



United States Department of Agriculture  
Forest Service

# **Forest Plans Amendment**

## **Forest Management Direction for Large Diameter Trees in Eastern Oregon and Southeastern Washington**

# **Decision Notice and Finding of No Significant Impact**

Pacific Northwest Region (R6) Oregon and Washington  
January 2021

**Responsible Official**

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United States Department of Agriculture  
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**Counties**

**Wallowa-Whitman National Forest**

Wallowa County  
Union County  
Baker County

**Umatilla National Forest**

Morrow County  
Umatilla County  
Asotin County, WA  
Columbia County, WA  
Garfield County, WA  
Walla Walla County, WA

**Malheur National Forest**

Grant County  
Harney County

**Ochoco National Forest**

Crook County  
Jefferson County  
Wheeler County

**Deschutes National Forest**

Deschutes County

**Fremont-Winema National Forest**

Klamath County  
Lake County

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## 1.0 DECISION

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### 1.1 BACKGROUND

Scientific research and over 20 years of on-the-ground experience implementing the 21-inch standard demonstrate a need to change policy to better adapt forest conditions to current disturbance regimes and expected climate-induced changes including longer fire seasons, larger areas burned and increased risk of insect and disease mortality. Forests that historically experienced frequent fire regimes have become more dense, and the trees that make up these forests have shifted away from species that are well-adapted to fire and other disturbances like insect attacks. Vast areas of forestlands across the analysis area are maladapted to the ecological processes of frequent disturbance landscapes, hindering the Forest Service's ability to maintain and restore the ecological integrity of these landscapes. Adapting the 21-inch standard to incorporate 25-years of science and experience would support the Forest Service's ability to restore eastern Oregon and Washington forests and adapt landscapes to changing conditions.

Since the 21-inch standard was adopted in the mid-1990s, the forests in Eastern Oregon have completed 38 project-specific amendments to the Eastside Screens. Twenty-four of those amendments allowed cutting of trees greater than 21-inches. This is an inefficient process requiring repetitive analysis. In December of 2014, the United States District Court of Oregon ruled that the Forest Service should consider the cumulative impacts of its decisions to amend the 21-inch standard across a whole forest rather than just within a project area. The accompanying analysis serves that purpose across all six national forests. Considering the number of amendments, the legal ruling, and the emerging science around frequent-disturbance landscapes, I have decided to amend to the Land and Resource Management Plans of all six of the forests in eastern Oregon and southeastern Washington. This decision overwrites and replaces all past Regional Forester memos on this topic.

### 1.2 PURPOSE AND NEED

The purpose of the accompanying analysis was to analyze a durable, science-based alternative to the 21-inch standard in the Eastside Screens. Adapting the standard to incorporate science and 25 years of learning would enable managers to more effectively restore forestlands in eastern Oregon and southeastern Washington. The need for action is further outlined in the Section 1.5 of the analysis.

### 1.3 DESCRIPTION OF DECISION

Based on my review of the EA and Project Planning Record, I have decided to implement the Old Tree and Large Tree Guideline with Adaptive Management (Proposed Action) alternative as described in the EA:

Purpose of the new guideline: Maintain and increase old and late structure forest. Favor fire tolerant species where appropriate.

The new guideline replaces section d(2) of the interim wildlife standard with the following language:

Outside of LOS, many types of timber sale activities are allowed. The intent is still to maintain and/or enhance a diverse array of LOS conditions in stands subject to timber harvest as much as possible, by adhering to the following plan components: Managers should retain and generally emphasize recruitment of old trees and large trees, including clumps of old trees. Management activities should first prioritize old trees for retention and recruitment. If there are not enough old trees to develop LOS conditions, large trees should be retained, favoring fire tolerant species where appropriate. Old trees are defined as having external morphological characteristics that suggest an age  $\geq 150$  years. Large trees are defined as grand fir or white fir  $\geq 30$  inches dbh or trees of any other species  $\geq 21$  inches dbh. Old and large trees will be identified through best available science. Management activities should consider appropriate species composition for biophysical environment, topographical position, stand density, historical diameter distributions, and

spatial arrangements within stands and across the landscape in order to develop stands that are resistant and resilient to disturbance.

### ***Snag and Green Tree Retention Change***

I am replacing the existing language at 4(a) and 4(a)(1) of the Eastside Screens (snags, green tree replacements and down logs) with the following:

**Intent:** Retain existing snags and green trees to provide for recruitment of future snags and down wood, in order to support life history requirements for a diverse array of wildlife.

#### **Snags**

**Standard:** Maintain all snags > 20 inches (or whatever is the representative DBH of the overstory layer if it is less than 20 inches) OR complete a snag analysis using the best available science on species ecological requirements as applied through current snag tools, models, or other documented procedures to maintain or increase diverse snag composition, size, structure, and distribution (i.e. groups or clusters) for a diverse composition of wildlife species and ecological site conditions.

