

Table 6: Non-significant Adverse Impacts From Alternative 3 (continued)

Resource	Adverse Impact	Size or Scope of the Impact	Reason an Impact of this Size or Scope is not Significant
Wildlife: Pileated Wood-pecker	Salvage activities decrease the amount of future down wood, which decreases foraging habitat. Increased human use could cause pileated woodpeckers to adjust use areas.	589 acres of salvage.	Reconnaissance following fire resulted in no sightings or foraging evidence. Positive and negative effects are noted in Chapter 3 (EA, page 3-81 to 3-82). Snag retention levels in the action alternatives will continue to provide adequate habitat components. Alternative 3 will provide 61 acres of additional habitat to that provided by Alternative 2. Disturbance is short term.
Wildlife: Pileated Wood-pecker	Recent salvage on private land has reduced snag numbers.	450 acres of private land salvage	Within the burned National Forest System lands adjacent to the private land salvage (the Grassy Project Area), an overall average snag density of 8.5 snags per acre would be retained within areas proposed as salvage unit or snag retention/habitat areas near salvage units (EA, page 3-68). This exceeds Forest Plan standards.
Wildlife: Prairie Falcons	Salvage and commercial thinning outside of breeding season could create noise disturbance that could cause falcon to adjust use areas away from noise.		Protective measures for prairie falcons that are included in both action alternatives (EA page 2-14 to 2-15) meet LRMP standards. Aspen enhancement and watershed improvement projects benefit prairie falcons by improving habitat for prey species (EA, page 3-887). Alternative 3 has no commercial thinning
Soil	Ground based logging systems could cause an increase in detrimental compaction.	Within the project area, a potential 12 percent increase in detrimental compaction.	Potential increase in detrimental compaction would not exceed the maximum set by the Region or the Forest (20 percent). Post-harvest soil compaction monitoring on similar project, Cub Salvage (Ralston 2004), indicated no detrimental compaction had occurred as a result of the action (EA, page 2-21 and 3-115). Protective measures (Soil Productivity Guidelines) included in both action alternatives (see EA page 2-16 and Appendix B-mitigation details) meet Forest Plan standards.
Water Quality/ Aquatic Habitat	Project-generated sediment could reach fish-bearing streams, including potential sediment from salvage, roadwork or headcut repair (First Swale Creek). Fines in spawning gravels may increase in the short term (2 years) from the headcut repair, as heavy equipment will operate instream.	Negligible short-term (0 to 2 years) increase in sediment.	BMPs, combined with proper unit location and design such as INFISH-compliant RHCAs and the Fremont Soil Productivity Guidelines, are expected to insure that effects from sediment will be minimal and short term (EA, page 119). Drainage improvements to roads will decrease sediment generation over the long-term (greater than 2 years). Potential impact from headcut repair will be minimized by the restriction of all instream activities in compliance with Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources (ODFW, 2000). The condition of the headcut repair site (which is currently a bare, vertical headcut that is actively eroding during spring flows) will be improved (EA, page 3-124 and 3-125).

Table 6: Non-significant Adverse Impacts From Alternative 3 (continued)

Resource	Adverse Impact	Size or Scope of the Impact	Reason an Impact of this Size or Scope is not Significant
Unroaded	Impacts within unroaded area* on natural appearance, solitude, unroaded recreation opportunity or distinctive features (canyon of Honey Creek). *Oregon Natural Resources Council (ONRC) identified a 1,258-acre unroaded area that is partially within project area.	360 acres of unroaded area within project area. 102 acres of action (harvest, planting, or small tree thinning) within unroaded area, incl. 250 feet of temporary road	The action with the greatest potential for an impact on unroaded characteristics (ground-based logging involving skidding and temporary roads) would occur on a total of 19 acres in five small separate areas (EA, page 3-144 to 3-145). This is about 1.5% of the ONRC identified unroaded area. Impact of 250 feet of temporary road would be localized and of short duration (road would be obliterated following use). Due to the small amount of area affected and the short period in which operations would be occurring, overall impacts would be minimal. Impact on solitude will be very short term. Alternatives meet Forest Plan standards.

2. Alternative 3 would not significantly affect public health or safety (40 CFR 1508.27(b)(2)). No significant effects to public health or safety have been identified. This finding is supported by knowledge of past similar projects in which no effects to public health or safety have occurred. A potential hazard exists to the public from falling trees. The project will remove some of the trees that pose a hazard to the woods workers and some trees that could become hazards to the recreating public. There will still exist many acres in the fire area that will not be treated. While the project reduces the hazard, it will not significantly affect the recreating public in the long term. Alternative 3 could lead to a slightly beneficial effect upon public health and safety because of long-term reduction in intensity of future wildfires in the project area. Effects on safety are discussed in the EA (EA pages 3-22, 3-29, 3-31, 3-191).

