RECORD OF DECISION AND FINDING OF NON-SIGNIFICANT FOREST PLAN AMENDMENT

TOWER FIRE RECOVERY PROJECTS

USDA Forest Service
North Fork John Day Ranger District, Umatilla National Forest
Grant County, Oregon

INTRODUCTION

The Tower Fire burned 50,800 acres of the North Fork John Day Ranger District in the late summer of 1996. Heavy fuel conditions, steep terrain, and strong gusting winds resulted in unusually severe fire behavior. The fire burned across six watersheds within the headwaters of the North Fork John Day River Sub-basin that included the South Fork-Tower Inventoried Roadless Area and portions of the North Fork John Day Wilderness (Map 1). A legal description of the fire area is on page 1 of the FEIS.

The Big Tower Salvage and Revegetation Project Environmental Assessment and Decision Notice, one of several projects identified for the fire area to be staged over 5-6 years, was signed on September 8, 1997. The intent was to address the most urgent needs first (i.e. public safety along roads and recovery of economic value from accessible dead timber) then focus on long-term rehabilitation. However, the Big Tower Decision Notice and FONSI were challenged in court and eventually lost in the Ninth Circuit Court of Appeals on November 5, 1998. The Tower Fire Recovery Projects Final Environmental Impact Statement (FEIS) was completed (March 2001) in part to satisfy conditions of the Court injunction.

The overall purpose of this project is to enhance long-term recovery of resources impacted by the Tower Fire. Because of the complexity caused by the size of the fire and interrelatedness of resources affected, the needs for projects are very lengthy and were specifically discussed as five subsections: Protection of soil and water, fish habitat recovery and improvement, wildlife habitat enhancements, rehabilitation of recreation infrastructures, and forest revegetation/stocking control/fuel reduction. A detailed description of the needs for action can be found on pages 4-14 of the FEIS.

The FEIS documents the direct, indirect, and cumulative effects of the proposed action for recovery of the Tower Fire area and its alternatives. Informal consultation with U.S. Fish and Wildlife Service was completed March 2002 and formal consultation with National Marine Fisheries Service concluded January 2003.

THE DECISION

After careful review of the public comments, consultation with the Confederated Tribes of the Umatilla Indian Reservation, and consideration of the analysis disclosed in the FEIS and the project file, I have decided to select Alternative 6 with modifications. Detailed descriptions of the various activities occur on pages 60-63 of the FEIS. The modifications to Alternative 6 are as follows:

- Forest Road 5448 will be reconstructed from Forest Road 5448-550 to the Three-Culverts Camp, raising the roadbed, installing drainage, and replacing the three culverts with an OHV bridge as described in Alternative 2. This differs from Alternative 6, which would have closed and recontoured this end of the road, replaced the three culverts with an OHV bridge, and relocated the OHV trail out of the meadow.
- Wooden bridges will replace the identified culverts, whereas Alternative 6 would have replaced them with open-bottomed arches.
- In addition to planting rooted cuttings of bearberry and common snowberry, the highly erodible, 10-acre cutbank along Forest Road 5510 will be hydroseeded with native and/or non-persistent exotic grasses and mulched (using a tackifier).
- In addition to planting conifers and hardwoods, the landslides along Hidaway Creek and Texas Bar Creek will be seeded with native grass.
- The water system at Pearson Guard Station that was burned in the fire will not be replaced.
- Salvage of timber will be deferred.
- The tops will not be removed from large snags (which would have extended their longevity as wildlife habitat).
- Reforestation has already been completed, and herbicides will not be used to control competing vegetation.
- Step weirs at the Forest Road 52 crossing of South Fork Cable Creek will not be installed.

As part of my decision, I am choosing to implement the mitigation and monitoring measures identified on pages 65-72 of the FEIS. Mitigation measures are site-specific management activities designed to reduce the adverse impacts of management activities. Monitoring is integral to determining whether the projects were implemented as planned.

My decision includes a non-significant Forest Plan amendment. I have decided to designate replacement stands for the estimated 1,300 acres of C1-Dedicated Old Growth killed in the fire. Map 1 of this ROD shows the locations of the replacement C1 areas. Based on procedures described in 36 CFR 254, I have determined a Forest Plan amendment is not necessary to assign management areas to lands within the Tower analysis area that were acquired through a previous land exchange.

REASONS FOR THE DECISION

The following factors were considered in making my decision:

During the time it has taken to complete the EIS and Record of Decision, a number of environmental changes have occurred that have led me to drop a number of originally proposed actions from my consideration. In the seven years that have passed, dead trees have cracked and rotted to the point that they no longer provide value as sawtimber. There may be an opportunity to recover firewood or post and pole material from the originally proposed units, so I defer my decision on the salvage units until further field review can be done. Decay has also made the proposal to remove tops from standing dead trees to extend their longevity as wildlife habitat too dangerous to implement. The proposed reforestation was implemented under a separate Categorical Exclusion because it was critical to complete planting immediately. The Categorical Exclusion did not include the proposed herbicide for controlling competing vegetation, and this treatment is no longer needed for these planted areas. Finally, field review in 2001 led aquatics specialists to conclude that step weirs at the Forest Road 52 crossing of South Fork Cable Creek were not needed to improve fish passage.

My decision reallocates C1-Dedicated Old Growth areas consistent with C1 management direction (Forest Plan page 4-145). These replace old growth stands killed in the Tower Fire. I could have waited and addressed this issue in the upcoming Forest Plan revision, which is scheduled to be completed in 2007. Because the fire event resulted in a catastrophic loss of existing designated old growth habitats in the analysis area, I decided to address it now. The original arrangement and size of C1 areas across the Forest were based on a prescription for target species dispersal and need for interior habitat. I recognize the individual replacement stands are smaller than the originals lost in the fire and not well distributed due to a lack of availability of larger stands that meet the old growth criteria. Still, I believe the new C1 locations represent the best possible balance considering the limited options.

Meeting the Purpose of and Need for Action

I selected Alternative 6 because it best meets the purpose and need by balancing acceleration of long-term recovery of the fire area with mitigation of potential short-term effects and cost-effectiveness of implementation. This alternative best meets my needs to protect water, soil, and fisheries resources while addressing future fuels and safety concerns and staying within the projected budget for the Umatilla National Forest.

The selected alternative will reduce long-term, cumulative sediment production by decommissioning unneeded roads and repairing roads still needed for administrative and public use. Road densities will be decreased throughout the analysis area. Oregon Department of Fish & Wildlife identified concerns particularly within the Oriental Subwatershed about road densities and stability. Alternative 6 would respond to their concerns by:

- closing 11.6 miles of currently open roads to better protect water and soil resources
- recontouring many roads that are no longer needed in order to restore hydrologic functions
- closing and partially recontouring a portion of Forest Road 5510 (which is experiencing instability), making Forest Road 5507 the primary access to the basin

- ❖ repairing road crossings of Oriental Creek with bridges that will allow the stream to function more naturally than if culverts were re-installed.

I have decided to take advantage of a recent change in Regional policies and use wooden bridges instead of open-bottomed arches on the stream crossings identified in the FEIS. The wooden bridges will require less excavation and fill, reducing the risk of sediment introduction into the associated streams. The bridges will also cost much less than the open-bottomed arches and will restore fish passage as well or better than open bottom arches.

One of my modifications to Alternative 6 involves Forest Road 5448. I carefully weighed the effects of Forest Road 5448 on the adjacent stream against the effects to recreationists if I were to close even part of this road. Based on discussions with the District Ranger, who visited this site several times, I decided to reconstruct Forest Road 5448 all the way to the dispersed camps due to the popularity of this site for families and hunters. The road traverses a meadow and is separated from the adjacent creek by a natural rise (berm). I believe that the hydrology concerns associated with this road can be addressed by raising the elevation of the roadbed with additional rock and by providing culverts and filter cloth to allow for water movement under the road.

Another modification to Alternative 6 involves soil stabilization. I considered the costs of various methods of soil stabilization versus the potential for erosion, sedimentation, and spread of noxious weeds. The fire extensively exposed area soils to erosion and there are still areas that have little vegetation to cover soils. I chose to take Alternative 5's aggressive approach to recovery of currently unstable slopes and to potential disturbance associated with subsoiling landings and skid trails from past harvest. The additional seeding of native or non-persistent exotic grasses, and in some cases mulching, will more quickly establish ground cover to protect the soil.