**Guideline:** If snags meeting the objectives in the standard must be felled for operational safety, then the following should be considered:

Protect snags from operations by grouping or clustering in skips or leave areas.

Assess snags in the project area both prior and while layout is occurring, considering wildlife, layout and other expertise.

Identify landings in advance away from groups or clusters of snags or leave areas whenever possible.

Contain equipment and vehicles to identified landings and skid trails whenever possible.

#### **Green Tree Retention for Future Snag Recruitment**

**Standard:** Retain green trees to meet future snag and down wood recruitment for a diverse composition of wildlife species using best available science. Retain partially hollow or hollow trees that could become snags and down wood whenever possible.

#### ***Guidelines:***

Use natural decay processes and agents to recruit future snags from green trees.

Strive for diverse composition and size class of tree species including true firs and hardwoods.

Strive for tree species that are tolerant, resistant, or immune to root disease, especially if root disease is known to occur nearby or on site.

Prioritize and retain deformed, damaged, or broken topped trees.

Consider retaining groups of trees.

Consider retaining tall old and larger trees on ridgelines with sloughing bark.

Consider retaining more true firs on north facing slopes.

Consider retaining trees with mechanical wounds if possible, for future development of decayed wood.

Consider diverse techniques outside of girdling and inoculation for future snag creation.

NOTE: for both Scenario A and B, the live remnant trees left can be considered as part of the green tree for future snag recruitment requirement. This standard and associated

guideline are intended to complement Scenarios A and B to enhance future snag recruitment for the needs of wildlife.

### ***Adaptive Management Strategy***

My decision adopts the adaptive management strategy as described in the EA and summarized below.

There are four components to the Adaptive Management Strategy:

- 1) Local monitoring,
- 2) Effectiveness monitoring,
- 3) Regional review, and
- 4) Regional Adaptive Management Work Group.

### **Local Monitoring (*Encouraged*)**

When projects are implemented that involve the harvest of large trees the Forest Service may coordinate project-level multiparty monitoring. The Forest Service encourages integration of monitoring questions into existing multiparty party monitoring efforts, such as those associated with the Collaborative Forest Landscape Restoration Program (CFLRP) or other programs. The Forest Service encourages engagement of tribal natural and cultural resource staff to incorporate consideration of tribal treaty rights and culturally significant plants. Local monitoring could focus on implementation monitoring or effectiveness monitoring and could ask questions related to development of late and old forest conditions, effectiveness of particular management activities, development of snags, or other issues of interest.

### **Broad-scale Effectiveness Monitoring (*Required*)**

Effectiveness monitoring will assess conservation and recovery late and old structure forest across the analysis area. Effectiveness monitoring questions include:

- A. Are large trees increasing in number while setting species composition on a trajectory appropriate to the ecological setting?
- B. Is the density, quality, and distribution of snags improving across the landscape? (Optional)

An age-related monitoring question is highly recommended. This question should be informed by the scientific community and the Regional Adaptive Management Workgroup. Effectiveness monitoring questions and the thresholds below may be added to or altered based on feedback from the scientific community or lessons learned from the Regional Adaptive Management Workgroup.

### ***Thresholds***

- A. If large trees are not increasing in number with appropriate composition, the Regional Forester will impose the Age Standard Alternative across the whole analysis area or by national forest or potential vegetation zone.
- B. If effectiveness monitoring does not occur, the Regional Forester will impose the Age Standard Alternative across all six national forests.

### **Regional Review (*Required*)**

The Regional Forester will conduct a review of monitoring data once a year. Once every five years, a decision will be made on whether to continue with the guideline or move to the age standard, as described in the alternatives section of the EA. The Regional Forester may order a move to the age standard for a potential vegetation zone, individual national forests, or across all six national forests as warranted by the monitoring data. The Regional Review will include at least the Regional Forester, the Regional Planning and Natural Resources Directors, a Forest Supervisor representing the six eastside Forests, and the Director of the PNW Research Station. The Regional Forester may choose to

invite outside review if desired. They will review the monitoring findings compiled through regional effectiveness monitoring and learnings from the Regional Adaptive Management Work Group.

### **Regional Adaptive Management Workgroup (*Encouraged*)**

To ensure transparency, build trust, and provide accountability, the Regional Adaptive Management Work Group is strongly encouraged. The Work Group is designed to develop shared knowledge about LOS development on Forest Service lands in eastern Oregon and southeastern Washington. The Work Group would also be a place for Forest Service practitioners and partners to share on-the-ground experience and learning across Forests to promote learning and innovation. Project level monitoring could be used to provide insights into regional data trends.

The work group would not supplant any local collaborative, multiparty monitoring, or other project-level collaborative efforts; local efforts are encouraged to continue to develop as capacity and interest allow. The work group would hold at least one meeting a year and convene one multi-party field tour per year (if possible, e.g. no global pandemic). Other activities could be convened as resources and interest allow.

