DECISION NOTICE/ FOREST PLAN AMENDMENT
And Finding of No Significant Impact

Many Lakes Research Natural Area
Deschutes National Forest, Bend/Ft. Rock Ranger District
Deschutes County, Oregon
T20S, R7E, Sections 11,12,13,14, Willamette Meridian

BACKGROUND

An environmental assessment (EA) that discuss the designation of the Many Lakes Research Natural Area (RNA) on the Bend/Ft. Rock Ranger District is available for public review at the Forest Supervisor's Office, Deschutes National Forest in Bend, Oregon.

The Many Lakes area was identified in the Deschutes National Forest Land and Resource Management Plan (LRMP) (USDA Forest Service 1990), as a "proposed" RNA based on the unique nature of the area, and recognition that designation of this area as an RNA would make an important contribution by filling a need for natural heritage elements.

The newly established RNA will consist of approximately 907 acres on the west side of the Bend/Ft. Rock Ranger District. The area is about 18 miles southwest of Bend and lies adjacent to Little Cultus Lake (see map Appendix A). The Many Lakes area was proposed for designation as an RNA in the Deschutes National Forest Land and Resource Management Plan (Forest Plan, 1990) in order to fill an element in the State of Oregon Natural Heritage Program. The proposed RNA has been managed as a regular RNA since 1990. This project to "establish" the RNA is to formalize the designation and protect this area permanently.

The system of RNAs was established with the goal of allowing natural processes to dominate. RNAs preserve natural features and plant communities for research and educational purposes. The objectives of RNAs are (Franklin et al. 1972):

- to provide baseline areas against which the effects of human activities in similar environments can be measured;
- to provide sites for study of natural processes in undisturbed ecosystems;
- to provide gene pool preserves for plant and animal species.

The purpose of establishing the RNA in the Many Lakes area is to contribute to a series of RNAs designated to "illustrate adequately or typify for research or education purposes, the important forest and range types in each forest region, as well as other plant communities that have special or unique characteristics of scientific interest and importance" (36 CFR 251.23). The area provides representation of:

- a montane lake with aquatic beds and marshy shore;
- a subalpine pond with aquatic beds and marshy shore;
- few-flowered spikerush/brown moss fen with Engelmann spruce and lodgepole pine;
- spring fen on seepage slope (including marsh marigold, shooting star, bistort, arrowleaf groundsel, and false hellebore);
- Geyer willow shrub swamp;

- Bog birch shrub swamp;
- Bog blueberry shrub swamp with Engelmann spruce, lodgepole pine and tufted hairgrass;
- Oregon spotted frog (Federally listed as Threatened);
- American scheuchzeria (Forest Service Sensitive Species);

In addition, the RNA provides regional cell representation for the following species: northern spotted owl, Pacific fisher, California wolverine, lesser bladderwort, Blandow's feather moss, and tomentypnum moss.

An establishment record is being completed for the proposed Many Lakes RNA and a draft is currently on file at the Bend/Ft. Rock Ranger District. The establishment record is to be completed with the final Decision Notice.

DECISION and DECISION RATIONALE

Our decision is to select the Proposed Action as described in the *Designation of the Many Lakes Research Natural Area Environmental Assessment* (Deschutes National Forest 2015). Specifically, we are deciding to amend the Forest Plan to officially designate the 907 acres located at T20S, R7E, Sections 11, 12, 13 and 14 on the west side of the Bend/Ft. Rock Ranger District as a Research Natural Area.

The purpose of establishing the Many Lakes RNA is to contribute to a series of RNAs designated to "illustrate adequately or typify for research or education purposes, the important forest and range types in each forest region, as well as other plant communities that have special or unique characteristics of scientific interest and importance" (36 CFR 251.23).

Deschutes National Forest staff has re-examined the rationale to ensure that the environmental effects of establishing the area as an RNA have not changed since 1990 when the Forest Plan was established. A complete Ecological Evaluation is included in the Establishement Record. We selected the Proposed Action because it provides long-term protection and recognition of undisturbed natural heritage elements such as wetlands, ponds, bogs, and fens, and provides opportunities for long-term observation of the development of these areas.

