Decision Notice
& Finding of No Significant Impact
Willow Pine Vegetation Management Project

USDA Forest Service

Paulina Ranger District, Ochoco National Forest
Grant County, Oregon
T. 16S, R. 26E, Sections 3-4, 8-11, 13-18, 19-24, 25-30, 31-35
T. 17 S, R 26E, Sections 2-6 and 8-10

BACKGROUND

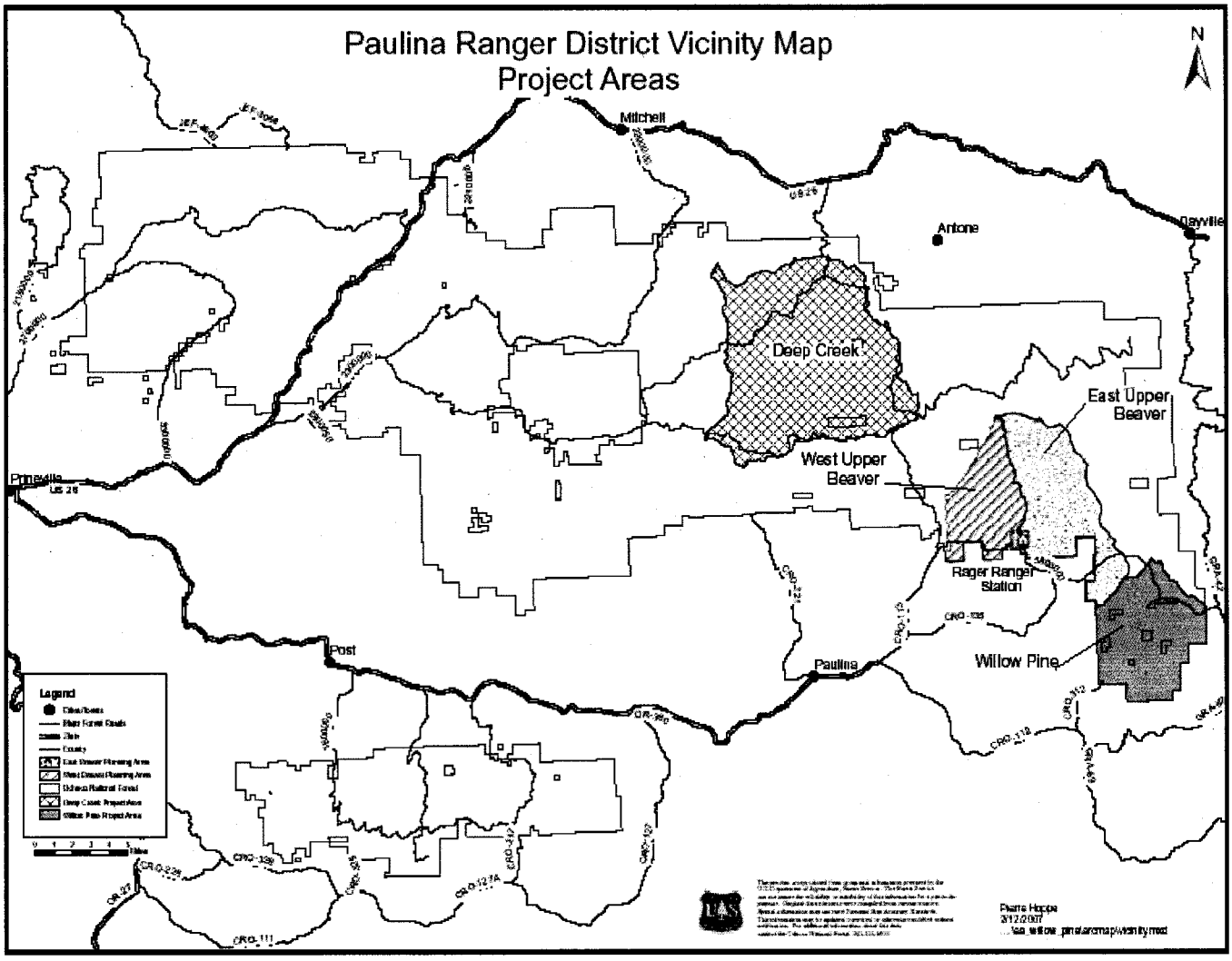
The Willow Pine Vegetation Management Environmental Assessment (hereinafter referred to as the EA) has been prepared to describe the effects of implementing each of the three alternatives, including one No Action alternative and two action alternatives, that improve forest health conditions, reduce hazardous fuels, and provide wood products and opportunities for jobs as a byproduct of vegetation management. in the project area. Commercial and noncommercial thinning is proposed to increase growth and vigor of residual trees, enhance forest health by removing trees damaged by insect or disease, reduce the risk of insects and disease, lower the risk of high-intensity crown fire, and reduce potential mortality resulting from inter-tree competition. The project would move vegetative resource conditions closer to the goals and desired future conditions identified in the Ochoco National Forest Land and Resource Management Plan.