## **1.4 RATIONALE FOR DECISION**

I have reviewed the Final Environmental Assessment (Final EA); comments from Federal, state and local governments, Indian Tribes, and the public; and supporting documents, and I have selected the Old Tree and Large Tree Guideline with Adaptive Management (Proposed Action). The proposed action best meets the purpose and need and addresses associated issues identified through public comments. The proposed action provides management adaptability while ensuring the recovery of late and old forests and managing for forests more resistant and resilient to disturbances like wildfire. I selected the proposed action over the Adaptive Management alternative because it better ensures outcomes on the landscape such as the preservation of old trees. The analysis showed that the Adaptive Management alternative provides for the most flexibility to respond to changing local and regional conditions, but it results in a wide range of potential outcomes so doesn't provide the necessary assurances I would like to see for ecological outcomes. The Old Tree Standard Alternative does not provide management flexibility or the ability to adapt to changing conditions. The Current Management Alternative and Standard with Exceptions Alternative do not adequately allow for management toward historical forest species compositions that will be more resistant and resilient to wildfire and other disturbances, nor do these alternatives protect old trees as effectively as the proposed action.

This decision serves to clarify that the new guideline language at section 2(b) of the eastside screens does not apply to Scenario B, where forests are within or above historical levels of late and old forest structure. Nor does it apply to Scenario A when timber harvest occurs within LOS stages that are within or above HRV in a manner that maintains or enhances LOS within that biophysical environment, as stated in Eastside Screens section d(1), Scenario A.

Outside of LOS, this proposal would not substantially change where or how much project level management occurs because fewer trees over 21 inches dbh exist in these areas, and the green tree retention policies require large tree retention. However, the proposed action does give managers increased ability to consider tree species composition in developing management approaches, and it enables managers to better address uncharacteristically dense forests in areas with young, fast-growing trees. In doing so, the proposed action enables managers to better adapt forests to current and future conditions and change the way wildfire and other disturbances interact with managed stands, which allows managers to better meet the goals of the Eastside Screens. The proposed action includes an adaptive management approach that allows for continued learning across six national forests and is inclusive of interested organizations and individuals.

Since the proposal does not change the ecosystem standard of the Eastside Screens, analysis of the how well forest conditions represent the historical range of variability and managing toward LOS are still required at the project level.

## 1.5 BEST AVAILABLE SCIENCE

The development of the plan amendment and the analysis in the EA was based on consideration of the best available science throughout the planning process. The interdisciplinary team comprehensively reviewed available scientific research and other information relevant to the resource areas addressed.

Scientific conclusions were drawn from well-supported data sources and data availability was disclosed. Scientific sources were cited and opposing views were discussed, even when opposing views were not supported by the full body of literature or when commenters misrepresented the science on key issues. In addition, specific modeling and analysis methods were documented as appropriate.

Relevant scientific information has been continually updated throughout the analysis process. Each resource section analyzed in chapter 3, *Affected Environment and Environmental Effects of the Proposed Action and Alternatives*, discloses the methods used and cites the scientific sources relied on to disclose the effects of the alternatives.

## 1.6 SUBSTANTIVE REQUIREMENTS

The rule requires that substantive rule provisions (§ 219.8 through 219.11) directly related to the amendment must be applied to the amendment. The applicable substantive provisions apply only within the scope and scale of the amendment (36 CFR 219.13(b)(5)). A determination that a rule provision is directly related to the plan amendment is based on any one or more of the following criteria:

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

The purpose of the project is to adapt the 21-inch standard of the Eastside Screens to incorporate science and 25 years of learning to enable managers to more effectively restore forestlands in eastern Oregon and southeastern Washington. NEPA analysis indicated that the amendment would also have beneficial effects on some other resources.

The amended plan has been prepared in compliance with the Forest Service's 2012 Land Management Planning Rule at 36 CFR Part 219. The amendment meets the specific rule requirements at 36 CFR 219.8 – 219.11 as follows:

**1) 36 CFR 219.8(a)(1)(iv) System drivers, including dominant ecological processes, disturbance regimes, and stressors, such as natural succession, wildland fire, invasive species, and climate change; and the ability of terrestrial and aquatic ecosystems on the plan area to adapt to change**

Fire and insect and pathogen attacks are dominant ecological processes across the analysis area (see vegetation section of the EA). As described in the EA, a century of fire exclusion, selective logging, and livestock grazing has led to an increase of fuels, smaller and decreased number of forest openings, homogenous stand structures, and increased proportion and density of shade tolerant trees across the vast majority of the analysis area (see vegetation and disturbance sections of EA). These changes create conditions conducive to fires of higher severity and with larger patches than historical wildland fires. Changes in forest species composition and structure due to forest management, fire exclusion, and selective harvest have also reduced forest resistance and resilience to some native insects and pathogens (see disturbance section of the EA).



