# Record of Decision

for the

# Rimrock Ecosystem Restoration Projects

**(Commercial and precommercial harvest in the C3 management area)**

and

## Finding of Non-Significant Amendment

USDA Forest Service

Umatilla National Forest
Heppner Ranger District
Grant County, Oregon

T.7S., R.27E., sections 17-20 and 29-33; T.8S., R.26E., sections 1-6, 8-16, and 24; T.8S., R.27E., sections 4-9 and 16-19, Willamette Meridian.

## Background

The Rimrock Ecosystem Restoration Projects were developed using information from the Wall Ecosystem Analysis, which describes resource protection and restoration measures designed to promote long-term resilient and sustainable conditions of the watershed and the forests within it. Based on historical data and descriptions, the Wall Watershed Ecosystem Analysis, and site-specific analysis, it is believed that the dry sites within the Rimrock project area were historically dominated by open, park-like stands of mostly ponderosa pine trees. Today, the same stands are dominated by dense, multi-story stands of predominantly Douglas-fir trees.

Management actions were identified and proposed to produce a more resilient and sustainable forest and restore ecosystems so they function closer to the historical range of disturbance from which they developed. This includes favoring dry-site species, ponderosa pine and Western larch over Douglas-fir and grand fir, lowering fire intensity and risk through fuel and stand density reduction, and reintroducing fire as a management tool to maintain desired forest conditions. Other actions identified include aspen restoration, maintenance of instream fish-habitat structures, removing vehicle traffic from streambeds, road closures and other road work.

Heppner District Ranger Andrei Rykoff signed the Record of Decision on May 21, 2003, for the Rimrock Ecosystem Restoration Projects. He selected alternative 5 which included commercial and noncommercial thinning, shelterwood harvest, landscape-scale prescribed burning, aspen restoration, repair of instream structures, temporary road construction, and other management projects.

The decision was appealed and after reviewing the appeal, Ranger Rykoff decided to withdraw a portion of his decision. The August 14, 2003, withdrawal included all commercial timber harvest and precommercial thinning activities planned in the Monument Big Game Winter Range (C3 Management Area). All other aspects of the May 21, 2003, decision were affirmed by the Regional Forester on August 21, 2003, and are being implemented.

A review of the May 2003 final EIS revealed some project activities may not be fully consistent with a forest plan standard concerning habitat effectiveness index (HEI) in the C3 Management Area of the Monument Big Game Winter Range. Activities not consistent with a forest plan standard require a forest plan amendment to permit implementation. Since Ranger Rykoff does not have authority to amend the forest plan, Forest Supervisor Jeff D. Blackwood becomes the Responsible Official.

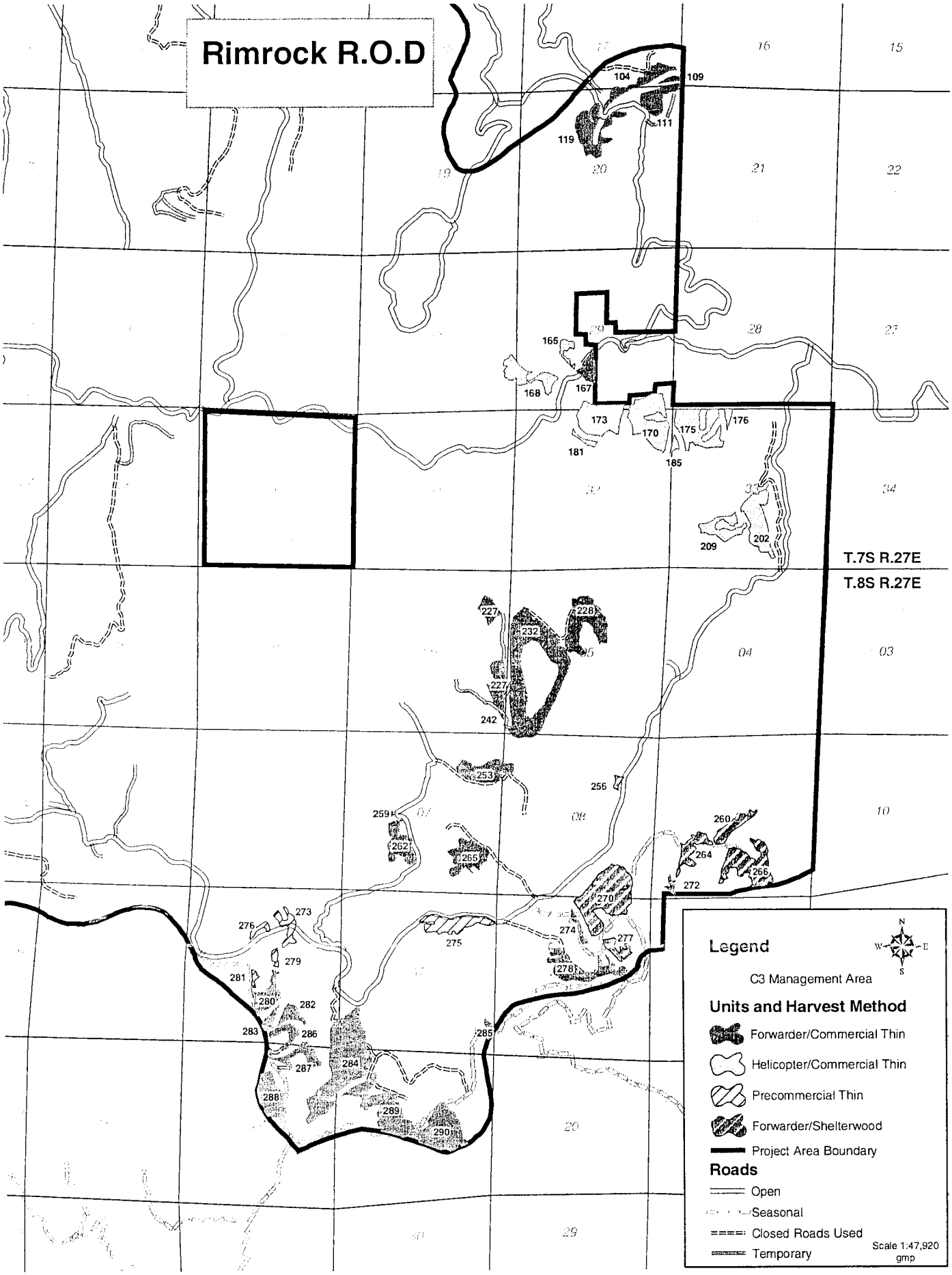
To fully address the Rimrock Ecosystem Restoration Projects purpose and need, Supervisor Blackwood decided to move forward with the remaining actions (commercial timber harvest and precommercial thinning) in the C3 management area. The Rimrock project area contains approximately 41,800 acres, of which, 6,950 acres are within the C3 Management Area. In the 6,950 acres of the C3 management area there remains a need to:

- Reduce stocking levels of forested stands to levels recommended for specific plant associations on the Umatilla National Forest.
- Promote tree species composition and age classes more representative of historical conditions. Early seral species such as ponderosa pine and western larch will be favored over Douglas-fir and grand fir.
- Amend the forest plan for this site-specific project to bring the actions into consistency with the Forest Plan (as amended). The environmental impact statement (EIS), as supplemented, documents the analysis of four alternatives to meet this need.

## Decision

After careful review of the public comments, the analysis disclosed in the FEIS, FSEIS, and project file, I have decided to select alternative 5 for the commercial harvest and precommercial thinning within the C3 management area. The following table identifies specific actions, and the map identifies specific locations where each of these actions will take place.

| | |
|---|---|
| Commercial thinning using a helicopter | 176 acres |
| Commercial thinning using a harvester/forwarder | 632 acres |
| Precommercial thinning | 40 acres |
| Shelterwood harvest using a harvester/forwarder | 122 acres |
| Total volume | 4,000 mbf (7,700 ccf) |
| Forest plan amendment | Change HEI standard from 70 to 67 for this project |


Rimrock R.O.D
T.7S R.27E
T.8S R.27E
Legend
C3 Management Area
Units and Harvest Method
Forwarder/Commercial Thin
Helicopter/Commercial Thin
Precommercial Thin
Forwarder/Shelterwood
Project Area Boundary
Roads
Open
Seasonal
Closed Roads Used
Temporary
Scale 1:47,920
gmp

As part of my decision, I am choosing to implement the mitigation measures identified in the FEIS on pages 40 to 43 and all terms and conditions included in the April 16, 2002, National Marine Fisheries Service biological opinion. I have also decided to monitor the implementation of these measures and, in some instances, to monitor their effectiveness, as described in the FEIS on pages 43 to 44.

## Reasons for the Decision

All the action alternatives restore ecosystems so they function, and can be managed, closer to the historical range of disturbance from which they developed. Alternative 5 treats the most acres with the least amount of impact to the environment while expediting the regeneration of the 122 acres of forest defoliated by the tussock moth.

I did not select no action because a large, uncharacteristic wildland fire will likely occur in the long term as a result of stand density, stand composition and ground-fuel build-up. This could expose a larger amount of soil to erosion, instability, and losses in productivity. The loss of vegetation and forest canopy cover could result in significant changes in satisfactory cover for big game and changes in microclimates throughout the project area. The loss of thermal cover in this portion of the forest could highly impact wintering deer and elk. No action alternative does not address the purpose and need of the project. I believe not acting now to address these potential impacts would be irresponsible and socially unacceptable.

Alternatives 2 and 4 use ground-based timber harvest methods to reduce stocking levels and alter tree species composition. The arrangement of harvest debris and the amount of soil disturbance and compaction to be expected depends upon the harvesting system used. Whole tree (skidder) yarding poses a slightly greater chance of causing soil disturbance than harvester/forwarder yarding. Alternatives 2 and 4 would have allowed the use of whole tree yarding on 313 acres. While the soil impacts of whole tree yarding in alternative 2 and 4 are consistent with the Forest Plan, I selected alternative 5 because harvester/forwarder (or similar) systems better distribute their weight across the soil and operate on top of a protective cover of harvest debris reducing soil disturbance.

Whole-tree yarding results in large piles of activity fuels at landings. These piles would burn at high intensities, reducing soil productivity at the location of the piles. I selected alternative 5 because the resulting activity fuels from ground based harvesting systems would lay in more uniform configurations in the units where they could be burned with the least impact to soils and soil productivity.

In alternatives 2, 3 and 4 the five units in the Indian Creek area are thinned from below, the same treatment as units that do not have a high degree of mortality or stress from the 2001 tussock moth outbreak. In alternatives 2, 3, and 4 commercially thinning units 260, 264, 266, 270, and 277 would result in 122 acres of standing dead trees. Reforestation of these units would become a safety concern for ground personnel and would therefore require natural regeneration, increasing the recovery time for reestablishment of habitat, big game hiding cover or thermal cover. Although natural

regeneration is within compliance with the forest plan, I believe that through the use of shelterwood harvest systems, as in alternative 5, this area can become higher quality big game cover habitat at a faster rate while providing the desired species composition that historically occurred in this forest type.