The analysis describes the effects of using various means to move forest stands towards historic conditions to improve stand health and reduce the likelihood of a stand replacing wildfire. Methods to accomplish this include removing trees between 9" and 20.9" dbh through commercial ground based logging systems from 2,506 acres. Noncommercial thinning would remove trees between 5" and 8.9" dbh from approximately 3,933 acres. Approximately 6,354 acres of prescribed fire is proposed to reduce accumulations of forest fuels. Implementation of the proposed action would also require the construction of approximately four miles of temporary roads.

LOCATION

The Willow Pine Project Area is located in the southeast corner of the Paulina Ranger District, approximately 60 air miles east of Prineville, Oregon. The planning area is entirely within Grant County; is approximately 20,461 acres in size; and extends into two different watersheds. These watersheds are the Middle South Fork of the John Day River and Upper Beaver Watersheds. The Willow Pine Planning Area is located in T.16 S., T.17 S., R.26 E. Elevations within the planning area range from approximately 3,920 to 5,760 feet.

Map 1. Willow Pine Vicinity Map



Forest Plan Management Areas and acreages within the project area are described below:

- **General Forest MA-F22**: The majority of the Willow Pine Project Area, approximately 17,914 acres or about 87% of the area is allocated to General Forest Land Management. Management emphasis is to produce timber and forage while meeting Forest-wide standards and guidelines for all resources (Forest Plan, p. 4-86).
- **Winter Range MA-F20:** A relatively small portion of the Willow Pine Project Area, approximately 212 acres or about 1% of the area is allocated to Winter Range Land Management. Emphasis is to manage for big game winter range habitat (Forest Plan, p. 4-83).
- **Visual Management Corridor MA-F26**: A small portion of the Willow Pine Project Area, approximately 436 acres or about 2% of the area, is allocated to the Visual Management Corridor Land Management Allocation, Prescription Area A. This consists of the area alongside Forest Road 58. The objective for this area is retention of visual quality. Emphasis is to maintain the natural appearing character where management activities are usually not evident (Forest Plan, p. 4-95).
- **Old Growth MA-F6:** All or portions of three allocated old growth areas, approximately 674 acres or 3% of the area are located within the Willow Pine Project Area. Emphasis is to provide habitat for wildlife species dependent on old growth stands (Forest Plan, p. 4-58).

- **Riparian Habitat Conservation Areas:** Approximately 1,581 acres or about 8% of the area within the Willow Pine Project Area is within Riparian Habitat Conservation Areas (RHCAs). The Forest Plan was amended in the 1990s by the Inland Native Fish Strategy (INFISH) and Interim Strategies of Managing Anadromous Fish-producing Watersheds in Eastern Oregon, Washington, Idaho, and portions of California (PACFISH). These amendments are described above. Streams within the project area are managed according to this direction.

The following table compares the alternatives in relation to the activities proposed in Alternative 1 (No Action), Alternative 2 (Proposed Action), and Alternative 3. The major differences between Alternatives 2 and 3 are in the amount of activities proposed under each alternative.

Table 1. Alternative Comparison

Activity	Alternative 1 (No Action)	Alternative 2 (Proposed Action)	Alternative 3
Commercial Thinning (acres)	0	3,211	2,551
Noncommercial Thinning (acres)	0	3,943	3,313
Underburning Activity Fuels (acres)	0	4,551	3,810
Underburning Natural Fuels (acres)	0	2,519	2,765
Grapple/Hand Pile (acres)	0	640	361
Lop (acres)	0	3,303	2,952
Temporary Road Construction/Decommissioning (miles)	0	4.5	3.9
Road Reconstruction (miles)	0	2.0	2.0
Level 1 Roads Opened and Closed (miles)	0	20.0	11.3
Tractor Logging Systems (acres)	0	3,211	2,551
Estimated Volume (million board feet)	0	6.5	5.1
Estimated Seasonal Jobs	0	118	93.7