The proposed action would increase the Forest Service's ability to manage for lower densities and shade intolerant/ fire tolerant species where appropriate. Lower density and the ability to remove ladder fuels would lead to lower potential fire severity in stands where thinning and fuels reduction is completed, making them more resistant to disturbance. These effects are predicted in mild and moderate weather conditions, and in some cases under extreme weather conditions as well. In addition, prescribed fire and wildland fire use could be implemented with less risk compared to current management. Finally, thinning and favoring fire resistant trees, along with increasing spatial complexity, is expected to increase resistance and resilience to drought and insect disturbances at the stand scale. See disturbance section of EA for more detail.

Considering anticipated changes in climate, the proposed action is expected to reduce the intensity of disturbance in forests where thinning and fuels management activities occur, particularly under mild and moderate weather conditions but also to some degree under severe weather conditions.

Managers need to plan for uncertainty and adapt as natural systems change by developing practical adaptive management approaches. This amendment specifically implements an adaptive management policy that consists of a guideline and a threshold for change based on the results of monitoring data. This alternative increases the adaptability of management policy to changing conditions in the dynamic landscapes within the analysis area. See disturbance section of EA for additional detail.

**2) 36 CFR 219.8(a)(1)(v) Wildland fire and opportunities to restore fire adapted ecosystems**

This information is covered in the first two paragraphs of number 1 above.

**3) 36 CFR 219.8(a)(1)(vi) Opportunities for landscape scale restoration**

While this amendment will make it easier to restore forest structure, composition and density (see vegetation section of EA), our analysis found that it has only limited applicability to landscape scale restoration. As noted in the disturbance section of the EA, prescribed fire and wildland fire use could be implemented with less risk compared to current management, and these tools could help restore forests across the broader landscape.

**4) 36 CFR 219.9(b)(1) The responsible official shall determine whether or not the plan components required by paragraph (a) of this section provide the ecological conditions necessary to: contribute to the recovery of federally listed threatened and endangered species, conserve proposed and candidate species, and maintain a viable population of each species of conservation concern (SCC) within the plan area. If the responsible official determines that the plan components required in paragraph (a) are insufficient to provide such ecological conditions, then additional species-specific plan components, including standards or guidelines, must be included in the plan to provide such ecological conditions in the plan area.**

Implementation of these plan components will make a moderate contribution to the viability of wildlife species associated with late-open habitats, whose viability are well below their historical viability outcomes. The new plan components will maintain the viability of species associated with late-closed habitats.

The snag management plan component should improve the ability of managers to restore the abundance of large snags towards historical numbers and contribute to the viability of wildlife species associated with snag habitats. The amendment retains the original intent of the Eastside Screens to protect and promote late and old structure for wildlife habitat and incorporates an approach grounded in wildlife science to revise the snag and green-tree retention portion of the standard.

Implementation of new plan components will result in a steady increase in the amount of dry forest late and old structure closed habitats as a result of forest succession. It will produce an increase in dry forest late and old structure open habitats as treatments are

implemented that restore open structure conditions and emphasize more fire resistant tree species. The abundance of dry forest late and old structure open habitats will be managed towards historical amounts and the risk of losing these habitats to mortality from wildfire would be reduced (see wildlife section of EA).

Applying the 2012 Planning Rule substantive requirements to the proposed Plans Amendment, I find that the proposed action would meet the requirements of 36 CFR 219.8(a)(1)(iv), 36 CFR 219.8(a)(1)(v), 36 CFR 219.8(a)(1)(vi), and 36 CFR 219.9(b)(1).

### **Public Comments on Compliance with the 2012 Planning Rule's Applicable Substantive Provisions**

Public comments offered the following additional provisions as potentially relevant.

#### **36 CFR 219.8(a)(1)(ii) and (iii)**

##### ***(ii) Contributions of the plan area to ecological conditions within the broader landscape influenced by the plan area.***

This amendment does not have substantial impacts at the landscape scale (see vegetation analysis), nor is this requirement directly related to the purpose of the amendment.

##### ***(iii) Conditions in the broader landscape that may influence the sustainability of resources and ecosystems within the plan area.***

We are not aware of any conditions in the broader landscape that may influence the sustainability of resources and ecosystem within the plan area. Impacts of large-scale influences such as climate change are directly addressed by other substantive requirements.

#### **36 C.F.R. § 219.9(a)(1)**

**(a) Ecosystem plan components. (1) Ecosystem integrity. As required by §219.8(a), the plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore their structure, function, composition, and connectivity.**

This requirement refers back to section 219.8(a). The relevant requirements from section 219.8(a) are addressed in numbers 1-4 above. In addition, we note that the Eastside Screens ecosystem standard remains in place and directly addresses this provision.