In addition, on the 122 acres of standing dead trees, ground fuel loads would continue to increase as snags decay and fall. The possibility of intense wildland fire would continue to be a threat. Fuel levels would remain above what is recommended in the forest plan for C3 management areas. Alternative 5 will not reduce snags, green tree replacements and down logs below minimum levels required for wildlife as described in the forest plan (amended). I selected alternative 5 because the shelterwood harvest of the five stands that were heavily defoliated by the tussock moth would reduce existing and future fuels loads to levels allowed within the forest plan and result in reduced risk of a large, intense wildland fire.

Within the C3 management area, alternative 4 would not have treated several helicopter units (96 acres) based on the cost of timber extraction in comparison to value of material removed. Reducing the total area harvested would not reduce stocking density or change species composition or age classes to conditions historically in this dry forest type. Although alternative 4 addresses the purpose and need I feel that alternative 5 better addresses the management needed to restore historical species composition and structure over those areas in the greatest need of vegetation manipulation by treating about 10 percent more acres than alternative 4.

Purpose and Need

In making my decision, I considered the fact that the Umatilla National Forest had recently completed a "Dry Forest Strategy" that identified areas of the Forest that are outside of their historic stand conditions and could benefit from active management treatments. Stands within the C3 management area of the Rimrock projects fall within this strategy and I believe treating overstocked stands by thinning them now is reasonable and it would be irresponsible to ignore these conditions. 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. By reducing stocking densities to the levels recommended for plant associations on the Umatilla National Forest; and favoring seral species compositions such as ponderosa pine, I believe that this forest will become more resilient to a natural disturbance process such as disease, insect, or fire. As an added benefit, reduced stand densities will allow the District to more safely and easily reintroduce fire into this area.

I have also decided to move forward with an action alternative as a result of the findings of specialists that can be found in Chapter 4 of the FEIS and FSEIS and in the analysis file. After carefully reviewing these reports and their assessment of the environmental consequences of the no action and action alternatives, I have concluded that by not acting, I would increase the likelihood of an unwanted wildland fire in the C3 management area of the Rimrock Ecosystem Restoration Projects. I believe that the effects disclosed for the no action alternative in the EIS present an unacceptable future risk to our rangelands, forests, and adjacent private landowners. This area of the

Forest has historically experienced wildfires as recently as 1996 (Wheeler Point Fire) and 1999 (Monument Fire). By acting now and thinning overstocked stands, altering tree species composition, creating stands that represent historical age classes and structures, and recovering value from dead and dying trees in the analysis area, funds collected would be used for forest regeneration and improvement activities. I believe that by being proactive and treating stands now, we would lessen the possibility of a large, uncharacteristic wildland fire and reduce impacts to trees from insect and disease affecting the C3 management area of the Rimrock Ecosystem Restoration Projects in the foreseeable future.

Issues

Both individuals and groups raised issues and concerns during the development of this project. Most supported the purpose and need, but others felt the proposed actions were not necessary or they could be accomplished without commercial timber harvest. I considered the issues and concerns raised by the public during the scoping process as well as the comments received during the comment period to help make my decision.

**Vegetation removal**

From the comments received during scoping it is clear that one of the most contentious issues revolving around the Rimrock project is whether commercial timber sales are an appropriate way to meet resource management objectives. We received comments indicating that some people feel that timber sales caused many of the existing problems and, therefore, cannot be used to solve the problems. While I understand these concerns over some past practices, I feel the prescriptions and proposed activities are different and the most appropriate means of meeting the Purpose and Need. Stand densities are currently so high that some type of removal is needed before fire can be reintroduced.

The biggest difference between the action alternatives is in the harvesting system used to accomplish the timber harvest to achieve resource objectives. Alternative 2 would treat approximately 926 acres through commercial timber harvest using tractor, harvester/forwarder and helicopter, Alternative 3 and the Selected Alternative would treat approximately 926 acres using only harvester/forwarder and helicopter, and Alternative 4 would treat approximately 830 acres using all three harvesting systems. In all cases, the timber harvest would be designed to achieve resource objectives related to stand density control and shifting stand structure toward the historic conditions.

While I understand that past timber sale practices and years of fire suppression have contributed to the existing condition of many overstocked stands (with smaller diameter Douglas-fir and grand fir), I believe that an active approach of thinning from below is the best method of moving stands back toward their historic condition of largely single-story stands, dominated by large ponderosa pine and western larch. The Rimrock Timber Sale, which is currently operating, uses this same approach. Pictures taken at a Rimrock Sale monitoring photo point (see ROD-Appendix A), illustrates the shift in stand structure using harvest methods designed to control stand density and shift stand structure toward the historic conditions. I feel resource objectives can be meet using harvest methods as shown in these photos and the desired future condition of the area

can be directed toward historical conditions. Furthermore, this reduction in stocking and removal of ladder fuels will allow the reintroduction of fire as a management tool and reduce the intensity and damage created from future unwanted wildfire.

Likewise, in the 122 acres in the Indian Creek area that were heavily defoliated by Douglas-fir tussock moth, a commercial timber sale using the shelterwood harvest system is the best way to quickly regenerate stands with appropriate seral species and reduce fuel loadings, thus reducing the risk of a large, uncharacteristic wildland fire. For this reason, I have selected Alternative 5.

**Consultation with Tribes**

During the development of the Rimrock Projects, informal consultation with the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of the Warm Springs Indian Reservation of Oregon occurred. Under existing treaties, these tribes retain certain rights related to a variety of resources, including fish. On May 5, 2004, District Ranger, Andrei Rykoff met with representatives of the Confederated Tribes of the Warm Springs Indian Reservation and discussed all current active and planned projects. He specifically discussed the supplement to the Rimrock EIS and asked if the Tribe had any concerns with the non-significant Forest Plan amendment for HEI. Tribal representatives mentioned that they had received notifications regarding this project and did not have any concerns with it or any specific comments to add.