PURPOSE AND NEED FOR ACTION

The purpose of and need for the Willow Pine Project is to improve forest health conditions, reduce hazardous fuels, and provide wood products and opportunities for jobs as a byproduct of vegetation management. The purpose and need is based on a comparison of the existing conditions found in the Willow Pine project area and the desired future conditions provided in management and guidance for the area (a description of which can be found in Forest Plan Management Area goals and objectives, Forest-wide and Management Area standards and guidelines, as amended by INFISH and Regional Forester Amendment #2, and the affected environment section of this document). Because of the emphasis in reducing the risk of stand loss due to overly dense stands coupled with the increased risk of stand replacement fire events, two areas have been identified as needing corrective measures; vegetation and fuels.

Comparisons between existing and desired conditions demonstrate there is a need for seral and structural conditions of forest stands to more closely reflect their historic ranges of variability, maintaining and increasing late and old structured stands; and increased resistance of forest stands to insects and disease. Removing diseased trees, reducing stand density, and modifying tree species composition would improve tree growth and vigor, reduce tree and stand susceptibility to damaging insects and diseases, and improve the distribution of stand structures across the forest landscape, including late and old structure.

There is a need for the distribution of fire regimes to be more representative of their historic ranges of variability by reducing the area susceptible to high-intensity fire conditions, maintaining existing areas with low-intensity fire conditions, and isolating areas maintained with high-intensity fire conditions by treating fuels adjacent to them.

There is a need for sustainable local and regional social and economic systems. Providing wood products and other forest management opportunities would help contribute to sustaining these systems.

ENVIRONMENTAL ASSESSMENT

The Willow Pine Vegetation Management Project EA dated June 2007 documents the analysis of three alternatives to address the needs described in the documents above, including the analysis of the No Action alternative. The EA can also be viewed at the Ochoco National Forest (Central Oregon) website: www.fs.fed.us/r6/centraloregon/projects/units/bendrock/index.shtml or at the Paulina Ranger District Office located at 7803 Beaver Creek Road, Paulina, OR 97751.

DECISION

Based on my review of all alternatives, and comments from the public, I have decided to implement **Alternative 2** with the modifications described below. It includes everything described for Alternative 2 in the EA, including identified mitigations and monitoring measures that were identified in Chapter 2 of the EA.

- Units 16 and 38 were dropped from consideration due to wildlife security cover concerns.
- Units 2, 3, 13, 22, 25, 73, 76, 77, 87, 88, 120, 121, and 127 were dropped from consideration due to goshawk habitat and riparian area concerns.
- Units 12, 55, 94, and 269 will include a 16" dbh diameter cutting limit on treatments due to goshawk concerns. In addition, treatments within these stands will be specifically designed to feather the edge of the treatments into surrounding stands and natural features, leaving the possibility for some untreated areas while still protecting large trees by removing ladder fuels.
- Units 10, 23, and 69 were dropped from consideration due to soils and riparian concerns. In addition, the temporary road associated with Unit 23 was also dropped, as it was no longer needed.
- Temporary roads in units 23, 32, 55, 111, and 122 were dropped from consideration for a total of one mile. All vegetation treatments associated with these units are still proposed, with the exception of units 23 and 122. Temporary roads and reopened roads will be closed using site-appropriate techniques and monitored for closure effectiveness.
- All treatment units that need temporary road construction will include the option of using rubber-tired forwarding equipment in place of temporary road construction, if possible, in order to further limit soil disturbance.

In making my decision, I considered how each alternative meets the stated purpose and need and complies with applicable laws, regulations, and policies. I have also considered the public and agency comments submitted during both the initial scoping and in response to the 30-day comment period. The

rationale for my decision is presented below. Though there would be some change in outcomes with this modified alternative, the purpose and need of the project would still be met while adjusting to retain wildlife habitat and riparian and soils concerns.

RATIONALE FOR DECISION

In making this decision, I have reviewed the public and agency comments, the Environmental Assessment and associated specialist information that have been disclosed in the analysis to make a reasoned choice and no significant impacts on the quality of the human environment have been identified. Based on my review I have decided that implementing Alternative 2 modified best meets the purpose and need for action by moving the forest setting more quickly towards historic vegetation conditions than alternative 1 or 3 while retaining more of the large tree component for current and future wildlife habitat. The combination of vegetation treatments in Alternative 2 modified reduces the potential for high intensity fire by decreasing crown density, increasing canopy base height, and reducing surface fuels. Alternative 2 modified also moves the distribution of fire regimes across the landscape closer to the historic range found in the planning area, while providing for worker safety, maintaining soil and ground water quality, and meeting the needs for wildlife security cover more effectively than the other alternatives considered.