3. There will be no significant effects on unique characteristics of the area (40 CFR 1508.27(b)(3)) such as historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. All known historic or cultural resources have been avoided by project design (EA, page 3-170). The area does not contain parklands, prime farmlands, or wild and scenic rivers. Salvage harvest activities are not designed in wetlands, or RHCA categories 3 and 4 (EA pages 3-94, 3-129, 3-130 and 3-143).

4. The effects on the quality of the human environment are not likely to be highly controversial (40 CFR 1508.27(b)(4)). These types of activities have taken place on the Lakeview Ranger District in similar areas and the resulting effects are well known and understood. In that sense, there is no known scientific controversy over the impacts of the project. CEQ guidelines relating to controversy refer not to the amount of public opposition, but to where there is a substantial dispute as to the size, nature, or effect of the action.

Three areas of prospective scientific controversy in regard to salvage logging involve potentially significant effects on (1) snags/cavity dependent species, (2) soil and water and (3) fuels conditions.

In considering the findings and recommendations contained in over 250 publications, the analysis followed a site-specific, science based process, as documented in the Environmental Assessment. Findings in the EA are specifically referenced to a broad-based body of source materials (see EA, Chapter 4, Literature Cited, pages 4-19 to 4-28 and specific to: snags/cavity dependent species – pages 1-27, 2-8, 2-22, 3-35, 3-36, 3-69 and Appendix C; soil and water – pages 3-19, 3-92 to 3-95, 3-115; fuels – pages 3-19, 3-21 and 3-24).

Given the site-specific conditions and impacts disclosed in the EA (including snags, pages 3-33 to 3-44, plus MIS discussions in Chapter 3 and Appendix C; soil and water, pages 3-92 to 3-130; and fuels, pages 3-20 to 3-31), 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.

A primary area of scientific dispute is encompassed in public input to carefully consider the recommendations of the "Beschta Report" (both 1995 and 2004). Other findings or quotes from researchers including Amaranthus (1989), Brown (2003), Rumbaitis-Del Rio and Wessman (2001), Espinosa et al. (1997) and Sexton (1998) were cited during public comment in challenging the conclusions of the preliminary EA. In addition, there was substantial public comment on the entire body of science collectively referred to as "DecAID" Mellen et al. (2003). In all, approximately 93 scientific or commentary references were included in the public comment letters. The references cited in the comment letters were systematically searched out by the IDT and evaluated. Many of these have been specifically addressed in the final EA (EA pages 2-22, 3-19, 3-24, 3-35, 3-115, 3-120, 3-194 and 4-13). A 29-page document in the project record entitled "2005_03_04_Grassy_comment_letter_citations_table" contains the full evaluation of literature cited by the public. This 29-page document is available on request from the project record or (without request) on the worldwide web at: http://www.fs.fed.us/r6/winema/management/analyses/grassyfire/. Additionally the 32-page tabular documentation of public comments referred to earlier in this Decision Notice (entitled "2005_03_08_Grassy_comment_analysis_and_response_table") includes some evaluation of literature that was cited during the comment period. This 32-page document is available on request from the project record or (without request) on the worldwide web at: http://www.fs.fed.us/r6/winema/management/analyses/grassyfire/.

5. The preferred alternative would not impose highly uncertain, or involve unique or unknown, risks (40 CFR 1508.27(b)(5)).

We have considerable experience with the types of activities to be implemented. The activities proposed in this decision are well-established land management practices. The risks are well known and understood. The project area encompasses approximately 1,436 acres of National Forest burned by wildfire, adjacent to another 2,800 acres of BLM and private lands similarly burned. The project involves salvage of approximately 589 acres of the National Forest System lands. Approximately 450 acres of private lands were salvaged from the Grassy Fire in the fall of 2004.

Based on previous similar actions (see the following table), the probable effects of this decision on the human environment, as described in the Environmental Assessment, do not involve effects that are highly uncertain or involve unique or unknown risks.

Table 7: Three Previous Fires that Received Salvage Harvest and the 2004 Grassy Fire

Fire	Year	General Location	Fire Size	National Forest Acres within Fire	Approximate Acres of Salvage on National Forest
Thomas	1999	7 miles N.W. of Lakeview	1,820	1,820 ?	1,000
South Warner	2001	10 mi. S.E. of Lakeview	1,700	1,700	500
Grizzly	2002	11 mi. N.W. of Lakeview	5,825	3,760	1,500
Grassy	2004	18 mi. N.E. of Lakeview	4,232	1,436	500 - 600

The fires listed above that were previous to Grassy Fire occurred in similar vegetative communities, fuels profiles, geography, and soils that characterize the Grassy area. None of the other three fires occurred in the same watershed as the Grassy Fire. Because of that factor, the cumulative effects analysis area for the Grassy analysis, which is defined as the Middle Honey and Upper Honey subwatershed of the Honey/Fish Watershed, appropriately does not include the areas affected by the other three fires.