**Water Quality/Fish Habitat**

The protection of water quality and fish habitat during timber harvest operations was one of the most important factors in my decision to select Alternative 5 for implementation. The Water Resources section of Chapter 4 of the FEIS on pages 118 to 127 and the FSEIS pages 47 to 55 looked at the effects of the alternatives on the indicators of annual water yield, soil erosion sedimentation, and stream temperature. For each of those indicators, alternatives 2 and 4 had greater effects compared to the selected alternative and Alternative 3. All impacts disclosed were consistent with the forest plan, Clean Water Act and the Endangered Species Act.

On April 16, 2002, the National Marine Fisheries Service (NMFS) issued a biological opinion pursuant to section 7 of the Endangered Species Act. The biological opinion concluded that Rimrock projects are not likely to jeopardize Middle Columbia River steelhead or adversely modify Middle Columbia River steelhead designated critical habitat. The biological opinion included terms and conditions intended to minimize the impacts of the Rimrock projects. As part of my decision, I chose to implement all terms and conditions included in the biological opinion. The additional mitigation and monitoring measures will further prevent unwanted effects to water quality and aquatic species.

**Economic Viability**

The economics of the alternatives are important for several reasons. First, if adjustments in stand densities cannot be accomplished through economically viable timber sales, there is no practical way to meet long-term restoration objectives. Second, providing viable timber sales is important to the local community in providing opportunities for jobs and personal income.

The analysis completed by our Forest Service economist indicates bid rates vary primarily because of the amount of helicopter logging in each alternative and all action alternatives would have positive bid rates. While the economic viability of timber sales is important, I do not consider the projected bid rate to be the most important factor in selecting an alternative.

In accomplishing ecosystem restoration of the Rimrock area, I view timber sales principally as a means of achieving resource objectives – in this case reducing stocking levels. I also considered the value of the work done by the timber sale and the value of resource protection measures included in the alternative that I selected. While I recognize the importance of economic considerations, meeting this need was not the principal driver in my decision.

**Long-term soil Productivity**
The effects to soil resources are expected to be negligible and fully consistent with the Forest Plan (FEIS pages 102-109 and FSEIS pages 43-45). Low-impact logging systems will be used in the implementation of alternative 5. A field survey of soils (FEIS Appendix H) was conducted to ensure appropriate planning.

**Roadless**
There are no roadless areas in the C3 big game winter range. The effects to undeveloped land are disclosed in the FEIS on pages 110-111. All of the undeveloped areas without roads within the project area are narrow and irregular in shape, and the most isolated portions of the areas are generally within one-half mile of an existing system road. No special features were noted in any of the undeveloped areas. All undeveloped areas are considerably smaller than 5000 acres and thus, do not meet the size criteria for wilderness designation. There are no Rare II areas located in the project area and none of the undeveloped areas are adjacent to Rare II areas. My decision to treat stands in this area is consistent with the forest plan.

**Noxious weeds**
Several harvest units and road access into those units are known noxious weed sites. Mitigation outlined in the FEIS page 41-42 will minimize any further distribution of noxious weeds.

**Forest Plan Amendment**
As part of my decision, the selected alternative amends the forest plan. The FSEIS (pages 2 and 3) documents that a forest plan amendment is needed for the forest plan habitat effectiveness index standard. Consistency with the forest plan is documented in the FSEIS (pages 85to 91). I carefully read through the analyses in the FEIS, FSEIS, and project file and considered its effect to wildlife habitat before coming to my decision.

This amendment changes the Habitat Effectiveness Index (HEI) standard from 70 to 67 for the duration of the Rimrock project only in the Monument Winter Range. The HEI for the Monument Winter Range is currently (before treatment) 67, which is below the desirable index described in the Forest Plan. None of the alternatives change the habitat effectiveness index standard in other C3 winter ranges across the forest.

One commenter felt the Forest Service should have disclosed the cumulative effects of all the incremental plan amendments that revise big game HEI requirements in order to facilitate logging. Following implementation of the selected alternative and other reasonably foreseeable future cumulative actions, the Monument Winter Range would still, cumulatively, maintain an HEI of 67 (FSEIS, page 72-73). Because there are no measurable cumulative changes in the habitat effectiveness index, there are no additive impacts to HEI outside this individual winter range. A broader cumulative effects analysis of elk habitat across the entire forest is outside the scope of this decision and may be best addressed during forest plan revision.

The same commenter felt I should have addressed, and taken steps to improve the HEI in the Monument Winter Range by closing roads instead of addressing forest health and fuels. While it is possible to seasonally or permanently change the status of roads from open to closed to improve HEI; doing so was not proposed at this time for this specific location, in part, because motorized vehicular disturbance to water, soil, vegetation and wildlife resources was addressed in the Motorized Access and Travel Management decision signed in 1992 for the Heppner Ranger District and because, as stated earlier, the task the Forest Service chose to address now was forest health and fuels. The FSEIS page 72, paragraphs one and two, discloses the relationship between the purpose and need of the Rimrock Ecosystem Restoration Projects and the habitat effectiveness index for the Monument Winter Range. Future projects that are intended to improve habitat effectiveness index in this location may occur and may someday be proposed by the Forest Service. Future proposals to improve HEI are not precluded by this purpose and need and not precluded by this decision, nor is the attainment of an HEI of 70 prevented in the future.