When compared to Alternatives 1, 2, and 3 Alternative 2 modified better meets the purpose and need while retaining forest conditions for wildlife habitat and future retention of large trees. The following section describes the factors I considered and the reasons for selecting Alternative 2 modified.

Historic Range of Variability (HRV)

I believe that moving towards a balance of seral/structural stages as described by HRV for ponderosa pine will move toward healthy, sustainable forest stands over time. For these reasons, I have concluded that it is important to undertake thinning, and prescribed fire activities that will move forest stands toward the HRV. The treatments of Alternative 2 modified are designed to increase the dominance of large, fire-tolerant ponderosa pine over time more than Alternative 3 or Alternative 1.

Alternative 2 modified does the best job of moving forested conditions toward HRV because it reduces the highest proportion of dense stands by applying variable density prescriptions, which allows increased growth rates, greater reduction in stand density, and faster development of trees left in the treatment units.

Alternative 2 modified also does the best job of increasing the proportion of ponderosa pine, while reducing fuel loading and the amount of shade-tolerant tree species such as fir. Without this type of treatment, deviations from ponderosa pine HRV described in the existing conditions in Alternative 1 (the no action alternative) would be expected to increase over time.

Fire & Fuels

The historic range of fire regimes is linked to the seral/structural stages of plant association groups (Hall 1989 and Johnson and Clausnitzer 1992) as described in the Viable Ecosystems Management Guide (Simpson et al. 1994) for the Ochoco National Forest. The HRVs described in Viable Ecosystems are based on USGS land survey notes from the 1870s, fire histories, the 1915 Forest Establishment Report for the Ochoco National Forest, stand exams, scientific publications and journals, and the professional judgment of forest botanists, silviculturalists and fire ecologists.

Fire suppression has removed broad-scale, low-intensity fires from the Ochocos. As a result, the amount of surface fuels and ladder fuels, and the density of forest stands, has increased and the distribution of fire regimes is substantially changed from historic condition. The following Table displays fire regime HRVs for forested stands and their current distribution in the Willow Pine project area (Owens 2002). Note: The

importance of HRV is not in any specific number but in how much of one regime exists relative to other regimes.

Table 53. Historic and Current Condition of Fire Regimes in Willow Pine, and the Effects by Alternative on Fire Regimes

FIRE REGIMES	HRV Low	HRV High	No Action Alternative	Proposed Action: Alt 2	Alt 3
Low Intensity	10,688	17,010	5,705	9,718	9,335
Mixed Intensity	1,939	8,176	7,242	6,671	6,597
High Intensity	784	7,407	4,334	892	1,349

Modified Alternative 2 would move slightly fewer acres into low intensity fire conditions than Alternative 2, but more acres with mixed and high intensity fire conditions into a low intensity fire condition than Alternative 3. Fewer acres after treatment would support a crown fire. Alternative 2 would move the distribution of fire regimes across the landscape closer to the historic range found in the planning area than Alternative 3.

Soils & Water Quality

I was concerned about effects to soils and water quality from project implementation. To protect water quality, buffer zones would be used 50 feet slope distance from springs, wetlands and ephemeral stream channels; 150 feet slope distance from perennial channels, and 300 feet slope distance from fish bearing perennial or intermittent channels on each side of the channel before these units are marked, cruised, and harvested. The analysis indicates that the extent of detrimental soil conditions relative to existing conditions would either: 1) remain the same, 2) increase, but remain within Forest Plan standard, or 3) decrease levels below existing conditions (EA, pages 150 to 154, and 183).

To minimize soil impacts, all temporary roads and some of the primary skid trails and log landings would be obliterated by subsoiling following vegetation management activities within treatment units. Therefore, disturbed area estimates for temporary roads are balanced by soil restoration treatments which are designed to improve soil quality by reclaiming and stabilizing compacted road surfaces. Monitoring of past subsoiling activities on the Ochoco National Forest has shown that these treatments are highly effective in restoring soil functions by fracturing compacted soil layers and increasing porosity within soil profiles.

In harvest units where more than 20 percent detrimental soil conditions exist from prior activities, the cumulative detrimental effects would not exceed the conditions prior to the planned activity. After implementation and subsequent subsoiling, some units would result in a net improvement in soil quality compared to existing conditions. Both action alternatives balance the goal of maintaining and/or improving soil quality following project implementation and soil restoration activities.