Big game continue to use the burned area and we have invested a lot of time and money in replanting trees and shrubs, particularly in riparian areas. As a result, I have chosen to implement the 900-acre prescribed underburn to enhance big game forage in order to protect our investment and to hopefully reduce the impacts of these animals on the recovering riparian areas. I have also decided to fence the identified riparian meadows and water sources to protect that habitat from grazing of livestock when it resumes.

Maintaining recreation opportunities is very important to me within the Tower Fire area. This is the only location on the Forest with a developed trail and campground complex for OHV riders. It is popular for hunters and dispersed campers and provides access to the North Fork John Day Wilderness and the North Fork John Day Wild and Scenic River corridor. It also contains a recreational residence tract that was partially destroyed during the fire. As such, I have decided to implement all the rehabilitation projects associated with recreation, with the exception of repairing the water system at Pearson Guard Station. It has become very difficult and expensive to provide and maintain a water source that meets all state and federal requirements for potable water, so instead, users of the cabin will need to bring their own water. It is critical to protect the recreational residences that were reconstructed after the fire, so I am approving the hazard tree removal surrounding that area even though it is located within an inventoried roadless area. Hazard tree removal will remove trees which by their condition or lean may fall and reach a home or road (see section later in this document for further discussion about the roadless area). Finally, the existing Roundaway Trail provides an important connection within the Winom-Frazier OHV Complex and is one of the most challenging trails for experienced motorcyclists. However, 4-wheelers have also been using this trail, even though it is posted as not advisable for their use. This has degraded the trail tread and resulted in safety concerns, particularly for less experienced riders. I have chosen to construct an alternative route for 4-wheelers that will be built mostly on existing roads, skid trails, and fire line. This will provide a connection between the north and south portions of the OHV

complex for 4-wheelers, will improve safety, and will reduce impacts on the existing Roundaway Trail. A constriction device will be installed on the existing trail to limit use to motorcyclists, thus maintaining a challenging trail for experienced riders. I recognize that the new trail may increase disturbance to wildlife, however, that effect was evaluated when the OHV complex was originally established and this area was determined best suited for OHV use in order to concentrate the effects of OHVs in one location and not across the entire District. I believe the need for recreationists' safety overrides the trade-off with wildlife disturbance in this area.

I am disappointed to have lost the opportunity to salvage sawlogs from areas that could have supported harvest without unacceptable environmental impacts. I am concerned that future fuel loads and continuity will allow for a replay of the Tower Fire just as the area is recovering. I know a number of local communities could have greatly benefited from the jobs and income such harvest would have produced. I have chosen to defer salvage to keep my options open for opportunities to recover firewood or post and pole material from the proposed units, or for other fuels reduction treatments if money becomes available.

I will implement the hazard tree removal discussed in the FEIS (page 62) to better protect the public in the Winom Creek OHV area, Winom Campground, Pearson Recreational Residences, and along Forest roads 5507, 5510, 5226, and 5226-090. I will implement fuels reduction treatments within the Cable Creek portion of the fire, and if they are successful in achieving my goals of reducing fuel loads while avoiding soils impacts, then I may look at expanding those treatments to other areas within the Tower Fire through a separate, future decision.

After much consideration, I have also chosen to implement the commercial thinning in the south-western portion of the fire. The fire behaved as a light underburn in this area and actually killed very few trees. As a result, this area remains as densely stocked as severely burned portions of the fire were before the blaze. Many of the large, old trees in these stands are showing stress from over-crowding and we are losing the historic species composition and structure within these stands. I recognize that ground-based timber harvest disturbs and compacts the soil. To minimize this, I have chosen to limit equipment to harvester/forwarder (or similar) systems that better distribute their weight across the soil and operate on top of a protective cover of harvest debris to reduce soil disturbance. Also, this area has had good recovery of ground vegetation since the fire, which offsets many of the concerns about post-fire logging that have been raised by Beschta (1995) and others (see also FEIS pages 125-128). I have chosen to limit the amount of temporary road construction in this area to minimize erosion and sedimentation. I have toured a number of harvester/forwarder operations on the Umatilla and other forests and am convinced that this type of system can protect the soils in this area while achieving our silvicultural goals of reducing stand densities and restoring historic species compositions. Reduced stand densities will also allow the District to more safely and easily reintroduce fire into this area under controlled conditions. The interdisciplinary team was very conscious of potential impacts on soils and water resources from harvest, particularly in light of the scientific controversy surrounding post-fire harvest. I believe they identified a thorough list of mitigations and Best Management Practices that will provide excellent protection for soil and water resources. Some people might infer an economic motive in my decision to implement this commercial thinning, however, a thinning operation of this size does not produce much financial incentive (as indicated by the economic analysis). I have chosen to implement the commercial thinning because I believe it is the best thing for the forest in this area.

I am confident that the mitigation measures associated with the above projects (FEIS pages 65-72) will adequately prevent adverse effects for the following reasons: the selected mitigation measures are practices we have used successfully in the past; they are State-recognized best management practices for protecting water quality; and they are based on current research (e.g., the snag

management approach). These measures will be implemented through project design, contract specifications, contract administration, and monitoring of their implementation will be done by Forest Service.

Response to Key Issues

Key Issue 1: Removal of Trees & Reforestation

Alternatives 2 and 3 proposed to remove the highest volume of weakened, dead, and densely stocked trees with the least expensive harvest method, but would have resulted in highest level of soil disturbance of all the alternatives. However, given deterioration of the dead timber, this probably would not be the current outcome of these alternatives. Markets for burned, deteriorated timber in a remote location are scarce at this time. As a result, the salvage portion of the proposed harvest would not likely be economically viable and the dead trees would continue to increase fuel loads and continuity as they fall. Alternative 5 proposed to use the harvest system with the least amount of soil disturbance (helicopters). However, this harvest system is the most expensive and the value of the trees is not sufficient to support this method. Alternatives 1 and 4 would not remove any trees from the fire area. This would do nothing to address concerns about future fuel loads and continuity, although Alternative 4 would move that eventuality up in time by felling or girdling densely stocked trees and felling and leaving in place hazardous trees (except around the Pearson Summer Home tract where felled trees would be piled and burned).

I believe that the Selected Alternative provides the best balance between economical considerations and environmental consequences. The Selected Alternative will reduce future fuel loads and continuity through strategically located fuel reduction treatments in the northern part of the fire area. This will provide a break in fuel continuities north of the South Fork-Tower Inventoried Roadless Area, which will provide for more effective, safer application and, as needed, suppression of future fires (FEIS pages 216-221). I disagree with the sentiment that doubts whether the increase in large, dead, woody material significantly increases future fire potential. I heard the same concern regarding salvage of insect-killed timber in the early 1990's, yet in 1996 my Forest saw over 100,000 of those acres burned in four large fires. During review of the 1996 fires, my specialists determined that their size and intensity was uncharacteristic of historic fire patterns as a result of decades of accumulated fuels. Damage to the vegetation, water, and soil resources was extreme due to the intensity and duration of heat that was produced by the build-up of large fuels (Tower Fire Ecosystem Analysis and personal communications). Nevertheless, my selected alternative will leave over half of the Tower Fire area to recover through natural processes (FEIS page 81), including the entire North Fork John Day Wilderness. I feel this is enough. The harvest of commercial-sized green trees will reduce stress in densely stocked stands on the southwestern side of the fire (Tower Fire Ecosystem Analysis 1997, FEIS pages 131-133). I believe the predominant use of a harvester-forwarder logging system will best balance the amount of soil disturbance with the cost of implementation. The fuel reduction treatments in the Cable Creek area and the commercial thinning will also provide some income for local communities (FEIS 210-211).

As for reforestation, the proposed tree planting has already been accomplished, without the use of herbicides. While a number of areas will need recurring planting due to seedling mortality, no further decision involving planting or use of herbicides is required at this time.