I also weighed the potential outcome to this area if I had selected no action. I concluded that by acting now and reducing hazardous fuels levels and thinning overstocked stands, that future stand conditions and thus cover and forage conditions within the C3 management area of the Rimrock Ecosystem Restoration Projects would improve compared to the potential consequences of a large, uncharacteristic wildland fire. Such an event could significantly reduce the HEI for the area as compared to the selected alternative.

## Public Involvement

The Forest Service sought information, comments, and assistance from Federal, State, and local agencies, and from other groups and individuals interested in or affected by the proposed action. The Forest's *Schedule of Proposed Activities* was updated quarterly to inform of changes in project status starting with the winter 1999 SOPA.

| Date | Action |
|---|---|
| February 25, 1999 | *Federal Register:* Notice of Intent to prepare an EIS |
| March 26, 1999 | Project information letters mailed to interested parties (128 letters) |
| July 1999 | Meetings with Oregon Department of Fish and Wildlife |
| September 1, 2000 | *Federal Register.* Notice of Availability of DEIS |
| | Legal notice in *East Oregonian* |

| | |
|---|---|
| | Letters mailed to interested parties for notification of DEIS |
| October 16, 2000 | Comment Period ended (11 letters received) |
| July 26, 2002 | Public field trip to view tussock moth defoliation |
| May 21, 2003 | Mailed FEIS and ROD to 48 recipients and notification letters to 99 stakeholders |
| May 23, 2003 | Legal notice in *East Oregonian*, start of appeal period |
| June 6, 2003 | *Federal Register*: Notice of availability for FEIS and ROD |
| August 14, 2003 | Commercial and noncommercial thinning activities within C3 management area were withdrawn from the Rimrock decision |
| August 21, 2003 | Regional Forester affirmed District Ranger's remaining decision |
| February 11, 2004 | Notice of Intent information letters mailed to 162 interested parties (5 letters received) |
| February 17, 2004 | *Federal Register:* Notice of Intent to prepare a Supplemental EIS |
| March 25, 2004 | Mailed DSEIS and/or letters to 162 interested parties |
| April 2, 2004 | *Federal Register*: Notice of Availability of DSEIS |
| May 17, 2004 | Comment Period ended (2 letters received) |

## Alternatives Considered

The EIS considered five alternatives, including a no action. All action alternatives include a forest plan amendment that changes the habitat effectiveness index standard from 70 to 67 for this site-specific project within the C3 management area of the Monument Winter Range. A more detailed comparison of these alternatives can be found in the FEIS on pages 26 to 38 and in the FSEIS pages 8 to15. Besides these five alternatives, other alternatives and options, along with the reasons they were eliminated from further consideration, are described in the FEIS on pages 23 through 26 and the FSEIS on page 7. The following table shows the differences between the commercial harvest and precommercial thinning within the C3 management area for the five alternatives considered in detail in the Rimrock EIS.

| Activity in C3 | Action Alternatives | | | |
|---|---|---|---|---|
| | 2 | 3 | 4 | 5 |
| Thinning | | | | |
| Commercial (acres) | | | | |
| Helicopter | 176 | 176 | 81 | 176 |
| Harvester/Forwarder | 437 | 750 | 437 | 628 |
| Tractor | 313 | - | 313 | - |
| Precommercial (acres) | 40 | 40 | 40 | 40 |
| Shelterwood Harvest (acres) | | | | |
| Harvester/Forwarder | - | - | - | 122 |
| **Total acres treated** | **966** | **966** | **870** | **966** |
| Total volume (mbf) | 3,300 | 3,300 | 2,900 | 4,000 |
| Amend the Forest Plan to change HEI from 70 to: | 67 | 67 | 67 | 67 |

Alternative 1 *No Action*

The theme of Alternative 1 was to allow current biological and ecosystem processes to continue with the associated risks and benefits and to provide a baseline for comparison with other alternatives. A no action alternative is required by NEPA. It is designed to represent the existing condition. Under the no action alternative, current management plans would continue to guide management of the project area. No new actions would be implemented, although current, ongoing actions would continue. Examples of ongoing actions include grazing, fire protection, monitoring, and road maintenance.

Alternative 2 *Proposed Action*

Alternative 2 is the proposed action originally developed for the Rimrock planning area. Alternative 2 was designed to meet the purpose and need of the project described in the FEIS. Specific remaining actions that occur in the C3 management area in Alternative 2 include:

- Commercially thin 926 acres through the use of tractor, harvester/forwarder, and helicopter logging systems
- Precommercially thin 40 acres
- Amend the forest plan to change the HEI from 70 to 67 for the wildlife standard on forest plan page 4-152 for this site-specific project.

Alternative 3

Alternative 3 was designed to emphasize minimum impacts to water quality, soil disturbance, and fish habitat with an increase in harvester/forwarder logging and a decrease in tractor logging. Specific remaining actions that occur in the C3 management area include:

- Commercially thin 926 acres through the use of harvester/forwarder and helicopter logging systems
- Precommercially thin 40 acres
- Amend the forest plan to change the HEI from 70 to 67 for the wildlife standard on forest plan page 4-152 for this site-specific project.

Alternative 4

Alternative 4 was designed to improve the economic efficiency of the project by eliminating units proposed for timber harvest that were expected to have very high logging or transportation costs relative to the value of the timber to be harvested. Specific remaining actions that occur in the C3 management area include:

- Commercially thin 830 acres through the use of tractor, harvester/forwarder, and helicopter logging systems
- Precommercially thin 40 acres

- Amend the forest plan to change the HEI from 70 to 67 for the wildlife standard on forest plan page 4-152 for this site-specific project.