The selected alternative will allow ecological processes to proceed without active management intervention in the area as described in the EA pp. 8-10. This decision includes a modification to the boundary of the RNA as shown on the map in Appendix A of this Decision Notice. The modified boundary will increase the size of the RNA from 750 acres to 907. The increase in RNA (MA-2) will be realized from a decrease in Scenic Views (MA-9). The modified boundary will be easier to describe and manage as it follows a four-digit road (allowing for roadside management such as hazard tree removal) and the shoreline of Little Cultus Lake. The northern boundary will follow a section line and takes in the entire wetland/fen complex northwest of Little Cultus Lake.

This decision is a non-significant amendment to the Deschutes Land and Resource Management Plan. Formal designation of the RNA by the Regional Forester would amend the Forest Plan under the provisions of the 1982 planning regulations in accordance with 36 CFR 219.17(b)(3).

The regulations for forest planning under the 1982 National Forest Management Act (36 CFR Part 219) provide procedures for the Responsible Officials to amend a Forest Plan. The regulations state: "If the change resulting from the amendment is determined not to be

significant for the purposes of the planning process, the Forest Supervisor may implement the amendment following appropriate public notification and satisfactory completion of NEPA procedures" (36 CFR 219.10(f)). The proposal to amend the Forest Plan was described in a scoping letter mailed to the public in 2009.

Additional guidance on amending Forest Plans is provided in the Forest Service Manual 1900- Planning. Section 1926.51 of the manual describes non-significant amendments as:

- Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management;
- Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management;
- Minor changes in standards and guidelines; and/or
- Opportunities for additional management practices that would contribute to achievement of the management prescriptions.

The RNA in the Many Lakes area would be designated Management Area 2 (MA-2) in the Forest Plan. Proposed and designated RNAs in the Forest Plan are listed as Management Area 2. Standards and guidelines for this management area are noted in the Forest Plan and listed in the EA pages 8 - 10. These standards and guidelines apply to proposed RNAs that are actively being evaluated for RNA status through the Forest Planning process. Presently the area is being managed in accordance with this management area so designation would not impact other programs or activities; therefore, officially designating the area would not be a significant amendment to the Forest Plan.

The Many Lakes RNA will be managed in compliance with all relevant laws, regulations, and Forest Service Manual direction regarding RNA, and in accordance with the management direction identified in the Forest Plan as amended by the Northwest Forest Plan, including Riparian Reserves established under the Snow Lakes Watershed Assessment (2006), and the management strategy described in the Cultus Mountain Late Successional Reserve Assessment (1996).

OTHER ALTERNATIVES CONSIDERED

One other alternative was considered. The No Action alternative would continue the management of the proposed RNA as a proposed RNA in the short-term. Long-term management would be determined during the next Forest Plan revision.

No Action was not selected because it would not address the purpose and need to contribute to a series of RNAs and in particular to designate an area that fills a need for representation of natural heritage elements identified in the 2003 Natural Heritage Plan. No Action would only provide short-term protection of the area. The team evaluating the establishment strongly felt that this area was still deserving of the designation and research attention that the Forest Plan proposed.

PUBLIC INVOLVEMENT

The proposal of this RNA establishement was first initiated in 2009. Scoping letters were sent out to the Forest's mailing list including Federal and State agencies, the Confederated Tribes of the Warm Springs, environmental groups, and interested citizens. The project also appeared on the quarterly *Schedule of Projects* and was posted to the

Forest Service NEPA projects web apge. Two public scoping comments were received in response, both supportive of the designation.

A draft Environmental Assessment was made avaialble for a 30-day public comment period, beginning October 17, 2014. Three comment letters were received based on the draft EA. The comments received were supportive of RNA establishment. Specific comments are addressed in Appendix A of the final EA.

FINDING OF NO SIGNIFICANT IMPACT

We find that this action is consistent with the Forest Plan, as amended by the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (USDA, USDI 1994).