#### **36 CFR 219.9(a)(2)(i)(ii)**

**(2) *Ecosystem diversity.* The plan must include plan components, including standards or guidelines, to maintain or restore the diversity of ecosystems and habitat types throughout the plan area. In doing so, the plan must include plan components to maintain or restore:**

##### **(i) Key characteristics associated with terrestrial and aquatic ecosystem types**

The purpose of the amendment is not directly related to this provision nor are there substantial adverse effects, a substantial lessening of protection for a resource, or substantial impacts to a species associated with the amendment. The amendment would allow the Forest Service to enhance persistence of old trees across the analysis area, which are an important characteristic of the forests within the analysis area. The proposed action clearly incorporates plan components that protect old trees.

##### **(ii) Rare aquatic and terrestrial plant and animal communities**

The purpose of the amendment is not directly related to this provision nor are there substantial adverse effects, a substantial lessening of protection for a resource, or substantial impacts to a species associated with the amendment. The beneficial effects of this amendment for plant and wildlife species are directly related to the plan components that constitute the proposed action.

#### **CFR 219.10(a)(1) and CFR219.10(a)(5).**

***(1) Aesthetic values, air quality, cultural and heritage resources, ecosystem services, fish and wildlife species, forage, geologic features, grazing and rangelands, habitat and***

***habitat connectivity, recreation settings and opportunities, riparian areas, scenery, soil, surface and subsurface water quality, timber, trails, vegetation, viewsheds, wilderness, and other relevant resources and uses.***

This amendment does not change any other plan components in any of the forest plans it will amend. Other standards and guidelines in each plan and in the Eastside Screens address the multiple use values outlined under 36 CFR 219.10(a)(1). In addition, the purpose of the amendment is not directly related to this provision nor are there substantial adverse effects, a substantial lessening of protection for a resource, or substantial impacts to a species associated with the amendment. The beneficial effects of this amendment for ecosystem services (see social and economic section of the EA), wildlife species (see wildlife section of the EA) and timber (see social and economic section of the EA) are directly related to the plan components that constitute the proposed action.

***(5) Habitat conditions, subject to the requirements of §219.9, for wildlife, fish, and plants commonly enjoyed and used by the public; for hunting, fishing, trapping, gathering, observing, subsistence, and other activities (in collaboration with federally recognized Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments).***

The purpose of the amendment is not directly related to this provision nor are there substantial adverse effects, a substantial lessening of protection for a resource, or substantial impacts to a species or associated with the amendment. The beneficial effects of this amendment for plant and wildlife species are directly related to the plan components that constitute the proposed action.

## 2.0 PUBLIC INVOLVEMENT

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The interdisciplinary team completed an extensive pre-NEPA public and internal engagement process. The process included:

- Outreach to more than 40 key counties, states, tribal governments, interest groups, and other nongovernmental entities to inform them of the project. Direct outreach was followed by invitations from 10 groups to virtually present and discuss the project at their regular meetings.
- The Forest Service hosted three virtual workshops:
  - A Science Forum where ten scientists from the PNW Research Station, universities, and non-profit groups shared science related to eastern Oregon forest management.
  - An Intergovernmental Technical Workshop co-sponsored by the Eastern Oregon County Association, and
  - A Partner Technical Workshop.

Both technical workshops included a discussion of the need for change and small breakout groups led by interdisciplinary team members and line officers to gather feedback on what the project should address or consider. In addition to the public engagements, the team conducted an engagement focused on feedback from the Forest Service employees responsible for implementing the forest plans. The team continued to receive feedback after the public engagements, and this feedback factored into the development of the alternatives and the structure and focus of the analysis.

On August 13, 2020 the preliminary EA was released for a 30-day scoping and public comment period, which was subsequently extended to 60-days and ended on October 13, 2020. The team engaged in additional outreach and webinars to present key components of the analysis. During the comment period, the Forest Service received approximately 3,300 letters of which 336 were unique. The rest were either duplicates or form letters. The interdisciplinary team carefully considered each letter. As a result of comments received, the team analyzed a new alternative and completed additional resource reviews and analyses.

### 3.0 FINDINGS REQUIRED BY OTHER LAWS

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The Forest Service manages the eastside forests in conformance with their existing Land and Resource Management Plans. I find this decision does not change the plans conformance to laws and regulations including but not limited to:

- NATIONAL FOREST MANAGEMENT ACT (NFMA)

The NFMA requires the development, maintenance, amendment, and revision of land management plans for each unit of the National Forest System. These plans help create a dynamic management system so that an interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences will be applied to all future actions on the unit (16 U.S.C. 1604(b), (f), (g), and (o)). The Forest Service is to ensure coordination of the multiple uses and sustained yield of products and services of the National Forest System (16 U.S.C. 1604(e)(1)).

The NFMA requires the Secretary of Agriculture to promulgate regulations for developing and maintaining land management plans. On April 9, 2012, the Department of Agriculture issued a final planning rule for National Forest System land management planning (2012 Rule) 77 FR 68 [21162- 21276]. This plan amendment was completed in conformance with NFMA and the 2012 Planning Rule.

- CLEAN AIR ACT

This amendment does not create, authorize, or execute any activities with the potential to alter air quality. Forest-specific desired conditions and guidelines include direction for meeting air quality standards established by Federal and State agencies during forest management activities.