Alternative 5 Selected Alternative

Alternative 5 was designed to minimize environmental effects by using harvester/ forwarder systems instead of tractor logging systems. Treatment of the 122 acres most heavily defoliated by the Douglas-fir tussock moth is addressed using a shelterwood harvest. Specific remaining actions that occur in the C3 management area include:

- Commercially thin 804 acres through the use of harvester/forwarder and helicopter logging systems
- Shelterwood harvest 122 acres of defoliated trees using a harvester/forwarder system
- Precommercially thin 40 acres
- Amend the forest plan to change the HEI from 70 to 67 for the wildlife standard on Forest Plan page 4-152 for this site-specific project.

## Findings Required by Other Laws

### National Forest Management Act

The Selected Alternative is consistent with the National Forest Management Act (NFMA) of 1976 in meeting the management requirements detailed in implementing regulations of 36 CFR (219.27). The management prescriptions provide for protection of soil, water, air, wildlife, fishery resources, and other multiple uses. I conclude from the results of site-specific analysis documented in the EIS and Analysis File that timber harvest would only occur on those lands identified in the Forest Plan as suitable for timber production (FSEIS page 88). A detailed discussion of NFMA compliance is included in Chapter 4 of the FEIS on pages 152 to 156.

The selected alternative is also consistent with the *Umatilla National Forest Land and Resource Management Plan Final Environmental Impact Statement, Record of Decision,* the accompanying *Land and Resource Management Plan*, as amended, (USDA Forest Service 1990), dated June 11, 1990 (FEIS, pages 156 and FSEIS pages 85 to 91).

- Soil and water would be conserved through project design and mitigation (FEIS pages 40 to 43, 102 to 109, 118 to 127, FSEIS pages 43 to 45, and 47 to 55).
- The selected alternative would be consistent with Forest Plan Amendment #10 – PACFISH (FEIS pages 11, 133 to 117, and 155 to 156).

- The selected alternative would also be consistent with the Regional Forester's Forest Plan Amendment, also known as the "Eastside Screens" (FEIS, Appendix pages 73 to 81).

Finding of Non-Significant Amendment

The Forest Service Land and Resource Management Planning Handbook (Forest Service Handbook 1909.12) 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 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. As noted in the FSEIS (pages 3 to 4 and 16), the action is limited in time in that it would only apply for the duration of the Rimrock Ecosystem Restoration Projects commercial harvest and precommercial thinning within the Monument Winter Range. The Record of Decision for the Umatilla Forest Plan was signed June 11, 1990, so we are in year 14 of 15.

*Location and Size:* The key to location and size is context, or "the relationship of the affected area to the overall planning area. [T]he 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). There are about 278,000 acres of C3 big game winter range on the forest. The Monument Winter Range, within which the amendment would be effective, is about 58,600 acres. The amendment would only apply to the about 6,951 acres of the Rimrock Ecosystem Restoration Projects within the Monument Winter Range. The direct impacts of this project would change satisfactory cover to marginal cover on 290 acres (0.5 percent) in the Monument Winter Range (or about 0.1 percent of the land allocated to C3-big game winter range on the Umatilla National Forest. Thus, the size of the area affected by the project is small when compared to the total size of the Monument Winter Range and even smaller when compared to the total land allocated to C3-big game winter range on the forest (overall planning area).

*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 direct, indirect, and cumulative impacts of the decision will not change HEI (FSEIS, pages70-73) and there are no additive impacts to HEI outside this individual winter range (FSEIS, page 73, Appendix M, and project file). In addition, there should be no measurable effect on the ability of the State of Oregon to manage for and address their

population objectives for the Monument elk herd (FSEIS, page 72). Therefore, the anticipated changes brought about by this amendment in the levels of resource activities and outputs projected in the plan (Forest Plan, page 4-16) are expected to be minimal in the one year remaining in the planning period.

*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.

The proposed change in habitat effectiveness index applies to the Monument Winter Range only for the Rimrock Ecosystems Restoration Projects (FSEIS, page 16), therefore, the effects are short-term and do not affect future decisions throughout the planning area. Future projects that are intended to improve habitat effectiveness index in this location may occur and may someday be proposed by the Forest Service. A future proposal to improve HEI is not precluded by this amendment, nor is the attainment of an HEI of 70 prevented in the future. The desired future condition and land allocation boundary for the Monument Winter Range C3 management area are not changed by this decision. As discussed above in "goals, objectives, and outputs", the long-term levels of goods and services projected in current plans are not measurably changed by the Forest Plan amendment.

*Finding:* On the basis of the information and analysis contained in the FEIS, FSEIS and all other information available as summarized above, it is my determination that adoption of the management direction reflected in my decision does not result in a significant amendment to the forest plan.

National Historic Preservation Act

As identified in Chapter 3, 83 heritage properties exist within the analysis area. Prior to project implementation, State Historic Preservation Office consultation has been completed under *Programmatic Agreement among the United States Department of Agriculture, Forest Service, Pacific Northwest Region (Region 6), The Advisory Council on Historic Preservation, and the Oregon State Historic Preservation Officer regarding Cultural Resource Management on National Forests in the State of Oregon,* dated March 10, 1995, pursuant to stipulated Forest Archaeologist review dated November 15, 1996. Prohibiting any disturbance within 50 feet of the site's perimeter will protect sites that have been identified.

Endangered Species Act and Regional Forester's Sensitive Species

Details regarding the actual species found within the Rimrock area and potential effects of proposed activities on those species and their habitat are contained under Fish and Aquatic Habitat, Non-Forest Vegetation, and Wildlife Habitat sections. The analysis

contained within the Rimrock FSEIS (pages 77 to 84 and 91), FEIS (pages 149 to 151), and project record disclosed all alternatives are consistent with the Endangered Species Act and the requirements of the Regional Forester's Sensitive Species list. Consultation with USDI Fish and Wildlife Service and USDC National Marine Fisheries Service has been completed. A Biological Assessment has been prepared. The Biological Opinion for the proposed project is on file in the Project Record.