Key Issue 2: Soil Erosion and Water Quality

Alternative 1 would best address this issue in the short-term, because it would not create any further disturbance of soil, increase in sediment, or change in water quality. However, current trends in sediment yields would be higher under this alternative five years from now than under any of the action alternatives because road densities and conditions would remain the same (FEIS pages 81 and 144-152). Alternative 4 would have the lowest predicted sediment yields five years from implementation, but a number of roads that are needed to administer Forest resources would be eliminated (FEIS pages 220 and 222). This would impact work efficiency and costs and could interfere with application and suppression of future fires, so is not acceptable from a management perspective. Alternatives 2 and 3 would have the second greatest increase in short-term sediment yields and the least reduction in long-term yields of the all action alternatives (FEIS pages 81 and 144-152). Alternative 5 would double the buffer of Class 3 streams to provide additional area for filtering mobilized soil and would log a much smaller area than proposed, using only low-impact helicopter systems. This alternative would result in the least soil disturbance and sediment in the short-term of all the action alternatives. However, it would recontour fewer roads than either Alternative 4 or 6 (because recontouring causes short-term sedimentation) so it would result in higher sediment levels than Alternatives 4 and 6 in the long-term. Like Alternative 4, some of the roads that would be recontoured are needed to administer Forest resources, which would impact work efficiency and costs, and fire application or suppression.

Sediment modeling indicated that Alternative 6 would have the greatest sediment yield increase in the short-term. Yet just five years after implementation, this alternative would reduce sediment yields below current trends (FEIS pages 81 and 144-152), close to the level predicted for Alternative 4 (which did not address future fuel loads). While I am not satisfied with the comparatively high short-term sediment yield ranking of Alternative 6, I recognize that this ranking is due to the combination of timber harvest and road recontouring. I am convinced that reducing road densities through recontouring is crucial for improving watershed health in this area; simply closing the roads would not be sufficient because this does not restore the hydrological functions affected by roads. Since I have chosen to harvest only those units associated with commercial thinning in my selected alternative, the initial increase in sediment should be much lower than predicted by the model. Where harvest does occur, vegetation that has grown since the fire will help trap any soil that is disturbed as a result of harvest. Also, I believe that the extensive mitigation and Best Management Practices will provide sufficient protection of affected soil and water resources.

Key Issue 3: Changes in Fish & Aquatic Habitat

Alternative 1 would maintain existing fish habitat quality, but it would do nothing to actively reduce water temperatures in the long-term or to increase accessible fish habitat (FEIS pages 81 and 157-181). All of the action alternatives would reduce water temperatures in the long-term through proposed riparian vegetation planting, fencing, road recontouring, and improved confinement of dispersed camping in riparian areas. All of the action alternatives would also increase access to fish habitat through removal of culverts that pose barriers to passage (FEIS pages 81 and 172-174). Alternative 4 would present some short-term risk to fish from project-related sediment due to the extensive recontouring of roads and replacement of culverts, but it would present the lowest risk of all alternatives in the long-term because there would be no harvest and road densities would be reduced (FEIS pages 82, 162, and 180). Alternatives 2 and 3 pose the second highest risk to fish and aquatic habitat in both the short- and long-terms (FEIS pages 82 and 176-180). Of all the action alternatives, Alternative 5 provides the least risk to fish in the short-term and the second lowest risk

in the long-term. However, Alternative 5 would not decommission as many roads as the Selected Alternative (FEIS pages 82 and 180).

The Selected Alternative will pose the highest risk in the short-term due to the combination of road treatments and harvest (FEIS pages 82 and 180). However, by the end of the second year post-implementation, the additional sediment initially produced by road recontouring will decline to background levels (FEIS page 163). This alternative will also reduce the cumulative impacts of recreation in the Big Creek Campground as proposed in Alternative 4 (FEIS pages 171 and 174) and will reroute the portion of Texas Bar Creek constricted by the landslide as proposed in Alternative 5 (FEIS page 162).

Key Issue 4: 4-wheeler Access to Winom-Frazier Complex

Alternative 1 would not address the safety and erosion concerns related to the existing Roundaway Trail. I believe this situation must be addressed before an accident occurs. Alternatives 4 and 5 would address it by installing a size-restriction device on the current Roundaway Trail that would eliminate 4-wheelers from this section of trail. This would address the safety and erosion concerns, but it would cut off access for 4-wheelers to the other portions of the Winom-Frazier OHV Complex. Alternatives 2, 3, and 6 would install the constriction device on the current Roundaway Trail and construct a new, gentler trail for 4-wheelers using mostly existing roads and skid trails (approximately 6.5 miles) to maintain a north-south connection for 4-wheelers within the Winom-Frazier OHV Complex.

My selected alternative is the best solution to this issue. The District analyzed the impacts of OHVs (including disturbance to wildlife) when they established the Winom-Frazier OHV Complex (Camas OHV Trail Complex EA 1991) and also within their District Access and Travel Management Plan (1990). The District chose to constrain OHV use in one location so as to better manage this resource and to reduce impacts to soils, wildlife, and water across the District. The Selected Alternative is also consistent with the Forest Plan, which identified additional OHV opportunities as a need on the Forest. Since the Roundaway Trail is one of the most challenging trails in the complex, I have chosen to keep it open to motorcycles to provide the variety of riding experiences described in the OHV complex plan objectives. I have determined that the trail cannot be widened to allow safe 4-wheeler use due to the likelihood of increasing slope instability. The new route for 4-wheelers would provide safe, easy access while limiting soil disturbance by constructing the new trail primarily on existing roadbeds and by alleviating 4-wheeler use above the Hidaway landslide. While this decision may increase disturbance to wildlife, I feel this is a fair trade-off to maintain safety for recreationists and to reduce soil instability above the already existing landslide.

Consideration of Treaty Reserved Rights

My decision was also guided by the federal government's responsibility to protect treaty reserved rights on ceded lands. The analysis area lies within the traditional lands of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and the Confederated Tribes of the Warm Springs Indian Reservation in Oregon that were ceded to the U.S. Government in 1855. In their respective treaties, the Tribes retained certain rights on these ceded lands, including: the rights to fish, hunt, gather roots and berries, and pasture stock on open and unclaimed federal lands. The courts have determined that the right to have associated resources (habitat) protected is implied in these treaties. Both Tribes have clearly stated that they consider the John Day River an important treaty reserved fishing rights resource that must be protected. They point out that the fisheries resource is invaluable and critical to the pursuit of traditional life ways and that recovery projects must not result in any decreases in habitat quality. This is one of several legal obligations that I considered as

I made my decision, and consultation with the Tribes provided me with valuable information in making that decision.

The Confederated Tribes of the Warm Springs Indian Reservation indicated by letter that the CTUIR would act as lead on this project, so direct consultation took place with the CTUIR. Meetings between CTUIR natural resources staff and the interdisciplinary team began in 1999 and included a field tour of the Texas Bar Creek area to view proposed fish passage improvement, riparian planting, road obliteration, one of the landslides, commercial thinning, reforestation and the need for control of competing vegetation, and salvage. After the distribution of the FEIS in 2001, the District Ranger, interdisciplinary team leader, and I met with Tribal Department of Natural Resource managers and an archeology specialist to review concerns that the Tribal specialists had, particularly with timber harvest and herbicide use. The District Ranger and interdisciplinary team leader met in June, 2002 with the Tribal Fish and Wildlife Commission to informally consult on the details of harvest, road repairs and obliteration, and use of herbicides.

Overall, I believe my decision responds favorably to the concerns highlighted during consultation. The Tribes were very concerned with the impacts of the herbicide use associated with seedling planting, particularly with regard to traditional plant gathering. The proposed planting was completed without using the herbicides, and while we have experienced high mortality rates in the seedlings, which will require replanting, I have decided not to authorize use of herbicides under these projects.

The Tribes were also greatly concerned about the impacts of proposed activities on the fisheries in the North Fork John Day River. They were particularly concerned with the construction of temporary roads due to the ash soils that predominate in the area. Alternative 6 greatly reduces the amount of temporary roads and my deferment of salvage would reduce even that level to construction of a total of 0.4 miles of temporary road. I have approved decommissioning of a large number of unneeded roads within the fire boundary to reduce cumulative effects of existing roads on fish. I am also implementing the projects that will improve fish passage, which will increase the amount of available fish habitat.

After touring the Big Johnson Timber Sale on Tribal lands, the interdisciplinary team determined that Alternative 6 provided many similar features, such as using a harvester/forwarder logging system as viewed on the Tribal sale. A number of design and mitigation features also mimic what was viewed on that field tour. While I am approving implementation of the commercial thinning as described in Alternative 6, I have omitted the proposed salvage units from my decision. If I choose to reconsider activities in these units in the future, this will be documented in a separate decision.