- CLEAN WATER ACT

This amendment does not create, authorize, or execute any ground-disturbing activity. The forest-specific plans contain direction to ensure all site-specific projects meet or exceed State water quality standards by implementing best management practices prepared under guidance of the Clean Water Act. In addition, the direction of INFISH and PACFISH, which provide standards and guidelines to protect water quality, continue to apply.

- ENDANGERED SPECIES ACT

The purpose of the Endangered Species Act of 1973 as amended is to provide a means whereby the ecosystems upon which endangered and threatened species depend may be conserved and to provide for the conservation of such endangered and threatened species. Section 7(a)(1) of the Endangered Species Act requires Federal agencies to carry out programs for the conservation of listed species. In addition, the Endangered Species Act requires Federal agencies to ensure that any agency action does not jeopardize the continued existence of the listed species or adversely modify or destroy designated critical habitat (Endangered Species Act Section 7(a)(2)). The Endangered Species Act also requires the USFWS and Forest Service, respectively, to base the biological opinion and subsequent agency action on the use of best scientific and commercial data available [16 U.S.C. 1536(a)(2)].

In accordance with Section 7(c) of the Endangered Species Act, USFWS identified the listed and proposed threatened or endangered species and their critical habitats that may be present on each Forest in the planning area. A biological assessment was prepared to assess the amendment's effects on the identified species and their critical habitats. The USFWS issued a letter of concurrence that this project may affect but is not likely to adversely affect any listed species on December 15<sup>th</sup>, 2020. No incidental take was issued by USFWS associated with the amendment. Therefore, the revised land management plan is fully compliant with the requirements of this act.

- MULTIPLE USE SUSTAINED YIELD ACT

Consistent with the Multiple Use Sustained Yield Act of 1960 (16 U.S.C. 528–531), the Forest Service manages the National Forest System to sustain the multiple use of its renewable resources in perpetuity while maintaining the long-term health and

productivity of the land. Resources are managed through a combination of approaches and concepts for the benefit of human communities and natural resources. This amendment does not limit the integrated resource management of the resources on the forests provided by the land management plans. Therefore, the amendment is compliant with this act.

- NATIONAL ENVIRONMENTAL POLICY ACT

The National Environmental Policy Act of 1970 requires public involvement and consideration of potential environmental effects of new projects and programs. The amendment's environmental analysis and public involvement process complies with the major elements of the requirements set forth by the Council on Environmental Quality for implementing NEPA (40 CFR 1500-1508, 1978).

I analyzed the amendment in an EA and determined that the amendment does not represent an irreversible or irretrievable commitment of resources, the amended land management plans are programmatic and do not directly authorize any ground-disturbing activities or projects, future ground-disturbing activities will be subject to additional site-specific public involvement, environmental analysis, and pre-decisional review processes. Therefore, the revised land management plan is fully compliant with the act and Council on Environmental Quality implementation regulations.

- NATIONAL HISTORIC PRESERVATION ACT

Section 106 of the National Historic Preservation Act requires each Federal agency to take into account the effects of its actions on historic properties, prior to approving expenditure of Federal funds on an undertaking or prior to issuing any license. Furthermore, an agency must afford the Advisory Council on Historic Preservation an opportunity to comment on any of the agency's undertaking that could affect historic properties. National Forests must work closely with the appropriate scientific community and American Indian Tribes concerning cultural resources.

This amendment is a programmatic level planning effort and does not directly authorize any ground-disturbing activities or projects. Future site-specific projects undertaken in response to direction in the associated land management plans must comply with laws and regulations that ensure protection of heritage resources. Forest Supervisors for each national forest contacted each tribe who may be interested in the amendment and requested input. Three tribes submitted formal comment letters, and the Nez Perce Tribe has been engaged as a cooperating agency. Tribes were offered both formal and informal opportunities to discuss the project and provide feedback. Formal tribal consultation has been completed with the Nez Perce Tribe. Therefore, this amendment is compliant with this act.

- ROADLESS AREA CONSERVATION RULE (36 CFR 294), WILD AND SCENIC RIVERS ACT, AND WILDERNESS ACT

This amendment doesn't propose changes to congressionally designated management areas wilderness areas. Though included in the analysis area, the amendment does not change the process for proposing and analyzing any activities in Inventoried Roadless Areas (IRAs) or wild and scenic river corridors. The existing associated management plans provide direction for the existing congressionally designated areas. Therefore, this amendment is compliant with these acts.

## 4.0 ADMINISTRATIVE REVIEW

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In accordance with the regulation at 36 CFR 219.51(b), this plan amendment is not subject to objection (administrative review) because it is signed by the Under Secretary for Natural Resources and Environment. As such, this decision is the final administrative determination by the U.S. Department of Agriculture.

## 5.0 IMPLEMENTATION DATE

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In accordance with 36 CFR 219.17(a)(2) this amendment is effective immediately upon approval and publication of the Notice of Approval in the Federal Register.