We have determined through the EA that the proposed action is not a major Federal action that would significantly affect the quality of the human environment, therefore, an environmental impact statement is not needed. This determination is based on the following factors (40 CFR 1508.27):

Context:

> Although this is an addition to the national system of RNA, we find that both short-term and long-term physical and biological effects are limited to the local area. This decision officially designates 907 acres as an RNA on a 1.6 million acre forest.

Intensity:

1. Adverse and beneficial impacts have been assessed and found to be not significant. The analysis considered not only the direct and indirect effects of the projects but also their contribution to cumulative effects (EA pages 12-37). My finding of no significant environmental effects is not biased by the beneficial effects of the action. No significant cumulative or secondary effects were identified.

2. We find there will be no significant effects to public health and safety. No public health and safety issues were raised during scoping or the comment period (EA, page 6 and Appendix A, Response to Comments). Public access and use of the RNA is not encouraged and officially designating the RNA will not change recreational use.

3. We find there will be no significant effects on unique characteristics or ecologically critical areas, including historic or cultural resources, park lands, prime farmlands, rangelands, wetlands, or Wild and Scenic Rivers. No heritage resource properties which meet the criteria for inclusion in the National Register of Historic Places were documented in the RNA (EA, page 36; Heritage Resource Report). There are no other unique characteristics or ecologically critical areas in the area. Because these features do not exist within the RNA boundaries, there would be no effect to park lands, farmlands, or rangelands, wetlands or Wild and Scenic Rivers (EA, page 37).

4. The effects on the quality of the human environment are not likely to be highly controversial. No comments were received from the public concerning the scientific

controversy over the impacts of the project (EA, Appendix A, Response to Comments pages 49-51).

5. The Forest Service has experience designating lands as RNAs and we find that the effects are not uncertain, and do not involve unique or unknown risk.

6. We find this action is one of several similar actions undertaken on National Forest System lands and is not likely to establish a precedent for future actions with significant effects, or represent a decision in principle. The decision implements the Deschutes Forest Plan, as amended (EA, page 4, 8-10).

7. We find the cumulative impacts are not significant. Cumulative impacts are addressed in Chapter 3 of the EA (EA pages 12-37).

8. We find the action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. No heritage resource properties which meet the criteria for inclusion in the National Register of Historic Places were documented in the RNA (EA, page 36; Heritage Resource Report).

9. We have considered the degree to which the actions will adversely affect endangered or threatened species or their habitat that have been determined to be critical under the Endangered Species Act of 1973. There are no threatened, endangered or proposed plant or fish species located in the area affected by the designation; therefore there would be no effect to any federally-listed plant or fish species (EA, pages 12-15). The Candidate species Whitebark pine is present; the effect of designation would be beneficial. Habitat is present for federally listed northern spotted owl, gray wolf, and Oregon spotted frog. Designating the Many Lakes area as an RNA under this alternative would have no effect on spotted owls or their critical habitat, no effect to spotted frog, and no effect on gray wolf because there is no change from the existing condition.

10. We find the actions will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Deschutes National Forest Land and Resource Management Plan as amended.

NATIONAL FOREST MANAGEMENT ACT/ FOREST PLAN CONSISTENCY

As required by the National Forest Management Act, this decision is tiered to the Final Environmental Impact Statement that was completed to inform the *Deschutes National Forest Land and Resource Management Plan* (1990) as amended by the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (1994).

There will be no impacts to Forest Service, Region 6 Sensitive Species (EA, pages 21-29).

We have considered the effects to management indicator species (MIS) as disclosed in the EA (EA, pp. 29-32). MIS on the Deschutes National Forest include goshawk, Cooper's hawk, sharp-shinned hawk, great gray owl, great blue heron, golden eagle, waterfowl, woodpeckers, red-tailed hawk, osprey, American marten, deer, and elk. There will be no impact to any of the management indicator species and therefore no contribution to negative trends in viability on the Deschutes National Forest.