Public Involvement

The North Fork John Day Ranger District sought comments and information on the proposed fire recovery projects from federal, state, and local agencies, local Tribes, and from other groups and individuals interested in or affected by the proposed actions. These efforts and the public responses are contained in the project record for the Tower Fire Recovery Projects. Public responses were used to help identify major issues, develop alternatives to the proposed actions, and determine the extent of environmental analysis needed for an informed decision on the proposed action.

The Notice of Intent to prepare an environmental impact statement was published in the Federal Register on January 12, 1999. On February 19, 1999, a scoping letter and maps were mailed to 159 groups and individuals. This project was also included in every quarterly issue of the Umatilla National Forest Schedule of Proposed Activities (SOPA) since the 1999 Winter issue and was

displayed on the Forest's website. Ten letters were received in response to scoping specific to the EIS, while numerous phone calls and letters were received in response to scoping of the previous proposed projects within the fire area (Big Tower EA, South Tower EA, Cable EA Tower Salvage EA, and Hairy Hazard Tree Removal CE). In all, correspondence was received from the Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes of the Umatilla Indian Reservation, Oregon Department of Fish and Wildlife, various local government agencies, several environmental organizations, timber companies, and individuals.

The Draft Environmental Impact Statement was mailed on December 17, 1999 to 244 individuals, organizations, and agencies. The 45-day review period began on December 30, 1999, when the Notice of Availability was published in the Federal Register. The review period ran through February 16, 2000, and written responses were received from 18 individuals, government agencies, and groups. Substantive comments quoted from the letters were displayed in Appendix E of the FEIS along with corresponding Forest Service's responses.

The District met several times with biologists from the Oregon Department of Fish and Wildlife. Oregon Department of Fish and Wildlife was specifically concerned about elk, deer, and fish. Consultation was begun with the National Marine Fisheries Service and Fish and Wildlife Service on January 13, 1999. In the summer of 1999 and again in the summer of 2000, the District Ranger and interdisciplinary team toured the fire area with National Marine Fisheries Service and Fish and Wildlife Service representatives to discuss proposed projects (fish passage improvements, road treatments, timber harvest, herbicide use). Tower was discussed at a number of additional meetings to further refine the regulatory agencies' understanding of the proposals.

Members of the interdisciplinary team also met with a representative of Oregon Department of Environmental Quality to discuss the proposed actions and specifically the draft Water Quality Restoration Plan for 303(d) listed streams within the fire area (see project record). Development of the draft Water Quality Restoration Plan for Hidaway and Cable creeks and submission to the State Department of Environmental Quality was done to comply with the Clean Water Act.

The District Ranger, interdisciplinary team, and I lead a fieldtrip with Umatilla National Forest Stakeholders to the Winom-Frazier OHV complex area to discuss impacts of the fire, the OHV complex, and proposed actions under the EIS. Another fieldtrip with the Stakeholders toured recovery in the Oriental and Texas Bar subwatersheds.

The District met several times with Asante' Riverwind of Blue Mountains Biodiversity Project to discuss concerns raised in his comments on the DEIS. In particular, field trips were made to discuss the commercial thinning in the southern part of the burn and the Cable Creek fuels situation (once harvest was no longer possible due to wood decay).

ALTERNATIVES CONSIDERED IN DETAIL

In addition to the selected alternative, I considered five other alternatives, which are discussed below. A more detailed comparison of these alternatives, as well as alternatives that were dropped from consideration, can be found in the EIS on pages 37-83.

Alternative 1 (No Action)

Theme: Allow the remainder of the fire area to recover naturally; no further restoration activities would occur to address conditions caused by the fire or past management activities. However, existing management such as recreational use, road and trail maintenance, and grazing would continue as addressed in the post-fire BAER report and existing direction documents (Forest Plan, District Motorized Access and Travel Management Plan, Camas OHV Trail Complex EA, etc.)

This alternative would allow the area to progress through natural successional processes and recovery at its own rate. Current ecosystem processes and functions would continue as they are in the present condition. Current management direction and existing activities such as monitoring of the fire's effects, fire suppression, grazing, and road/trail maintenance would continue. No restoration activities, other than those already accomplished prior to this EIS, would be undertaken.

Alternative 2 (Proposed Action)

Theme: Salvage wood fiber and intensively accelerate recovery of the fire area using all available management techniques, including chemicals and heavy equipment.

There were 47 actions proposed to respond to the needs discussed above. A detailed description of the proposed actions can be found on pages 44-52 of the FEIS. In general, my proposed actions included the following:

Protect Soil and Water

- Repair 11.1 miles of closed road, and 47.1 miles of road open to the public (proposed actions 1-5 and 9)
- Construct low water ford on Forest Road 5506 to replace destroyed culvert (proposed action 6)
- Maintain closure on Forest Road 5507 and reconstruct Forest Road 5510 to serve as primary access to Oriental Basin (proposed actions 7 and 8)
- Decommission approximately 6.4 miles of closed roads that are no longer needed (proposed action 10)
- Seed and plant shrubs or hardwoods on 50 acres of two erodible slopes and two landslides (proposed actions 16-19)
- Subsoil about 25 acres of existing soil compaction remaining from past harvest (proposed action 20)

Improve Fish Habitat

- Remove barriers to fish passage on roads to improve access to habitat (proposed actions 11 and 12).
- Fence 1 mile of creek in Round Meadow to protect unstable streambanks (proposed action 13)
- Place large wood to provide instream habitat on 0.4 miles of Big Creek, 3 miles of North Fork Cable Creek, and 3 miles of Hidaway Creek (proposed action 14)
- Plant riparian shrubs, hardwood, and conifers on 1,309 acres south and north forks Cable Creek, Winom Creek, and Hidaway Creek (proposed action 15)

Wildlife Habitat Enhancements

- Seed 1,100 acres along Pearson Ridge, 500 acres on the ridge south of Cable Creek, and 700 acres on the ridge north of Hidaway Creek to improve big game forage (proposed action 21)

- Broadcast fertilize 1,500 acres where fire severity was low along the north and west fire perimeter to improve big game forage (proposed action 22)
- Burn 900 acres near the North Fork John Day River to encourage new growth of forage (proposed action 23)
- Designate new stands to replace the 1,300 acres of Dedicated Old Growth (C1) killed by the fire (proposed action 24)
- Fence 45 acres in Round Meadow, 2 acres in Donut Meadow, 4 acres in Pearson Meadow, 9 acres in Long Meadow, two springs, and three ponds to protect riparian habitats (proposed actions 25-30)
- Remove the tops from large snags scattered over 1,910 acres to extend the length of time they provide standing habitat for cavity excavators (proposed action 31)

Rehabilitation of Recreation Infrastructures

- Install signs at Round Meadows Trailhead, Three Culverts Camp, Winom Campground, and along the Blue Mountain Scenic Byway to encourage protection of fragile areas (proposed actions 33 and 35)
- Improve 20 dispersed campsites to reduce disturbance of soil and vegetation and to move them back from creeks (proposed action 34)
- Reconstruct the Pearson Guard Station outhouse and water system destroyed in the fire and two campsites, trailheads, and a vault toilet at Oriental Campground that were damaged during the post-fire 1998 flood (proposed actions 36 and 39)
- Improve conditions on the Round Meadows, River, and Cut Across OHV trails and seed steep slopes adjacent to trails in moderate to severely burned areas (proposed actions 32, 37, and 38)
- Construct a 6.5-mile long trail to relocate 4-wheeler traffic off the existing Roundaway Trail, which is experiencing increased instability since the fire (proposed action 40)
- Remove hazard trees on 741 acres adjacent to the Winom OHV complex, Winom Campground, and the Pearson Recreational Residence Tract (proposed action 41)

Forest Fuel Reduction/Stocking Control/Revegetation

- Salvage approximately 16-17 MMbf from 3,028 burned acres and 271 acres infected with *Armillaria* root rot (action 42) to reduce fuels and create a 6.25-mile long, 300-foot wide shaded fuel break just outside the northern edge of the North Fork John Day Wilderness (proposed actions 42 and 43)
- Commercially thin 843 acres (651 acres using tractor harvest systems and 192 acres using helicopter harvest systems) and manually thin 180 acres of live stands lightly burned by the fire and still densely stocked (proposed actions 44 and 45)

- ❖ Plant conifers with associated spot application of herbicide on 3,299 acres of salvage and root rot areas and 6,786 acres of the South Fork-Tower Roadless Area to reestablish forest cover (proposed actions 46 and 47)

Alternative 3

Theme: Salvage wood fiber and intensively accelerate recovery of the fire area using management techniques that do not require chemicals. This alternative is described in detail on page 52 of the FEIS.