## 6.0 FINDING OF NO SIGNIFICANT IMPACT

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As the responsible official, I evaluate the effects of the project relative to the definition of significance established by the CEQ Regulations (40 CFR 1508.13)<sup>1</sup>. I have reviewed and considered the EA and documentation included in the project record, and I have determined that the proposed action will not have a significant effect on the quality of the human environment. As a result, no environmental impact statement will be prepared. My rationale for this finding is as follows.

### CONTEXT

The context of the environmental effects for the proposed action is based on the environmental analysis in the EA. The proposed action amends one small part of the Eastside Screens which amended the forest plans on six national forests in eastern Oregon. The proposed action is described above and in chapter 2 of the EA. My decision amends the 21-inch standard of the Eastside Screens and updates the snag and green tree retention standards to account for current science and ensure continued protections for wildlife habitat. Since this amendment is programmatic, all on the ground activities still require site specific NEPA analysis and compliance with all other forest plan standards and guidelines.

This decision applies to all lands within the six national forests with the exception of wilderness areas, research natural areas, experimental forests, and lands managed under the Northwest Forest Plan. This decision does not dramatically change management but rather makes a small change within the broader management context of the Eastside Screens. The intent of the Eastside Screens and even the vast majority of the process for achieving the intent of the Eastside Screens is retained. We change 2 of the 20-plus Eastside Screens' management standards in order to adapt management policy to reflect science and experiential learning over the past 25 years. See Appendix B of the EA for a detailed comparison of Eastside Screens language that is changing and Appendix C for other sections of the Eastside Screens that remain untouched.

### INTENSITY

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of the EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from local forest staff. My finding of no

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<sup>1</sup> Council on Environmental Quality Regulations

This environmental analysis is conducted according to the Council on Environmental Quality's 1978 regulations for implementing the procedural provisions of the National Environmental Policy Act (40 CFR §§1500-1508, as amended). The CEQ issued revised regulations for implementing the procedural provisions of the National Environmental Policy Act, effective September 14, 2020. The revised regulations provide the responsible official the option of conducting an environmental analysis under the 1978 regulations if the process was initiated prior to September 14, 2020 (40 CFR §1506.13, 85 FR 137, p. 43373, July 16, 2020). The combined public scoping and comment period began on August 13, 2020.

significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

### **Factor 1**

**Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.**

Adverse and beneficial impacts have been assessed and were not found to be significant. My finding of no significant environmental effects is not biased by the beneficial effects of the action. The analysis considered not only the direct and indirect effects of the project activities, but also their contribution to cumulative effects. Past, present, and foreseeable future actions have been included in the analysis.

Adverse effects from the selected alternative are minimal to non-existent because of the sideboards created by the replacement standard and guidelines and other standards and guidelines in forest plans and the Eastside Screens that bound forest management. The proposed action changes management direction for large trees, and the number of large trees will continue to increase on the landscape (see vegetation section in Chapter 3 of the EA). Beneficial effects exist in that managers will have additional options to support persistence of old trees, recruitment of trees more resistant to disturbances, and development of open habitats currently lacking on the landscape (see vegetation section of the EA). The proposed action would maintain or enhance the viability of the wildlife species that were assessed (see wildlife section in Chapter 3 of the EA). The proposed action would also lead to lower levels of mortality in managed stands and a reduction in potential fire severity in managed stands (see disturbance section in Chapter 3 of the EA). However, these effects are moderate in terms of the scope and scale of effects as described in the analysis and at the landscape scale they are marginal (see Chapter 3 of the EA).

For this project, there are no known long-term adverse effects or cumulative effects to resources such as wildlife, botany, water quality, fisheries, recreation, or cultural resources. Based on an analysis of habitat effects and the changes or continuation of federal policy, no substantial adverse effects nor a lessening of protections to known or potential wildlife or botanical species of conservation concern are expected. In fact, the proposal would maintain or enhance the viability of species assessed in the wildlife and botany effects analyses of the EA. Further, consultation with USFWS concluded that the proposal may affect but is not likely to adversely affect listed or proposed threatened or endangered species. There would be no effects to tribal treaty rights or aquatic resources as policies guiding desired conditions and management related to these resources would be unchanged. As such, I find that the selected alternative is not a significant federal action.

Effects of the proposed action and alternatives are described thoroughly in chapter 3 of the EA.

### **Factor 2**

**The degree to which the proposed action affects public health or safety.**

Significant effects to public health and safety are not anticipated to result from implementation of the selected alternative because it does not authorize ground disturbance. Any activities that implement the amendment will require site-specific analysis and incorporate required health and safety standards. As described in chapters 2 and 3 in the EA, implementation of this amendment is expected to provide better opportunities for forest managers to create a more resilient landscape and respond to natural disturbances that may be a threat to human health and safety in the future.