Wildlife Habitat

Alternative 2 modified does not propose any commercial harvest within LOS (late old structure) stands. Overall this alternative would maintain more of the current LOS character than Alternative 3. Alternative 2 modified takes a slower approach towards creating this type of old growth than Alternative 3, with fewer short-term effects.

OTHER ALTERNATIVES CONSIDERED IN DETAIL

Alternative 1 (No Action): Alternative 1 is the No Action alternative. This alternative is required by law and serves as a baseline for comparison of the effects of all of the alternatives. Under Alternative 1, there would be no stand density management treatments. Stands would continue to incur mortality and trees would continue to be at risk of loss due to competition among trees. Current levels of insects would probably increase due to the high-density conditions, leaving trees vulnerable to attack. Late and old structured (LOS) stands would remain multi-strata with dense stand conditions resulting in competition for resources among trees. Trees, including large diameter trees, would remain at a high risk of mortality due to overly dense stand conditions coupled with the increased risk of stand replacement fire events.

There would be no fuels reduction treatments. Areas would continue to accumulate fuels with the potential for a wildfire causing unwanted damage to forested stands, wildlife habitat, soils, and water quality. Fire regimes would not be representative of historic conditions.

Local and regional social and economic systems would not be sustained through timber sale activities or service contracts for noncommercial thinning and fuels treatment contracts. There would be no jobs supported through management activities or economic benefit to local and regional economies.

Routine activities such as road maintenance and suppression of unplanned fires would continue. Activities authorized under separate decisions would continue. These activities include continued livestock grazing, noxious weed treatments, and prescribed burning. Recreation use of the area would also continue including camping, hunting, and motorized and non-motorized uses.

Alternative 2 – Proposed Action: This alternative was developed to respond to the purpose and need for action described in Chapter 1 of the EA. Commercial and noncommercial thinning, prescribed burning, grapple piling, and hand piling are designed to develop stand conditions and fire regimes that more closely reflect their historic range of variability. Proposed treatments would reduce stand densities, reduce surface and ladder fuels, and reduce the risk of stand loss due to high fuel loadings. In addition, this alternative would maintain existing desired fuel levels that currently exist, increase forested stands' resiliency to insects and disease, and accelerate the development of forested stands towards late and old structured stand conditions. No trees greater than 21 inches dbh, live or dead, would be cut except those necessary to be removed for safety reasons or road construction.

Stands selected for commercial and noncommercial vegetative treatment reflect several structural seral stages and are focused in stands with a large component of pole and small sized (under 21 inches dbh) trees with dense stocking conditions. A number of these stands (units 3, 17, 22, 23, 55, 62, 86, & 87) contain smaller diameter shade-tolerant species that have increased in numbers in the absence of fire and would not normally be found at these high densities if fire suppression had not occurred over the last several decades. A majority of the stands proposed for treatment contain large amounts of small diameter ponderosa pine under overstories of ponderosa pine and are a result of fire suppression. Reducing the stocking of the stands to the recommended stocking level allows remaining trees to capture most of the site resources without competition between trees. This reduced competition increases the rate of tree growth, both in diameter and height, increases trees' resiliency to insect and disease attacks, and increases the trees' ability to survive during adverse conditions such as drought. The objective of these treatments includes moving stands towards late and old structural stage conditions in a more rapid timeframe than would occur with no treatment. Commercial vegetative treatments would occur on slopes less than 35 percent and would be accomplished with ground-based harvest systems. Mechanized equipment would not be used on slopes greater than 35 percent, as cable systems (cable pulling) would be used in order to reduce disturbance on steeper slopes. Refer to the maps of Alternative 2 for the locations of treatments associated with Alternative 2.

Stands selected for fuels reduction activities are (1) stands that have undergone some type of management and fuels are present as a result (activity fuels), (2) stands that exhibit a high level of fuels resulting from the natural accumulations of material from mortality, or (3) stands that exhibit low-intensity fire conditions that require periodic treatment to maintain that condition. Increased natural fuel loadings have resulted from years of fire suppression allowing shade-tolerant seedlings and saplings to increase creating a ladder for wildfire to reach into the crowns of larger trees. In addition, fire suppression has resulted in increased down wood levels, especially in the smaller diameter size classes and deeper duff layers. In the event of a wildfire, all these factors contribute to a higher intensity fire resulting in a decreased ability for successful and safe fire suppression efforts. Additionally, in areas of higher fuel loadings, uncontrolled fire could result in damage to residual trees. The objective of these treatments is to move stands towards conditions with lower fuel loadings to approximate conditions when fire occurred in lower intensities and higher frequencies. Naturally occurring and the activity fuels would be treated using a combination of prescribed fire, grapple piling, hand piling, or lopping.