Features that differed from the Proposed Action: All harvest and restoration activities would be identical to the Proposed Action with the exception that there would be no fertilization for forage enhancement or herbicide application to control vegetation in reforestation units.

Alternative 4

Theme: Accelerate recovery of the fire area by focusing on repair of soil and water resources. This alternative is described in detail on pages 53 through 56 of the FEIS.

Features that differ from the Proposed Action:

- ❖ Decommissions over 7 times more miles of closed roads (repairs fewer miles of open and closed road due to the extensive decommissioning)
- ❖ Closes 18.5 miles of roads currently open to the public
- ❖ Reconstructs a bridge at the damaged Oriental Creek crossing on Forest Road 5507 to serve as the primary access to Oriental Basin; Forest Road 5510 would be closed and partially obliterated
- ❖ Revegetates with native species only and focuses on manual methods for restoration activities
- ❖ Installs a barrier to exclude 4-wheelers on the Roundaway OHV Trail, but does not provide another north-south trail access for 4-wheelers
- ❖ Cuts hazardous trees and leaves them on site to provide soil nutrients and wildlife habitat
- ❖ Does not harvest any trees (fire killed, hazard, or commercial-sized overstocked trees)
- ❖ Reduces overstocking but does not recover economic value of commercial-sized trees
- ❖ Reforests 10,285 acres without use of herbicides

Alternative 5

Theme: Accelerate recovery of the fire area by reducing future fuel loads and using management options that are more active than those proposed under Alternative 4, while limiting short-term sediment potential as much as possible. This alternative is described in detail on pages 56 through 59 of the FEIS.

Features that differ from the Proposed Action:

- ❖ Decommissions almost 4 times more miles of closed roads (repairs fewer miles of open and closed road due to the increased decommissioning)

- ❖ Closes 12.9 miles of road currently open to the public
- ❖ Constructs a bridge on Forest Road 5507 at the damaged Oriental Creek crossing to serve as the primary access to Oriental Basin; Forest Road 5510 would be closed and partially obliterated
- ❖ Uses fertilizer, mulch, and additional seeding where restoration activities would cause soil disturbance
- ❖ Does not use prescribed fire
- ❖ Installs a barrier to exclude 4-wheelers on the Roundaway OHV Trail, but does not provide another north-south trail access for 4-wheelers
- ❖ Cuts hazardous trees and leaves them on site
- ❖ Reduces forest stocking densities on 598 acres using only helicopter logging systems to recover economic value of commercial-sized trees
- ❖ Increases buffer of Class III streams by 150 feet on each side to provide equal protection for all perennial waters

Environmentally Preferred Alternatives

I have determined that there are two environmentally preferable alternatives: Alternative 4 is most preferable in the short-term, while Alternative 6 would result in the greatest long-term benefits. Alternative 4 focuses on repair of soil and water resources and would remedy many effects from existing roads, past timber harvest, and ongoing grazing and recreation activities reducing chronic, long-term sediment. Research suggests that water infiltration rates of compacted soils would be immediately improved by the large amount of road obliteration, although sediment related to obliteration would be relatively high for a year or so after treatment. Yet Alternative 4 would result in a lesser amount of soil disturbance and compaction than alternatives 2, 3, 5, or 6. On the other hand, Alternative 4 would not reduce fuel loads and would not address concerns about future forest stocking and species compositions.

Alternative 6 is most environmentally preferable in the long-term because it would reduce future fuel loads and continuity, and improve future forest stocking and species compositions using a variety of methods including harvest. Commercial thinning in the southern part of the Tower Fire area would begin to restore historic species compositions and single stratum late/old structure that is currently deficient in this area (FEIS page 136 and Tower Fire Ecosystem Analysis). This would reduce stocking and associated stress on the remaining trees, producing healthier stands that would reduce future mortality and fuel build-up. Harvest was designed so that logs would be fully suspended and construction of temporary access road would be limited in length and location. Fuel treatments (mechanical and underburning) north of the South Fork Tower Roadless Area would disrupt both horizontal and vertical fuel continuity, allowing for more effective fire control options in the future. Design features and mitigation would reduce many of the short-term effects on soils and water. While the extent/risk of future fire intensity is difficult to predict, past experience with fires in these fuel types have shown that the risk is sufficient that the type of fuels treatment recommended in Alternative 6 would be more preferable in the long-term than no treatment as under Alternative 4. Alternative 6 would also reduce long-term sediment related to roads by decommissioning roads that are no longer needed, and closing roads that are still needed administratively to reduce use and thus deterioration. These roads were identified using a roads analysis, which is located in the analysis file at the District.

The other alternatives were not selected as "environmentally preferable" for the following reasons: The level of soil disturbance and potential for sedimentation associated with alternatives 2 and 3 would be higher in both the short and long-term than under Alternative 4. Alternatives 2 and 3 also keep Forest Road 5510, which transects unstable, granitic soils, as the primary access into Oriental Basin. Alternatives 2 and 3 would improve future fuels conditions on fewer acres than Alternative 6 (which incorporated non-harvest means of fuels treatment) now that salvage of sawtimber is no longer feasible. Alternative 5 would initially produce the least amount of sediment of the action alternatives, but within 6 years would have higher sediment yields than both alternatives 4 and 6 due to the lower number of roads decommissioned. Alternative 5 would more likely alter native vegetation compositions through use of fertilizer, mulch and non-persistent exotic seeding. Alternative 5 would reduce future fuel loads and continuity in about 1 percent of the burn, but this would be offset by felling and leaving in place hazard trees on more acres than would be harvested. Alternative 1 (No Action) is not environmentally preferable because it does not address hazardous trees, correct existing road-related sediment sources, or lower the risk of a future severe reburn.

Findings Required by Other Laws and Regulations

Consistency with Forest Plan Direction

My decision to implement the recovery projects as described in my selected alternative 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 (including amendment) guidelines specifically for snags, down woody material, big game habitat, riparian habitat, streams, fuel loads, and timber harvest (see mitigation FEIS pages 65-70). Projects were developed particularly with regard to the goals and standards detailed for management areas: A3-Viewshed 1, A6-Developed Recreation, A7-Wild & Scenic River, C1-Dedicated Old Growth, C3-Big Game Winter Range, C4-Wildlife Habitat, and C7-Special Fish Management Area (Forest Plan, pages 4-47 through 4-170). My decision reallocates C1-Dedicated Old Growth areas consistent with C1 management direction (Forest Plan page 4-145). These replace old growth stands killed in the Tower Fire.

Finding of Non-Significant Amendment

The NFMA regulations at 36 CFR §219.10(f) state: "Based on an analysis of the objectives, guidelines, and other contents of the forest plan, the Forest Supervisor shall determine whether a proposed amendment would result in a significant change in the plan." Forest Service Handbook 1909.12 provides a framework for consideration and 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.

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 documents 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. The Record of Decision for the Umatilla Forest Plan was signed June 11, 1990, so we are in year 13 of 15; thereby supporting the determination that the proposed changes do not constitute a significant amendment of the forest plan.

Location and Size. The key to location and size is context, or "the relationship of the affected area to the overall planning area", the smaller the area affected, the less likely the change is to be a significant change in the forest plan." The planning area for the Umatilla National Forest is about

1.4 million acres (Forest Plan, page 1-4). The areas affected by this amendment are about 1,300 acres, well less than one percent of the forest; thereby supporting the determination that the proposed changes do not constitute a significant amendment of the forest plan.

Goals, Objectives, and Outputs. The goals, objectives, and outputs factor involves the determination of "whether the change alters the long-term relationship between the level of goods and services in the overall planning area" (Forest Service Handbook 1909.12, section 5.32(c)). This criterion concerns analysis of the overall forest plan and the various multiple-use resources that may be affected. In this criterion, time remaining in the 15-year planning period to move toward goals and achieve objectives and outputs are relevant considerations. The planning period will end in 2005, about 2 years. The anticipated changes brought about by this amendment in the levels of resource activities and outputs projected in the plan are expected to be minimal. For example, this amendment will not measurably change the availability and amount of commercial and personal use timber projected in the forest plan in the short time remaining in this planning period (ending 2005).