6. Alternative 3 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)). While potential future actions (such as the ability to re-introduce prescribed fire in 25 to 30 years) will be facilitated by this action (EA page 1-5 and 3-25), this action does not necessarily lead to or require any of future action.

7. Alternative 3 is not related to other actions with individually insignificant but cumulative significant impacts (40 CFR 1508.27(b)(7)). EA Appendix A provides a tabular display of all activities and natural events that already have occurred, are currently occurring, or are likely to occur in the two-subwatershed area of potential cumulative effect. The information in the nine Appendix A tables (EA pages A-4 to A-15) is then incorporated into cumulative effects discussions in the environmental consequences sections of Chapter 3. There will be no significant cumulative effects to forest vegetation (EA, pages 3-11 to 3-15), fuels (EA, pages 3-27 to 3-30), wildlife resources (EA, pages 3-42 to 3-88), fisheries, watershed or soils (EA, pages 3-96, 3-103 and 3-121 to 3-128), inventoried roadless areas (EA, pages 3-137), other unroaded areas (EA, page 3-138 and 3-147 to 3-149), range resources (EA, page 3-161 and 3-163), cultural resources (EA, page 3-170), or recreation and scenic resources (EA, pages 3-177 to 3-178). With specifically designed mitigation measures in effect, it is not expected that Alternative 3 will directly, indirectly, or cumulatively contribute to the spread of noxious weeds (EA, pages 3-153 to 3-155).

8. Cultural resource surveys and reconnaissance occurred during fire suppression activity and post-fire. Alternative 3 would not adversely affect districts, sites, highways, structures, or objects listed in, or eligible for, listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources (40 CFR 1508.27(b)(8)). This is because all known sites will be avoided, sites discovered during implementation of the project will be avoided, and monitoring of sites will occur during project implementation (EA page 3-170 and 2-18 to 2-19).

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 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 (see EA pages 3-48, 3-126 to 3-130, 3-156, Grassy Salvage Biological Assessment for Warner Sucker (*Catostomus warnerensis*), and the letter of concurrence on the Biological Assessment from the USDI, Fish and Wildlife Service – located in the Grassy Salvage analysis file, Lakeview Ranger District and posted on the world wide web at http://www.fs.fed.us/r6/winema/management/analyses/grassyfire/.

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). Applicable laws and regulations were considered in the EA (see EA pages 3-4, 3-17, 3-32, 3-44, 3-93 and other Chapter 3 sections, by resource, under the heading "Regulatory Framework").

My decision to implement the projects as described in Alternative 3 is consistent with the intent of Forest Plan management direction (goals, desired conditions, standards, guidelines). The project was designed in conformance with Forest Plan standards and incorporates appropriate Forest Plan guidelines specifically for snags, down woody material, big game habitat, riparian habitat, streams, and timber harvest. Projects were developed particularly with regard to the goals and standards detailed for the following management areas (which represent the allocations found within the project area – See EA, Chapter 1, beginning on page 1-9):

- MA 1: Mule Deer Winter Range
- MA 5: Timber and Range Production (amended by Regional Forester's Eastside Forest Plan Amendments #1 and #2)
- MA 6: Scenic Viewshed
- MA 14: Old-Growth Dependent Species Habitat
- MA 15: Fish and Wildlife Habitat/Water Quality (amended by INFISH)

FINDING OF NON-SIGNIFICANCE **(for site-specific Forest Plan Amendment #25)**

My decision includes a non-significant Forest Plan amendment to the Fremont National Forest Land and Resource Management Plan to provide for old-growth habitat conditions on the ground, as described in the Forest Plan (pages 196-198) for lands allocated to Management Area 14 (Old-Growth Dependent Species Habitat).

There are two areas allocated old growth dependent species habitat areas within the fire perimeter. One of these areas (designated PPGOGO214051N in the Forest GIS layer) was affected by the fire to the extent that it is no longer suitable old growth habitat. The other area within the perimeter experienced a light, mosaic burn. This mosaic burned area will remain MA 14. A third parcel,

identified as suitable replacement (designated PANANA200161N in the Forest GIS layer) but not currently allocated to MA 14, lies about 1.3 miles southeast of the burned old growth area. The Forest Plan, on page 197, states "Salvage operations will take place (in MA 14) only when catastrophic events occur (such as wildfire, insect infestations, windthrow, etc.), and the affected old growth stand is no longer considered suitable old growth habitat. A new old growth stand should be delineated to replace the original habitat." In this sense, the decision has already been made at the Forest Plan level on the appropriate management for non-functional old-growth stands. The decision here goes beyond the delineation of replacement acres and implements a change for the future management of the areas involved.