Clean Air Act

Analysis of potential impacts on air quality related to proposed activities indicates all alternatives would be consistent with the Federal Clean Air Act. All burning would comply with the State of Oregon's memorandum of understanding between the State of Oregon, USDI Bureau of Land Management, and the USDA Forest Service (FSEIS page 90 and FEIS 129 to 131).

Clean Water Act

Strategies to prevent non-point source pollution include Best Management Practices (FEIS, Appendix B), watershed and riparian area restoration and enhancement, and improved monitoring (FEIS, appendix D) for detection and validation of water quality concerns. The BMP's, located in Appendix B of this FEIS, would at a minimum maintain existing water quality in analysis area streams. The Rimrock projects would be consistent with the water quality requirements of the Clean Water Act (FSEIS pages 53, 89, and 114, FEIS pages 151). A Water Quality Restoration Plan (WQRP) was developed as part of this project to address the water temperature and habitat modification parameters that failed to meet State standards within Big Wall, Indian, Porter, and Wilson creeks. Upon completion of the Total Maximum Daily Load, the State will review the WQRP for compliance with the Clean Water Act.

Executive Orders 11988 and 11990: Flood Plains and Wetlands

These orders were applicable to riparian areas found in the analysis area. Through recognition of Riparian Habitat Conservation Areas and implementation of the selected alternative, including mitigation, there will be no impacts to floodplains or wetlands. (FEIS pages 151 to 152).

Executive Order 12898: Environmental Justice

Executive Order 12898 requires that federal agencies adopt strategies to address environmental justice concerns within the context of agency operations. With implementation of any of these alternatives, there would be no disproportionately high and adverse human health or environmental effects on minority or low-income population (FEIS page 152). The actions would occur in a remote area and nearby communities would mainly be affected by economic impacts as related to timber harvest or contractors implementing rehabilitation activities. Racial and cultural minority groups could also be prevalent in the work forces that implement thinning activities.

## Environmentally Preferred Alternative

FSH 1909.15, Section 101 defines the national environmental policy in six broad goals:

1. fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
3. attain the widest range of beneficial uses of the environment without degradation, risk to health, or safety, or other undesirable and unintended consequences;
4. preserve important historic, cultural, and natural aspects of our national heritage, and maintain wherever possible, an environment which supports diversity and a variety of individual choice;
5. achieve a balance between population and resource use which permit high standards of living and a wide sharing of life's amenities; and
6. enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Based upon the description of alternatives and associated analysis detailed in the FEIS as supplemented, I believe that alternative 5 best balances the six broad goals and is the environmentally preferable alternative.

## Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15$^{th}$ business day following the date of the last appeal disposition.

## Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR 215.11. Any individual or organization who submitted substantive comments during the comment period for the DSEIS may appeal. Any appeal of this decision must be in writing and fully consistent with the content requirements described in 36 CFR 215.14. A written appeal must be postmarked or received by the Appeal Reviewing Officer (the Regional Forester) within 45 days of the date of publication of the legal notice regarding this decision in the *East Oregonian* newspaper.

Send appeals to:

Linda Goodman, Regional Forester
USDA Forest Service
ATTN: Appeals Office
PO Box 3623
Portland, Oregon 97208-3623

The street location for hand delivery: 333 SW 1st Ave, Portland, OR (office hours: 8-4:30 M-F). Send faxes to: 503-808-2255. Appeals may be filed electronically at: appeals-pacificnorthwest-regional-office@fs.fed.us. Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word (.doc), rich text format (.rtf), or portable document format (pdf) only. E-mails submitted to email addresses other than the one listed above, or in formats other than those listed, or containing viruses, will be rejected. It is the responsibility of the appellant to confirm receipt of appeals submitted by electronic mail.

For further information regarding these appeal procedures, contact the Forest Environmental Coordinator Dave Herr at (541) 278-3869.

## Contact Person

For further information about this project, contact Andrei Rykoff, District Ranger, Heppner Ranger District, P.O. Box 7, Heppner, OR 97836 (541) 676-9187.

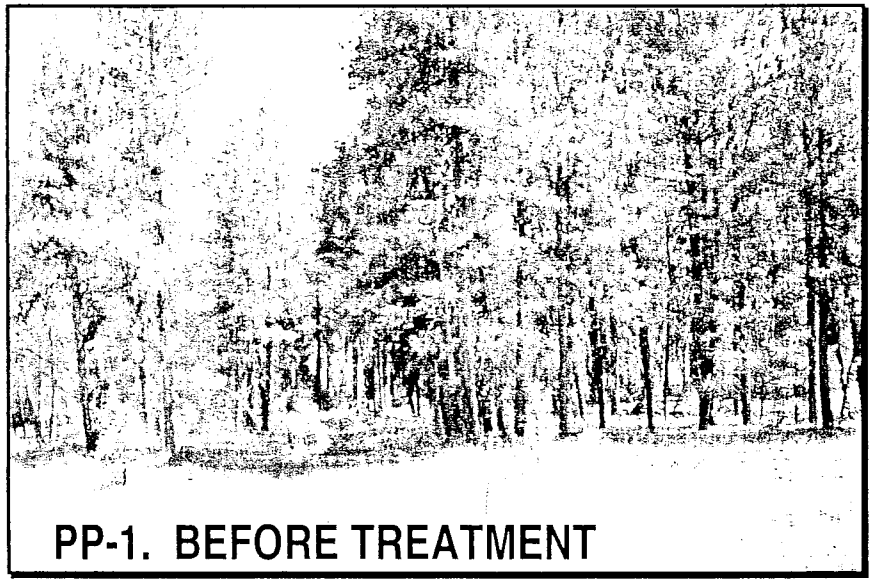
JEFF BLACKWOOD
Forest Supervisor
Umatilla National Forest