We find that the designation "meets" or "does not prevent attainment" of the Aquatic Conservation Strategy objectives because there are no proposed activities in the RNA or riparian reserves that would have any impact on the ACS objectives, the management direction of the NWFP will continue to apply, and the area is protected under this designation. Similarly, the designation is consistent with the management strategy outlined for the RNA in the Cultus Late Successional Reserve Assessment.

OTHER LAWS AND REGULATIONS

We find this action does not violate other Federal, State, or local laws designed for the protection of the environment. Laws that were considered include the Clean Water Act, the Endangered Species Act, National Historic Preservation Act, and the National Forest Management Act.

ADMINISTRATIVE REVIEW/ OBJECTION PROCESS

The final Environmental Assessment (EA) is available for review at the Deschutes National Forest website: http://www.fs.usda.gov/project/?project=28898. Additional information regarding this plan amendment can be obtained from Beth Peer, Environmental Coordinator, at 541-383-4769, or email bpeer@fs.fed.us.

This draft decision is subject to administrative review under 36 CFR 219, Subpart B. The objection process included in Subpart B of 36 CFR 219 gives an individual or entity an opportunity for an independent Forest Service review and resolution of issues before the approval of the plan amendment.

Individuals and entities who have submitted substantive formal comments related to this plan amendment during the opportunity for public comment may file an objection. Issues raised in objections must be based on previously submitted specific written comments regarding the proposed plan amendment and attributed to the objector, unless the issue is based on new information that arose after the opportunities for comment. The burden is on the objector to demonstrate compliance with this requirement for objection issues.

An objection must include a description of those aspects of the proposed plan amendment addressed by the objection, including specific issues related to the proposed plan amendment; if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and a statement that demonstrates the connection between prior specific written comments on the particular proposed project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunities for comment.

All objections must be filed in writing with the reviewing officer for the plan amendment. Written notice of objection must be postmarked or received by the Reviewing Officer, Chief Tim Tidwell, within 45 days of the date the legal notice appears in the *Bulletin* newspaper, Bend, Oregon. The publication date of the public notice in the newspaper of record is exclusive means

for calculating the time to file an objection.

Submit written objections to:

Regular Mail
USDA Forest Service
Attn: Objection Reviewing Officer
1400 Independence Ave, SW
EMC-JAR, Mailstop 1104
Washington, D.C. 20250

UPS/FedEx/ and Hand Deliveries
USDA Forest Service
Attn: Objection Reviewing Officer
210 14th Street, SW
EMC-JAR, Mailstop 1104
Washington, D.C. 20250

Objections delivered by mail must be received before the close of the fifth business day after the objection filing period. Objections may also be hand delivered to the address above between 8:00 AM and 4:30 PM, Monday through Friday except legal holidays.

For emailed objections, please email to: objections-chief@fs.fed.us. Please put OBJECTION and "Many Lakes RNA" in the subject line.

Electronic objections must be submitted as part of an actual e-mail message, or as an attachment in Microsoft Word (.doc), rich text format (.rtf), or portable document format (.pdf) only. For electronically mailed objections, the sender should normally receive an automated electronic acknowledgement from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgement of the receipt of the objection, it is the sender's responsibility to ensure timely receipt by other means.

Objections may also be faxed to: Chief Tidwell, Attn: Objection Reviewing Officer at (202)-649-1172. The publication date is the exclusive means for calculating the time to file an objection. Those wishing to file an objection should not rely upon dates or timeframe information provided by any other source.