Management Prescriptions The management prescriptions factor involves the determination of (1), "whether the change in a management prescription is only for a specific situation or whether it would apply to future decisions throughout the planning area" and (2), "whether or not the change alters the desired future condition of the land and resources or the anticipated goods and services to be produced" (Forest Service Handbook 1909.12, section 5.32(d)). In this criterion, time remaining in the 15-year planning period and changes in desired future conditions or the anticipated goods and services to be produced are relevant considerations. This amendment applies only to the C1 management areas impacted within this analysis area (about 1,300 acres) and does not affect the remaining C1 areas across the forest. The original C1 areas lost in the fire will be incorporated into adjacent management allocations, maintaining the approximate pre-fire balance of acres. The proposed changes in management area C1 will remain in effect until the forest plan is revised (expected to be within 4 years). Thus, the changes and effects are short-term regarding application to future decisions throughout the planning area; thereby supporting the determination that the proposed changes do not constitute a significant amendment of the forest plans.

Finding On the basis of the information and analysis contained in the EIS and all other information available as summarized above, it is my determination that adoption of the land allocation changes reflected in my decision does not result in a significant amendment to the existing forest plan.

Consistency with the National Forest Management Act

In all other respects, I have determined that this decision is consistent with the Umatilla Forest Plan and with the requirements of the National Forest Management Act implementing regulations. The Selected Alternative is consistent with the seven management requirements from 36 CFR 219.27. Design elements and mitigation associated with the Selected Alternative will protect soil, water, fish and wildlife habitat, and threatened and endangered species to the extent possible in the short-term, while actively managing vegetation, fuels, roads, and recreation to minimize serious or long-lasting hazards resulting from natural physical forces, in this case wildfire, erosion, and flood (FEIS Chapter 4). All restoration activities associated with the Selected Alternative (including the fuel treatments and commercial thinning) will avoid permanent impairment of site productivity (FEIS pages 153-155). All harvest units were planned on lands classified as suited for timber production, and even-aged management or clearcutting of forests will not occur (FEIS page 227). The commercial thinning will leave fully stocked stands (FEIS page 50). Special attention has been given to land and vegetation within riparian areas in excess of the distances identified in 36 SFR 219.27(e) (FEIS pages 65, 68, 139-174, and 197). Restoration activity prescriptions, to the extent practicable, shall preserve and enhance the diversity of plant and animal communities within the Tower Fire boundary (FEIS

pages 65-70, 194-207, and 214). The Selected Alternative is consistent with the viable population requirements of 36 CFR 219.19 (FEIS pages 176-181, and 194-207), even more so with the deferment of activity in proposed salvage units.

Consistency with National Historic Preservation Act

All surveyed and inventoried cultural resource sites in the Tower Fire area will be protected from entry and excluded from any resource management activities. Prior to project implementation, consultation with the Oregon State Historic Preservation Officer (SHPO) will have occurred. Consultation has not occurred on all projects at this time because of the number of projects and the uncertainty regarding which ones would be selected and funded for implementation. Since District heritage resource personnel and funding are limited, I believe this approach will be the most efficient use of Forest resources while protecting our cultural heritage. If any new sites are discovered during implementation, work will cease until Forest heritage specialists can determine the proper response. If previously undetected or subsurface cultural resources are located during project activities, all project activities shall cease in that area. The Forest Archaeologist shall be contacted to make a professional assessment of the significance of the cultural resource in question (Forest Service Manual 2361.23).

Consistency with Endangered Species Act

Biological assessments for Canada lynx, mid-Columbia steelhead trout, and Columbia River bull trout were prepared to document possible effects of proposed activities on endangered and threatened species within the Tower Fire area (see project record). The biological assessments for Canada lynx and Columbia River bull trout were submitted to the U.S. Fish and Wildlife Service (regulatory agency for these species), who completed informal consultation with the Umatilla National Forest on March 28, 2002, for Columbia River bull trout and August 17, 2000, for Canada lynx. In their responding letters, the U.S. Fish and Wildlife Service concurred with the determinations that the proposed action may affect but are not likely to adversely affect Columbia River bull trout.

A biological assessment for mid-Columbia steelhead trout and essential fish habitat for chinook salmon was submitted to National Marine Fisheries Service (regulatory agency for those species). The Umatilla National Forest requested formal consultation with this agency because the Roundaway Trail construction, various road repairs, fish habitat improvements, and slope stabilization were determined to be "likely to adversely affect" steelhead. National Marine Fisheries Service completed a Biological Opinion in January 2003, concurring with most of the determinations made be the Forest Service. However, National Marine Fisheries Service did not concur with the determination that salvage harvest and commercial thinning will "not likely adversely affect" mid-Columbia steelhead trout, determining instead that these activities will "likely adversely affect" the species. Therefore, they included these activities in their analysis of effects to the species. From their analysis, the National Marine Fisheries Service expects the amount of incidental take to be minimal, though "unquantifiable". They concluded that when the effects of the subject actions addressed in the Opinion were added to the environmental baseline and cumulative effects occurring in the action area, they are not likely to jeopardize the continued existence of mid-Columbia steelhead. National Marine Fisheries Service identified reasonable and prudent measures to minimize take of steelhead, as well as terms and conditions required for the Umatilla National Forest to be exempt from the prohibitions of section 9 of the Endangered Species Act. These are contained in Appendix A. As for essential fish habitat for chinook salmon, the National Marine Fisheries Service concluded that the actions would adversely affect this habitat. To comply with section 305(b)(4)(A) of the Magnuson-Stevens Act, National Marine Fisheries Service incorporated

each of the reasonable and prudent measures with their associated terms and conditions as essential fish habitat conservation recommendations.

Consistency with Clean Air Act

The Selected Alternative is designed to meet the National Ambient Air Quality standards through avoidance of practices that degrade air quality below health and visibility standards. There will be little impact on "Special Protection Zones" or Class I Wilderness areas due to the remote location of the analysis area. The Oregon State Implementation Plan and the Oregon State Smoke Management Plan will be followed to maintain air quality (FEIS pages 224-225).

Consistency with Clean Water Act

The Selected Alternative will meet and conform to the Clean Water Act as amended in 1982 (FEIS pages 225-227). This act establishes a non-degradation policy for all federally proposed projects. The Selected Alternative meets anti-degradation standards agreed to by the State of Oregon and the Forest Service, Region 6, in a Memorandum of Understanding (Forest Service Manual 1561.5). This will be accomplished through planning, application, and monitoring of Best Management Practices (BMPs). Site-specific BMPs have been designed to protect beneficial uses (FEIS Appendix B). A draft Water Quality Restoration Plan for listed 303(d) streams has also been prepared and submitted to the State (see project record).

Consistency with the Roadless Area Conservation Rule

My Selected Alternative contains several projects that will occur within the South Fork-Tower Inventoried Roadless Area:

Hazard tree removal: Surrounding the Pearson recreational residences on associated Forest roads 5200-528, 5200-529, and 5200-530 (the enclosed maps do not show these spurs entirely). Five of the seven summer homes destroyed in the Tower Fire have been rebuilt. Dense stands of lodgepole pine that were killed by the fire surround the homes, causing concerns about falling trees and the ability to protect the homes when future fires occur. Harvest will be conducted from existing roads using a ground-based systems to reduce fuels. Prescribed burning or mechanical treatment of harvest debris will occur in association with hazard tree removal.

Fuels reduction: A portion of one fuels reduction unit falls within the northwestern portion of the roadless area. Dead trees are intermingled with a mature, live overstory. The fuels treatment will fell dead trees between 3 and 9 inches in diameter, then burn the debris in place. Burn plans will be prepared to reduce 10-hour fuels (¼ to 1 inch diameter), 100-hour fuels (1 to 3 inch diameter), and 1,000-hour fuels (3 to 9 inch diameter) by 25 to 50 percent. This treatment will involve construction of fireline (by hand on slopes over 30%). This will protect the mature live overstory from mortality in future wildfires in an area surrounded by stands that were killed in the Tower Fire.

Riparian planting: Shrubs and hardwoods will be planted by hand on 1,309 acres along the South and North forks of Cable Creek, and Hidaway Creek and its tributaries.

Fencing of Round Meadow: Permanent wire fence will be constructed around 45 acres plus 1 mile of creek. OHVs will likely be used to haul materials during fence construction.

Dispersed campsite hardening: Several roads occur within the roadless area along its boundary. There are nine dispersed campsites that occur along these roads, and these sites would be delineated with boulders and hardened to reduce sediment.

Stabilization planting: Planting of native trees and seeding with native of non-persistent exotic grasses will occur on the landslide along Hidaway Creek (approximately 10 acres).