7/9/04
Date

F14-HP-09-04

# RIMROCK

# ROD – APPENDIX A



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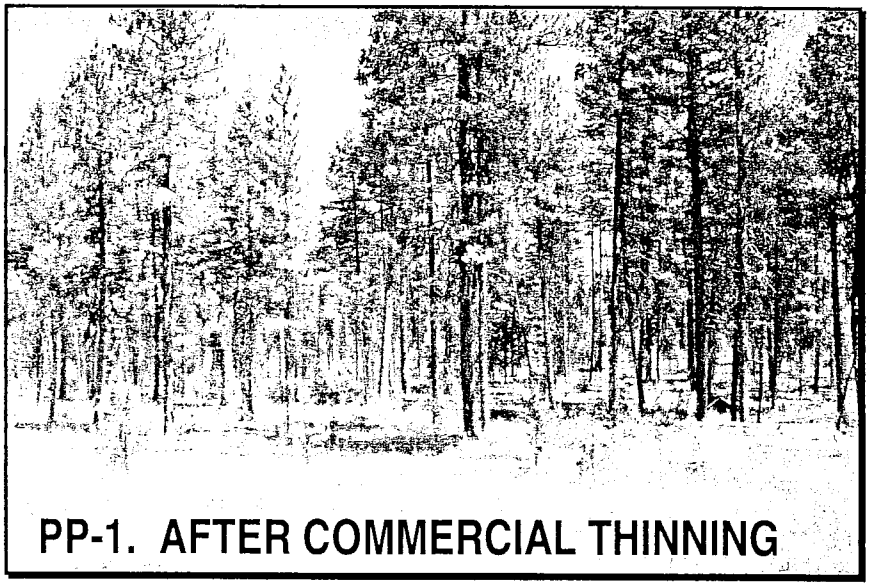

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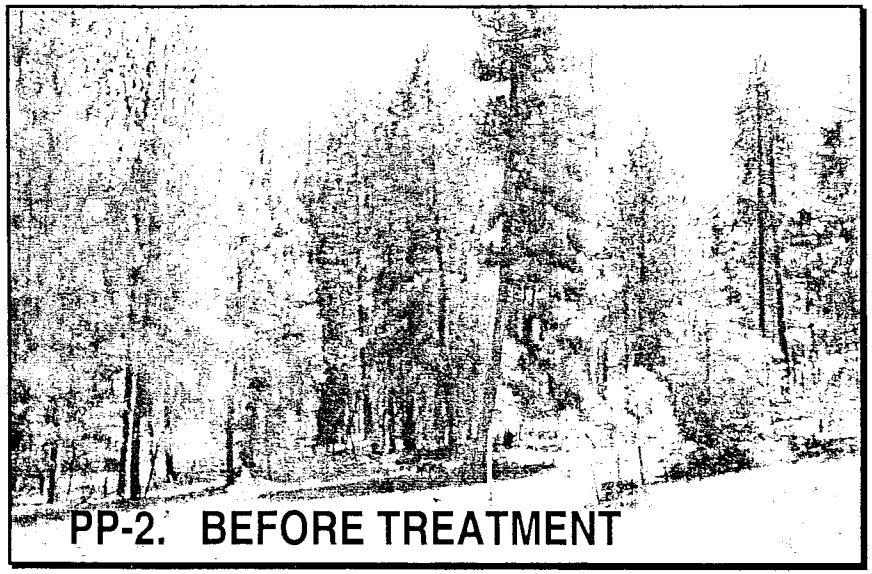

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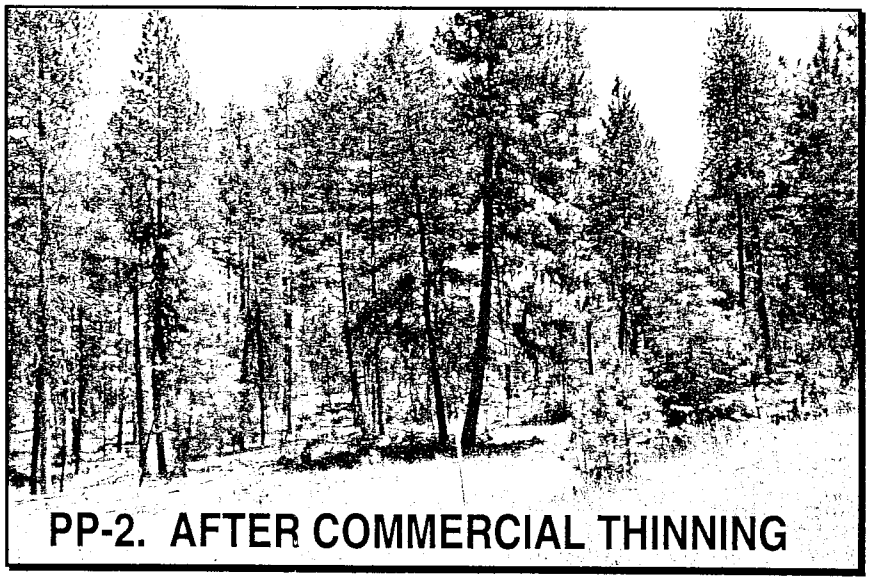

PP-2. AFTER COMMERCIAL THINNING