Specifically, 30 acres of MA 14 (PPGOGO214051N) will be re-allocated to MA 15 (Fish and Wildlife Habitat/Water Quality) or MA 5 (Timber and Range Production). Twenty-four acres of PPGOGO214051N are within the 600 foot-wide Riparian Habitat Conservation Area associated with Honey Creek. These 24 acres will become MA 15. Six acres, in compliance with Forest Plan direction, are included in a portion of unit 9. These 6 acres will become MA 5. A 59-acre area (PANANA200161N) will become MA 14.

I have determined that this change to the Forest Plan is not significant, based on NFMA planning requirements and Forest Service handbook direction. Forest Service Handbook (FSH) 1909.12 section 5.32 lists four factors to be used when determining whether a proposed change to a forest plan is significant or not significant: timing; location and size; goals, objectives, and outputs; and management prescriptions. I have considered these four factors in reaching the conclusion that this change is not significant.

Timing: The timing factor examines at what point, over the course of the Forest Plan period, the Plan is amended. Both the age of the underlying document and the duration of the amendment are relevant considerations. The handbook indicates that the later in the time period, the less significant the change is likely to be. This plan amendment is being made as the Forest Plan is about 15 years old and scheduled for revision in the next several years.

Location and Size: The key to the location and size consideration is context or "the relationship of the affected area to the overall planning area" (FSH 1909.12, sec. 5.32(d)). As further discussed in FSH 1909.12, sec. 5.32(d): "the smaller the area affected, the less likely the change is to be a significant change in the forest plan." The Grassy Fire impacted approximately 1,600 acres, or about one tenth of one percent of the Fremont National Forest. The amendment only affects two small parcels, with a combined area of 89 acres.

Goals, Objectives, and Outputs: The goals, objectives, and outputs factor involves the determinations of "whether the change alters the long-term relationship between the levels of goods and services in the overall planning area" (FSH 1909.12, sec. 5.32(c)). This criterion concerns analysis of the overall forest plan and the various multiple use resources that may be affected. There is no guarantee under NFMA that output projections will actually be produced. The amendment is a part of my decision to restore a sustainable ponderosa pine forest in the Grassy Fire area, and, in doing so, increase the likelihood that future outputs and conditions (wildlife habitat, water quality, desired vegetation conditions, and timber production) will be as desired in the Forest Plan, as amended by Regional Forester's Amendment #1 and #2.

Management Prescriptions: A change is more likely to require a significant amendment if it would apply to future decisions throughout the planning area. The amendment associated with this decision is only for the site-specific situation in this project and does not apply to a larger management area.

OTHER FINDINGS

1. Federal regulations require that permits, contracts, cooperative agreements, and other activities carried out on the Lakeview Ranger District are consistent with the Fremont National Forest Land and Resource Management Plan (Forest Plan), as amended. I have reviewed my decision against Forest Plan direction and I have determined that this action is consistent with the goals, objectives, and direction contained in the Record of Decision (ROD) for the Fremont National Forest Land and Resource Management Plan and accompanying Final Environmental Impact Statement (1989). Alternative 3 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, pages 3-172 to 3-174).

3. This decision is in compliance with Executive Order 12989 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (EA page 3-193). The project also complies with Executive Order 11990 (protection of wetlands) (EA pages 3-94 and 3-130).

IMPLEMENTATION, ADMINISTRATIVE REVIEW, and APPEAL OPPORTUNITIES

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

The notice of appeal must be filed hard copy with the Appeal Deciding Officer, ATTN: 1570 APPEALS, 333 S.W. First Avenue, P.O. Box 3623, Portland, Oregon, 97208-3623, faxed to (503) 808-2255, sent electronically to appeals-pacificnorthwest-regional-office@fs.fed.us, or hand delivered to the above address between 7:45AM and 4:30PM, Monday through Friday except legal holidays. The appeal must be postmarked or delivered within 45 days of the date the legal notice for this decision appears in the Klamath Falls Herald and News. The publication date of the legal notice in the Klamath Falls Herald and News is the exclusive means for calculating the time to file an appeal and those wishing to appeal should not rely on dates or timeframes provided by any other source.

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word, rich text format, or portable document format only. E-mails submitted to e-mail addresses other than the one listed above, in other formats than those listed, or containing viruses

will be rejected. Only individuals or organizations that submitted substantive comments during the comment period may appeal. It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed.

If no appeal is received, implementation of this project will not occur prior to 50 days (45 day appeal period, plus 5 days) 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* May 6, 2005
KAREN SHIMAMOTO DATE
Forest Supervisor

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Figure 2: Alternative 3