In most cases, the objective of treatment in Alternative 2 is to approximate more historical structural stage conditions, species compositions, and fire regimes that would have resulted if fire suppression over the last several decades had not occurred. The resulting conditions would reflect fire-adapted systems with more open stands; less seedling, sapling and pole sized trees; and more large-diameter, fire-tolerant species such as ponderosa pine and Douglas-fir.

The proposed action includes road work. Approximately 4.5 miles of temporary roads would need to be constructed to reach stands identified for commercial harvest. Temporary roads would be decommissioned after use. Approximately 2.0 miles of existing road would be reconstructed by doing spot rocking, erosion control measures, or brush clearing within the road prism to reduce resource impacts and facilitate timber haul. Approximately 20 miles of presently designated as closed Level 1 roads would be reopened and used for commercial harvest. Following the completion of harvest activities these roads would be closed.

During the evaluation of the proposed action against current management direction it was determined that certain treatments were not consistent with Forest Plan direction. The following is a discussion of the direction, the treatment considered inconsistent, and the potential need for a Forest Plan amendment. The Eastside Screens (Wildlife Standards, Screen 3, Scenario A) require protection of every known active and historically used goshawk nest-site from disturbance and harvest to be deferred within 30 acres of the most suitable nesting habitat surrounding all active and historical nest(s). A Forest Plan Amendment would be needed to implement the Proposed Action because commercial harvest is proposed in 3 stands (units 12, 55, & 94) where active or historical goshawk nest-sites are known to occur. The proposed commercial thinning is designed to reduce potential loss of large overstory ponderosa pine trees which function as nest trees, replacement trees, and roosts for the adult and fledgling goshawks. One nest stand has already experienced such mortality, with over a third of the larger, over-story ponderosa pine trees dying in the past five years due to insect activity. Additional large pine trees show signs of stress and may also succumb to the insect attacks in the near future. The two remaining stands are showing signs of stress that could also lead to tree mortality. Reducing the stocking density and managing for a more appropriate species composition would reduce that risk of mortality to nest and replacement nest trees.

Alternative 3: Similar to Alternative 2, Alternative 3 was developed to provide a more balanced approach in responding to the purpose and need for action as well as the two key issues identified by the interdisciplinary team and in response to public scoping and comments. The key issues are: Issue #1- Activities (pre-commercial and/or commercial thinning) proposed within three core goshawk nesting stands could adversely affect the quality of nesting habitat, by reducing stand structure and altering canopy closure, thereby negatively affecting reproductive success of goshawk pairs and Issue #2 - Soil disturbance from roads used as haul routes (the activities of opening existing non-system roads, the

resurfacing of open roads, new temporary road construction), and harvesting and fuel treatment activities have the potential to contribute sediment to streams, thereby affecting water quality and fish habitat. Like Alternative 2, the objective of proposed treatments is to approximate more historical structural stage conditions, species compositions, and fire regimes that would have resulted if fire suppression over the last several decades had not occurred. The resulting conditions would reflect fire-adapted systems with more open stands; less seedling, sapling and pole sized trees; and more large-diameter, fire-tolerant species such as ponderosa pine and Douglas-fir.

Alternative 3 addresses the two key issues identified above and in Chapter 1 of the EA by reducing commercial harvest by 660 acres and noncommercial thinning by 630 acres. Under Alternative 3 noncommercial and commercial thinning is not proposed within three core goshawk nest stands therefore the quality of nesting habitat would not be adversely affected by management activities and a non-significant Forest Plan Amendment would not be required.

In addition, Alternative 3 reduces the potential for soil disturbance and the potential to contribute sediment to streams by reducing the amount of proposed commercial and noncommercial harvest, fuels reduction activities, temporary road construction, and Level 1 roads opened and closed. Underburning (activity and natural fuels) is reduced by a total of 495 acres, and natural fuels underburning increases by 245 acres. In addition grapple/hand piling is reduced by 279 acres and lopping is reduced by 351 acres under Alternative 3.