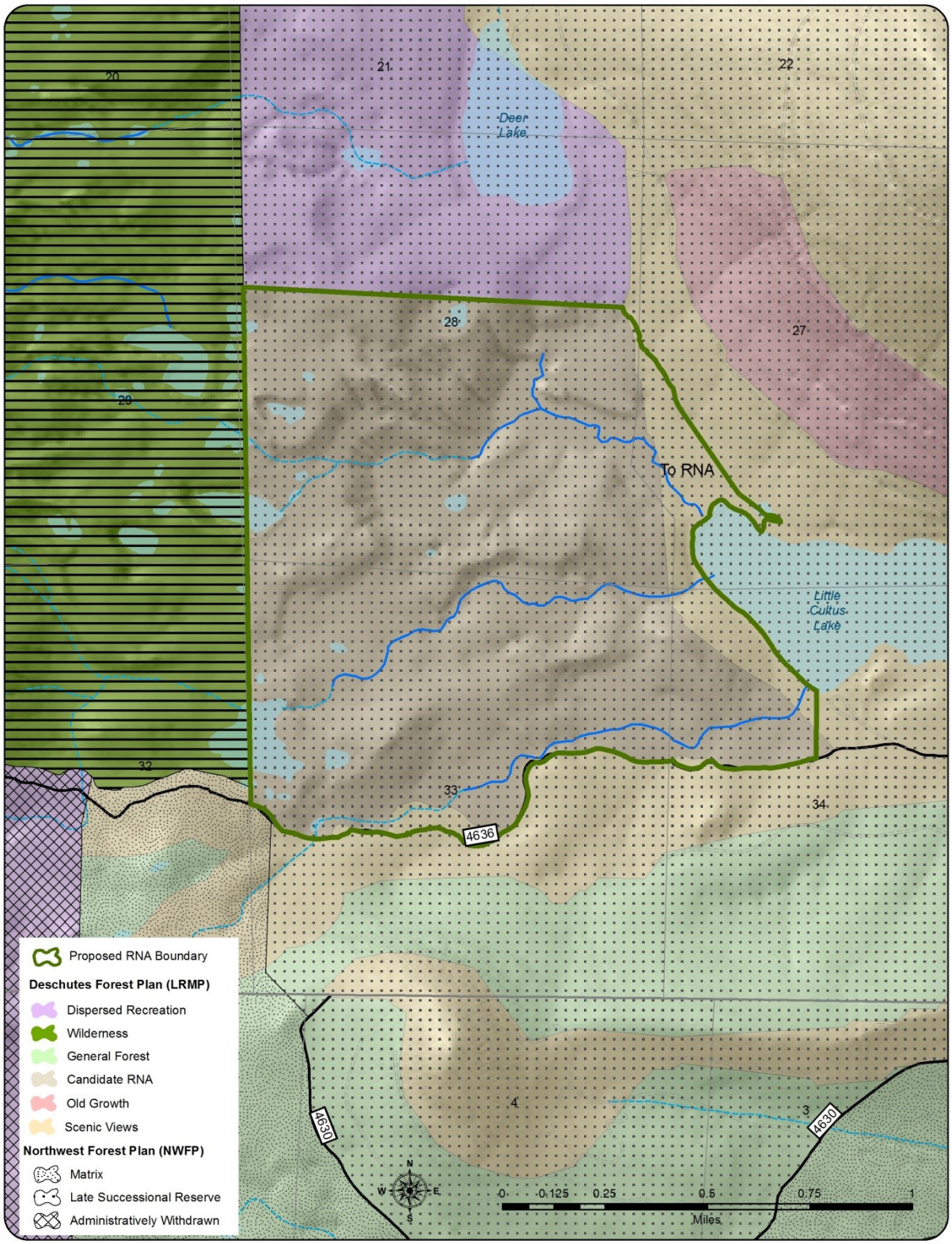
IMPLEMENTATION DATE

Implementation of this decision may occur following the objection period. If no objections are received, implementation may occur immediately upon a final signed decision. If an objection is received, the timing of implementation may not occur until resolution of the objection has occurred.

CONTACT

For additional information concerning this draft decision or the Forest Service objection process, contact Beth Peer, Bend/Ft. Rock Ranger District Environmental Coordinator, during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) at the Bend/Ft. Rock Ranger District office, Phone: (541) 383-4769; e-mail: bpeer@fs.fed.us.

For more information on the RNA program, contact Robin Vora, RNA Program Manager, Phone: (541)383-5766; e-mail: rvora@fs.fed.us

ROBERT MANGOLD Station Director Pacific Northwest Research Station	Date
JAMES PENA Regional Forester Pacific Northwest Region	Date

Appendix A – Boundary map of the Many Lakes RNA