### **Factor 3**

**Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

I find there will be no significant effects on unique characteristics such as historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or

ecologically critical areas. The areas described above are protected by laws and other forest plan standards and guidelines. These will be considered site-specifically when projects are proposed. As part of the site-specific NEPA analysis, the local unit will make a significance finding based on local conditions, project design features, and specific treatments proposed. Public outreach, as required by NEPA and NHPA will be conducted, and concerns will be addressed.

#### **Factor 4**

**The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

As used in the Council on Environmental Quality's guidelines for implementing NEPA, the term "controversial" refers to whether substantial scientific dispute exists as to the size, nature, or effects of the major federal action. The presence of opposition to a project does not constitute controversy. The effects of forest management policy change proposed in this project are not scientifically controversial. In fact, the vast body of literature relevant to this project is very much aligned with the proposed change to management policy.

While some members of the public argue that scientific controversy exists, a few papers by several authors does not constitute controversy. One must consider the full body of science and why different perspectives on a topic may exist (e.g. different geographic areas of focus, different forest types, different methods, etc.). The disturbance and vegetation literature show overwhelming and abundant evidence for a vast and demonstrated change in forest density and species composition that impacts how disturbances interact with the landscape, as documented in the vegetation and disturbance analyses. The proposed change in management policy is clearly aligned with and informed by the full body of directly relevant scientific literature.

A range of public comments both supporting and objecting to various aspects of the proposed actions was received prior to NEPA and during the combined scoping and comment period on the preliminary EA. Some commenters offered scientific papers they believed were not fully considered in the preliminary EA. The interdisciplinary team of scientists that produced the analysis for this project considered the comments and the science presented during the comment period and from other informal sources and conversations as well. Key papers were repeatedly cited to show that the proposed action would have different kinds of impacts or a different intensity of impacts or no impact at all. Many of the cited papers were addressed directly in the environmental analysis (see chapter 3 of the EA), and consideration of other papers offered is documented in the project record. We have included an adaptive management plan in order to change management should landscape conditions move in an undesirable direction.

Based on the findings of the analyses, and public comment on the preliminary EA, I find that the effects of the selected alternative on the quality of the human environment are not likely to be highly scientifically controversial.

#### **Factor 5**

**The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

While predicting future natural disturbances is inherently uncertain, there is clarity and consistency in the science about how management could change how the landscape responds to such disturbances (see disturbance section in chapter 3 of the EA). The science underpinning the expected effects is consistent in its conclusions (see disturbance section of the EA) such that the changes we are proposing are very likely to have the predicted effects detailed in the EA. These effects are described thoroughly in the vegetation and disturbance sections of the analysis. There are no other issues that lead to effects that are highly uncertain, unique, or pose unknown risks.

In addition, past experience with project-specific amendments and best available science used by the interdisciplinary team show that the effects on the human environment from the plan amendment are not highly uncertain and do not involve unique or unknown risks.



## Factor 6

**The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

I find the actions that are part of this decision will not establish a precedent for future actions with significant effects, nor do they represent a decision in principle about a future consideration. This decision is programmatic and includes parameters and an adaptive management plan to ensure no significant effects in the future. Similar project-level amendments are already occurring frequently across the planning area. Any future decisions authorizing on the ground activities will need to be considered in subsequent site-specific analyses using relevant scientific and site-specific information available at that time. As part of that site-specific NEPA analysis, the local unit will make a significance finding based on local conditions, project design features, and specific treatments proposed.

## Factor 7

**Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.**

I find the effects of the selected alternative combined with the effects of past, present, and reasonably foreseeable actions will not have significant cumulative effects. Cumulative impacts are addressed in the EA in chapter 3. My review of the EA and supporting documents finds the cumulative effects analyses have been adequately considered. Additionally, there will be site-specific analyses when this decision is implemented on the ground. No significant adverse environmental impacts are likely to occur because of this decision.

## Factor 8

**The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

I find the amendment will have no significant adverse effects on districts, sites, highways, structures, or objects in or eligible for listing in the National Register of Historic Places because it does not authorize any disturbance actions. Site-specific project analyses will be required. All forest plan standards and guidelines and applicable laws and regulations will apply to each project, which includes tribal consultation and the NHPA process.

## Factor 9

**The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

I find that the amendment is in compliance with the Endangered Species Act of 1973 as amended. See Endangered Species Act section in the Decision Notice above.

## Factor 10

**Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

My decision will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the Decision Notice above. The selected alternative is consistent with the National Forest Management Act regulations.

## Contact Information:

For questions please contact Emily Platt, Team Leader, at [SM.FS.EScreens21@usda.gov](mailto:SM.FS.EScreens21@usda.gov) or at 541-416-6500. Individuals who use telecommunication devices for the deaf (TDD)

may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Time, Monday through Friday.

**JIM HUBBARD**  
**UNDER SECRETARY FOR NATURAL RESOURCES**  
**AND ENVIRONMENT**

**DATE SIGNED**