The miles of temporary road that would be constructed to access commercial harvest units would be reduced by .6 of a mile under Alternative 3. Temporary roads would be decommissioned after use. The miles of Level 1 roads that would be opened and re-closed following commercial harvest would be reduced by approximately 8.7 miles under Alternative 2. Following the completion of harvest activities these roads would be closed. Approximately 2.0 miles of existing road would be reconstructed by doing spot rocking, erosion control measures, or brush clearing within the road prism to reduce resource impacts and facilitate timber haul.

PUBLIC INVOLVEMENT

The complete record of the public involvement process to date is available for review in the project record at the Paulina Ranger District. It is also covered in the EA in the public involvement section, beginning on page 14. The project was listed in the *Schedule of Projects for the Deschutes and Ochoco National Forests and the Prineville District of the BLM* (SOP) beginning with the winter 2004 issue. The SOP is posted to the Forest Service website; the initial proposal was developed by the Forest Service and was provided to the public, other agencies and the Tribes on July 12, 2005.

A field trip was conducted on July 28, 2005 for those interested in helping the Paulina Ranger District develop treatments for Willow Pine Project. Individuals representing the National Wild Turkey Federation, the US Fish and Wildlife Service, the Confederated Tribes of the Warm Springs Reservation, private landowners as well as the Forest Service attended this field trip.

In addition, the agency solicited comments on the Environmental Assessment during a 30-day review period beginning March 29, 2007. The Preliminary Environmental Assessment was provided to twenty-five members of the public, other agencies, and the Tribes. Responses were received from four groups or individuals. Their comments are a part of the public record. Most comments focused around the following activities:

- Some respondents were concerned about potential effects of vegetation treatment to Northern goshawks and nest stands.
  - There were general concerns that arose over proposed vegetation treatment to improve Northern goshawk nest stands. Some respondents were opposed to any types of vegetation treatment in or around goshawk stands.
- Some respondents were opposed to temporary road construction and the reopening of currently closed roads in order to access timber harvest units.
  - There was general concern about potential effects to water quality and aquatic species from construction of temporary roads.
- Some respondents were concerned about effects of soil compaction and displacement from proposed vegetation treatment activities and associated temporary roads.
  - Some were concerned about potential sediment delivery from activities on steep slopes and from temporary road construction within certain distances of streams, and the effectiveness of tillage to reduce compaction in activity areas.

Comments were received from Oregon Wild, Oregon Chapter Sierra Club, Blue Mountain Biodiversity Project, and Mr. Mike Morris. Response to the comments can be found in the project record and Appendix N of the EA.

Alternative 3 was developed from comments received from the public during the initial scoping for the project and issues identified by the interdisciplinary team. Other public comments offered suggestions on things to consider for alternative development. However, they were not fully analyzed because they would not have met the purpose and need identified for the project.

Finding of No Significant Impact

I have determined through the environmental analysis that the activities included in my decision (Alternative 2 as modified) are not a major federal action, individually or cumulatively, that will not significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was made considering the following factors:

In terms of context (40 CFR 1508.27(a)):

This project is site-specific to the Willow Pine Project area and, by itself, does not have international, national, regional, or statewide importance. Resource commitments include common rock and gravel for road maintenance and

1. My finding of no significant environmental effects is not biased by any beneficial effects of the action. The beneficial and adverse impacts are disclosed in the EA and no significant effects on the human environment have been identified. (EA pp. 28-29; pp. 39-267)

2. There will be no significant effects on public health and safety. Prescribed burning will affect air quality for a short period of time in the immediate vicinity of the activity. Implementation of Alternative 2 as modifed will in the long term benefit public safety by reducing fuels in the Project Area. (EA pp. 18-19, pp. 213-219)

3. There will be no significant effects on unique characteristics of the area. There are no park lands, prime farmlands, wetlands, or wild and scenic rivers within or adjacent to the project area.

4. The effects of implementation of this decision do not rise to the level of scientific controversy, nor likely to be considered highly controversial. (EA pp. 14-15, pp. 39-267)

5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk. (EA pages 39 through 267).

6. The action is not likely to establish a precedent for future actions with significant effects because expected resultant forest health conditions would improve from existing conditions. (EA pp. 236-254)

7. The cumulative impacts are not significant. Discussions on the cumulative effects on resources such as wildlife, botany, and soils is included in the EA. (EA pages 39 through 267).

8. 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. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because significant or unevaluated resources are avoided during implementation (EA p.261).