Road repair: The roadbed of Forest Road 5448 (which enters the roadless area in the north) will be raised using rock, with appropriate drainage structures installed, to repair the road and prevent future rutting. This is a very popular recreation site adjacent to the Winom-Frazier OHV Complex that runs through the roadless area. The three culverts at the end of the road will be replaced with an OHV bridge to provide access to the trails.

Road decommissioning: Forest Road 5448-558 (which weaves in and out of the north central boundary of the roadless area) will be recontoured to restore hydrologic function.

The Roadless Area Conservation Rule, which was finalized on January 12, 2001, was established "*to provide, within the context of multiple-use management, lasting protection for inventoried roadless areas within the National Forest System.*" The Roadless Area Conservation Rule prohibits road construction or reconstruction and timber cutting within roadless areas, with several exceptions. This area was allocated in the Forest Plan to C7-Special Fish Emphasis, C1-Dedicated Old Growth, and A3-Viewshed. The Forest Plan FEIS identified that this area has no primary attraction other than its 7-mile stretch of common boundary with the North Fork John Day Wilderness (Forest Plan FEIS Appendix C page C-188).

In considering what restoration activities were appropriate within the roadless area, I weighed a number of factors: 1) the need to reduce fuel loadings and continuity to reduce the risk of future severe reburn; 2) potential effects to roadless character, including naturalness and opportunities for solitude; 3) the need to stabilize soils, and 4) protection of riparian habitat. I selected Alternative 6 modified for application in the roadless areas because it will reduce the risk of a severe reburn to the north of the roadless area. It will protect riparian areas and reduce sediment from the landslide, Forest roads 5448 and 5448-558, and dispersed campsites, which is consistent with the goals of the associated management areas.

My decision does not substantially change the undeveloped characteristics because no new roads will be constructed in roadless area, nor does my decision change the long-term character or management objectives of this area, as described in the Forest Plan (Appendix C, pages C-186 through C-193). Under the Roadless Area Conservation Rule, a road may be reconstructed in an inventoried roadless area if "*Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a classified road and that cannot be mitigated by road maintenance. Road realignment may occur under this paragraph only if the road is deemed essential for public or private access, natural resource management, or public health and safety*" (36 CFR 294.12 (b)(4)). A roads analysis was conducted to determine which roads were important to keep for public and administrative use. Forest Road 5448 was identified during that process as an important road for recreational access. Road realignment will consist of raising the roadbed with rock and installing culverts to avoid irreparable damage to the adjacent riparian meadow from rutting and erosion. Realignment will also include replacement of the three culverts with an OHV bridge to reduce potential for obstruction of the culverts and allow for more natural flow of the stream.

The cutting, sale, or removal of generally small diameter timber may be allow in inventoried roadless areas if it is needed, "*To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period.*" (36 CFR 294.13(b)(1)(ii)). 36 CFR 294.13(b)(3) also allows "The cutting, sale or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart". Both of these exceptions apply to the timber removal in my Selected Alternative. The hazard tree removal surrounding the Pearson

recreational residences is intended to reduce the risk of injury to the homeowners, their guests, and property. The lodgepole pine stand surrounding these residences was very dense and as a result, trees are generally small in diameter (i.e. less than 15 inches); no trees greater than 21 inches in diameter at breast height will be cut. The cutting, removal, and sale of this timber is incidental to protection of these residences, which is a management activity not otherwise prohibited. Falling and burning small trees (3 to 9 inches in diameter) within the fuels reduction unit that partially falls within the northwestern portion of the roadless area will also reduce future wildfire effects. Therefore, I have determined that these projects are consistent with the Roadless Area Conservation Rule.

Consistency with Wild and Scenic River Act

The outstandingly remarkable values identified for the North Fork John Day Wild and Scenic River are: wildlife, fisheries, scenery, cultural, and recreation. The Selected Alternative will improve scenic quality and recreational access to the river corridor by repairing Forest Road 5506 at Sheep and Oriental creeks with bridges, which will improve the natural flow at these crossings more than pre-fire conditions. While 51 acres of commercial thinning will occur along the north side of the river, only 9 acres will actually be visible. For reasons discussed in the FEIS, visual quality will be maintained though harvest operations (FEIS pages 191-192). The FEIS indicated that fisheries may be impacted by sediment associated with commercial thinning and restoration activities. However, since salvage harvest and use of herbicide are not included in the Selected Alternative, I believe the effects will more closely mimic those associated with Alternative 4 (which does not include harvest but does include most of the same road treatments as Alternative 6). Wildlife use may change during implementation or within thinned stands after implementation. However, species that shift their use to another area will be replaced by other species taking advantage of the vacant niche (FEIS pages 195-207). Known cultural sites will be protected from disturbance (FEIS page 223). Based on the analysis and the fact that the majority of the Wild and Scenic River corridor will remain unaffected by the restoration projects, I find that the Selected Alternative will be consistent with the Wild and Scenic River Act (FEIS pages 191-193 and 224)

Consistency with Other Policy or Guiding Documentation

Biological Evaluations were prepared to assess potential effects to sensitive and ESA listed plant, wildlife, fish species, and proposed critical habitat as identified by the Pacific Northwest Regional Forester. This evaluation determined that there will be no impact on wildlife species from Alternative 6, though the associated activities may impact redband trout. Even so, the biological evaluation for fish and aquatic species determined that Alternative 6 will not likely contribute to a trend towards federal listing or cause a loss of viability for sensitive species. May impact determinations for ESA listed aquatic species led to further analysis and ESA consultations with US FWS and NOAA fisheries. Since my Selected Alternative does not include the salvage harvest or herbicide application (two activities that could impact fish habitat), the effects should be less than predicted in the FEIS.

There is one sensitive plant species (*Botrychium* minganense) known to occur adjacent to planned activities and two species (*Carex crawfordii* and *Carex interior*) suspected within the analysis area (FEIS page 214). The Biological Evaluation for plants determined that activities may impact individuals of either *Carex* species or their habitat, but will not likely contribute to a trend towards Federal listing or cause a loss of viability to the population or species. Mitigation related to Riparian Habitat Conservation Area requirements and exclusion of slash piling in wet areas will reduce impacts to these species (FEIS page 214). The Biological Evaluation also determined that given the following mitigation, there will be no impact on the *Botrychium*

- ❖ Application of prescribed fire during the mid- to late-spring will require relocation and flagging of the *Botrychium* population by a botanist.
- ❖ All fuels within and adjacent to the *Botrychium* population will be manually removed.
- ❖ The abandoned road where the *Botrychium* occurs will not be used for skidding, vehicular access, or as a landing, nor will fireline be constructed within the vicinity of the population (not even on the abandoned road).

The Selected Alternative excludes the use of herbicides and will use prevention as the main strategy to manage unwanted and competing vegetation, incorporating all measures contained in the above documents. The FEIS for Managing Competing and Unwanted Vegetation, November 1988, Record of Decision signed December 1988, and the requirements of the Mediated Agreement, signed May 1989, guide the policies for managing competing and unwanted vegetation considered in this decision.

I find that my Selected Alternative will meet the intent of Executive Order 11990 (protection of wetlands) by avoiding such areas. As for Executive Order 11988 (protection of floodplains) some activities, such as the proposed road repair, decommissioning, and replacement of identified culverts with bridges, will protect floodplains and reduce the risk of loss due to floods. Although some restoration projects will occur within 100-year floodplains, I find that the identified mitigation measures are sufficient to comply with the requirements of this executive order (FEIS page 227). I also find that the Selected Alternative will comply with Executive Order 12898 (Environmental Justice), particularly since no herbicide will be used which could have affected mushroom or cultural plant collectors.

Implementation

Scheduling

Implementation of the project will begin in Fall 2003 and continue for several years.