9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973 because it was determined that the project would have **No Effect** to the bald eagle or its habitat. Also, there would be **No Impact** to the wolverine or its habitat as a result of the project. There are no current or historic wolverine sightings within the project area. The project area does not contain viable habitat that would sustain breeding populations for the wolverine (EA p. 144-145).

   There are no known occurrences of federally listed endangered or threatened plants within the Willow Pine Project Area. The Ochoco National Forest has no habitat recognized as essential for listed or proposed plant species recovery under the Endangered Species Act.

10. The action will not violate relevant federal, state, and local laws, regulations or requirements designed for the protection of the environment. Applicable laws and regulations were considered in the analysis (EA pp. 9-10 and pp. 39 through 267).

Findings Required by Other Laws and Regulations

In all other respects, I find my decision to be consistent with the Forest Plan, as amended, and with the requirements of the National Forest Management Act. The selected alternative is consistent with the seven management requirements listed in 36 CFR 219.27.

1. The management requirements and mitigation measures in Chapter 2 (EA, pp. XX-XX) include measures for resource protection.
2. Vegetative manipulation has been proposed to achieve multiple resource goals and more vegetative conditions toward the historic range of variability.
3. Timber harvest will only occur on lands suitable for timber production.
4. No even-aged management practices are proposed.
5. Special attention has been given to riparian areas. Alternative 2 modified does not propose any commercial harvest activities within RHCAs.
6. Alternative development considered and design criteria and resource protection measures include measures to protect, enhance or minimize effects to soil and water resources.
7. Management prescriptions have been designed to improve conditions to emulate historic forest communities. Thinning and underburning in the upland vegetation have been designed to maintain and increase the fire-tolerant species, ponderosa pine.

My decision is consistent with the Ochoco National Forest Land and Resource Management Plan, as amended, and this decision is in compliance with Executive Order 12989 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations". No minority or low-income populations would be disproportionately affected by the implementation of Alternative 2 modified.

I've also concluded that my decision is consistent with the following laws.

National Environmental Policy Act: NEPA establishes the format and content requirements of environmental analysis and documentation. The entire process of preparing this environmental assessment was undertaken to comply with NEPA.

National Historic Preservation Act: A cultural resource inventory was completed for the planning area. The Ochoco National Forest completed consultation with the Oregon State Historic Preservation Office (SHPO). The treatment units in the selected alternative have been designed to have No Effect or No Adverse Effect to cultural resources by avoidance and protection measures.

Endangered Species Act: Biological evaluations (BE) have been prepared to document possible effects of activities on threatened and/or endangered species in the planning area, with no affect and no impact determinations.

Clean Air Act: The selected alternative is designed to be consistent with the Clean Air Act and the State of Oregon. All prescribed burning is coordinated with the Department of Environmental Quality (DEQ) through the State of Oregon smoke management program. All prescribed fire treatments authorized by this Decision Notice would be conducted in compliance with the State of Oregon Smoke Management System and meet smoke management objectives for total emissions.

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 15th business day following the date of the last appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Any notice of appeal must meet the appeal content requirements at 36 CFR 215.14 which states an appeal may be filed by any person who, or any non-federal organization or entity that has provided comment or otherwise expressed interest in a particular proposed action by the close of the comment period as specified in 251.6.

Any appeal must be filed (regular mail, fax, e-mail, hand-delivery, or express delivery) with the Regional Forester, USDA Forest Service, Pacific Northwest Region, ATTN: 1570 Appeals, 333 SW First Avenue, P.O. Box 3623, Portland, Oregon 97208-3623. Appeals submitted via fax should be sent to (503) 808-2255. Appeals can be filed electronically at: appeals-pacificnorthwest-regional-office@fs.fed.us.

The office hours for those submitting hand-delivered appeals are 7:30 am-4:30 pm Monday through Friday, excluding holidays. Appeals, including attachments, must be filed within 45 days from the publication date of the legal notice announcing this decision in The Bulletin newspaper, Bend, Oregon. Attachments received after the 45-day appeal period will not be considered. The publication date in The Bulletin is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this

decision should not rely upon dates or timeframe information provided by any other source. Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in plain text (.txt), Microsoft Word (.doc), rich text format (.rtf), or portable document format (.pdf). E-mails submitted to e-mail 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.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Janis Bouma at the Paulina Ranger District, 7803 Beaver Creek Road, Paulina, Oregon, 97751, phone 541-477-6900.

Mike Lawrence

MIKE LAWRENCE
District Ranger
Paulina Ranger District

6/8/07
Date