Administrative Appeal

My decision is subject to administrative appeal in accordance with Title 36 CFR 215. The 45-day appeal period begins the day following the date the legal notice of this decision is published in the East Oregonian, Pendleton, Oregon; the official newspaper of record. A notice of appeal must be made in writing, must clearly state that it is a Notice of Appeal, and must meet the content requirements of 36 CFR 215.14. It is the responsibility of those who appeal a decision to provide the Regional Forester with sufficient written evidence and rationale to show why my decision should be changed or reversed. Appeals must be addressed to:

Appeal Deciding Officer Linda Goodman
Pacific Northwest Region
USDA Forest Service
ATTN: 1570 APPEALS,
P.O. Box 3623,
Portland, OR 97208-3623

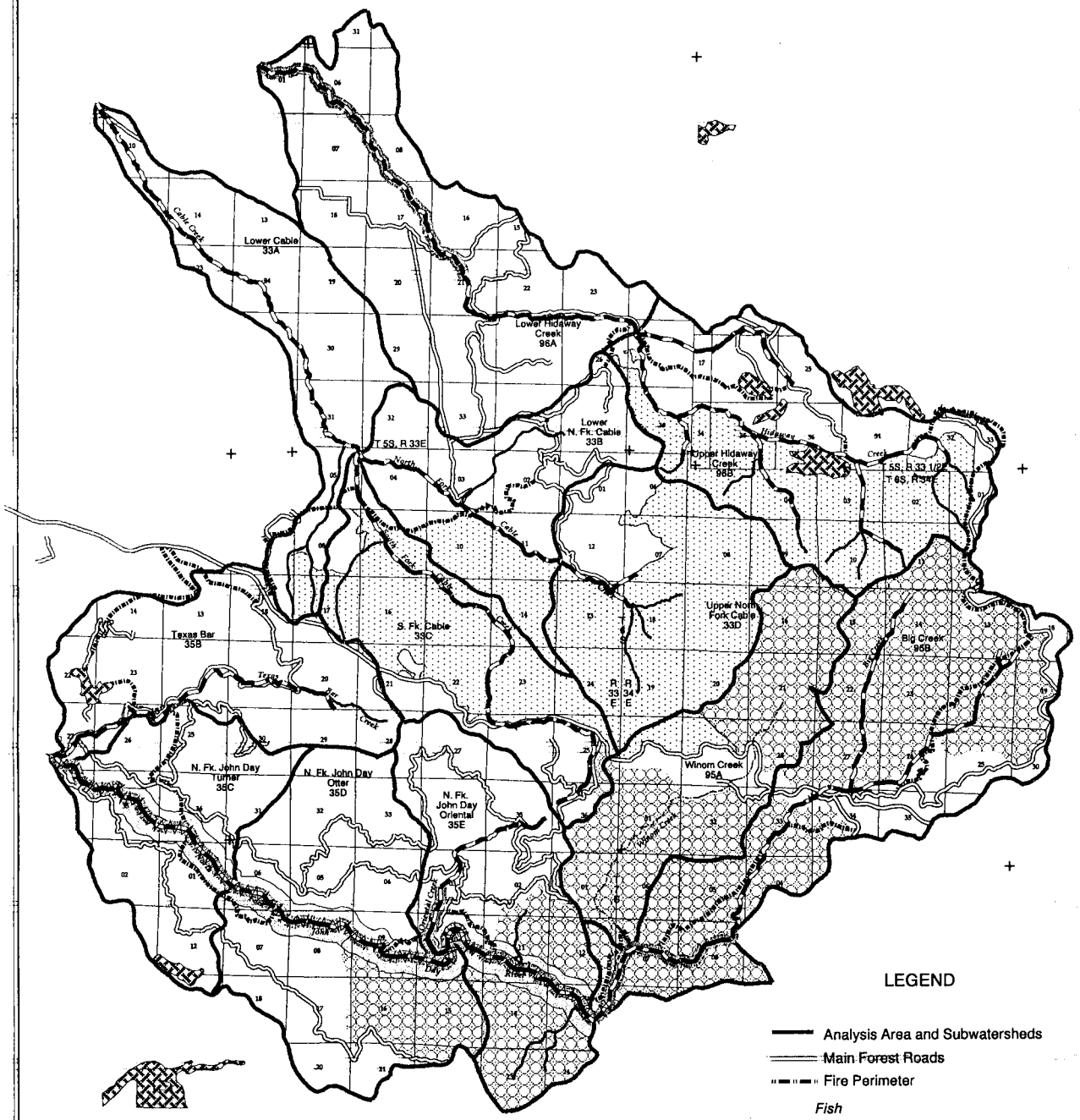
CONTACT PERSON

For additional information concerning this decision or the Forest Service appeal process, contact Jeff Blackwood, Umatilla Forest Supervisor, 2517 S.W. Hailey, Pendleton, OR 97801. My telephone number is (541) 278-3231.

JEFF BLACKWOOD
Forest Supervisor
Umatilla National Forest

6/16/03
[DATE]

Tower FEIS - Map 1:
Analysis Area
Known Distribution of T, E, and S Fish,
Proposed C1 Replacement



gmp 02/13/01 - Revised 6/13/03 by CEH
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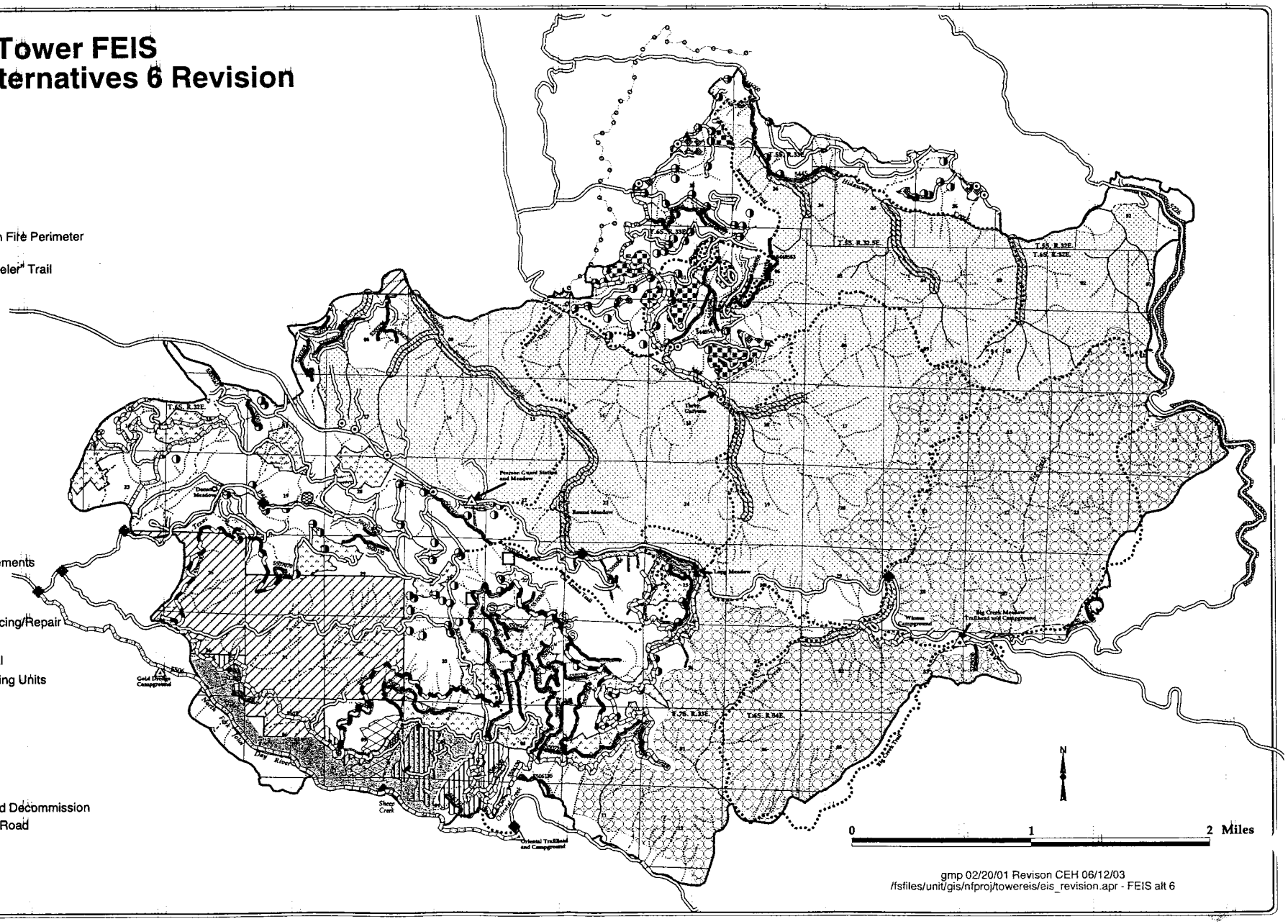
Tower FEIS
Map 7: Alternatives 6 Revision



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