United States Department of Agriculture

Forest Service

July 2007

Record of Decision

Spears Vegetation Management Project

Lookout Mountain Ranger District
Ochoco National Forest

Crook and Wheeler Counties, Oregon

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Decision and Reasons for the Decision

Background

This Record of Decision documents my decision and rationale for selecting a course of action to be implemented for the Spears Vegetation Management Project.

The project area is located about 20 miles northeast of Prineville, Oregon, and is comprised of approximately 39,200 acres primarily within the Marks Creek watershed. U.S. Highway 26 bisects the project area. Marks Creek flows into Ochoco Creek, approximately 6 miles above Ochoco Reservoir, and is a part of the Deschutes/Crooked River Basin. Elevations range from 5,985 feet above sea level on Wildcat Mountain on the western edge of project area to 3,360 feet where Marks Creek joins Ochoco Creek. The project area lies within portions of T. 12 S., R. 19 and 20 E.; T. 13 S., R. 18, 19, and 20 E.; T. 14 S., R. 18 and 19 E.; Willamette Meridian.

The needs for modifying vegetation conditions in the project area were derived from evaluating the goals, objectives, and desired future conditions identified in the Ochoco National Forest Land and Resource Management Plan as amended (Forest Plan), and comparing them to the existing conditions in the project area. The 1998 Marks Creek Watershed Analysis, the May 2002 Addendum to the Marks Creek Watershed Analysis, and the December 2002 Bandit II Environmental Assessment were used as a basis for the existing condition. Based on the findings from these comparisons, seven needs were identified. There are needs for:

1. Maintaining and increasing the abundance of late and old structure (LOS).
2. Reducing fuels and the potential for high-intensity wildfires.
3. Maintaining conditions that would currently support low-intensity fires.
4. Reducing the susceptibility of the landscape to large-scale infestation by insects and disease.
5. Enhancing hardwood communities, such as aspen and cottonwood.

6. Increasing riparian vegetation and large tree structure in Riparian Habitat Conservation Areas (RHCAs).
7. Increasing early-seral species composition.

This action responds to the goals and objectives outlined in the Forest Plan and helps move the project area towards desired conditions.

The Final Environmental Impact Statement (EIS) documents the analysis of five alternatives to meet these needs.

Decision

Based upon my review of all five alternatives, I have decided to implement Alternative 4. This decision allows commercial timber harvest on 4,935 acres, precommercial thinning on 10,935 acres, hardwood thinning on 196 acres and various fuel reduction activities. Fuel reduction activities include approximately 15,162 acres of prescribed fire, 2,490 acres of grapple piling, and 793 acres of hand piling. Commercial timber harvest would be completed using tractor and helicopter logging systems. My decision also authorizes 4.4 miles of new road construction and 11.0 miles of road reconstruction. Reconstruction activites would improve the drainage off the roads and reduce sedimentation to streams. Newly constructed roads and roads that are reopened would be closed after harvest activities are complete. My decision adopts the design elements and monitoring referenced on pages 25-38 of the Final EIS. Finally, my decision includes three non-significant Forest Plan amendments to alter existing standards and guidelines.

All of the action alternatives meet the purpose and need for action and move the project area toward the desired condition described in the Forest Plan as discussed below. The purpose and need for action was central to my consideration in selecting an action alternative.

1. Alternative 4 will maintain and increase the amount of Late and Old Structure (LOS) across the project area over time. The overall amount of LOS would not change immediately due to treatment, although 763 acres of multi-strata LOS would be converted to single-strata LOS. The overall amount of multi-strata LOS would not be reduced below historic levels; however, the amount of multi-strata LOS within the Douglas-fir Plant Association Group (PAG) would drop below the historic range of variability (HRV) by 129 acres. It is important to convert multi-strata LOS to single-strata within the project area because the HRV for single-strata LOS was 8,000 to 15,000 acres and today there is less than 2,000 acres. Within 20 years of treatment, the amount of multi-strata LOS in the Douglas-fir PAG will increase to be within the historic range. After year 20, the amount of multi-strata LOS remains within or above the historic range for all PAGs. This alternative results in more single-strata LOS than Alternatives 1, 3, and 5 but less than Alternative 2. All four action alternatives result in removing smaller diameter, less vigorous trees which would maintain the longevity of existing large trees and encourage the development of large structure at an accelerated rate.

2. Surface and ladder fuels are the primary factors associated with fire behavior. All action alternatives will modify fire behavior by reducing ground fuels, reducing ladder fuels (small understory trees), and removing activity-generated fuels following commercial harvest

and precommercial thinning. All action alternatives will result in reducing areas that support higher flame lengths and faster rates of spread. All action alternatives reduce the amount of area which could potentially support crown fire by approximately 30 percent. Under all action alternatives, there is approximately a 50 percent increase in the amount of low-burn probability over that predicted for the Alternative 1, no action. All of the action alternatives move the fire regimes closer to those that occurred historically. Alternative 2 does the best job followed by Alternatives 4 and 5. Of the action alternatives, Alternative 3 results in the least changes. Alternative 1 does not change the existing departure from reference conditions.

3. All four action alternatives include maintenance or natural fuels underburning. The amount varies by alternative. This activity is prescribed mostly in more open stands with relatively low fuel levels and removes mostly surface fuels. This activity will maintain conditions that currently support low-intensity fires under all action alternatives. Alternative 1 is the no action alternative and fuels would continue to accumulate in these areas causing an increase in the potential for high-intensity wildfire. Alternative 1 does not maintain low-intensity fire conditions.

4. Alternative 4 will reduce susceptibility to insects and disease by decreasing tree density, favoring early-seral species, and moving towards single-strata conditions which were more abundant historically. Decreasing tree density will result in increased growing space and less competition for the remaining trees. This is becoming more important with the climate change that currently is occurring. This will increase their vigor and lessen the risk of tree mortality caused by bark beetles and root diseases. Currently, there are about 11,900 acres in the project area that are rated as high risk to insect and disease infestations. Alternative 4 reduces the acres that are rated as high risk by nearly 2,700 acres, and results in bringing the amount of area at high risk into the range at which it historically occurred. This alternative reduces the acres that are at high risk more than Alternatives 1, 3, and 5, but less than Alternative 2.

5. All four action alternatives will improve the vigor of hardwood stands. Cutting and girdling conifers in aspen and cottonwood stands will reduce the competition for light, moisture, and growing space. Hardwoods are expected to become more vigorous and the longevity of mature trees will increase. Sprouting of aspen and cottonwood is also expected to increase which will result in maintaining and/or increasing the abundance, distribution, and extent of hardwood communities within the project area. Alternative 1 does not improve the vigor of hardwood stands.

6. All four action alternatives will contribute toward meeting the interim Riparian Management Objectives (RMOs) contained in INFISH over time. Several activities within RHCAs will increase the vigor of riparian vegetation and contribute to recruitment of future large woody material. Removing conifers from RHCAs will reduce the competition between riparian-associated species and conifers for nutrients and sunlight. Thinning will increase sunlight to deciduous vegetation which will result in more woody, shrubby species. Underburning is expected to further reduce competition and rejuvenate riparian-associated species, increasing riparian species composition and abundance. As riparian species increase, it will promote bank stability and shade which will contribute toward future attainment of RMOs for width-to-depth ratios and temperature. The growth rates of the residual conifer trees will

increase, promoting future large woody debris. The activities in RHCAs will encourage alder, willow, aspen, and other broadleaf species to expand and will accelerate the development of large trees so they provide future large wood to streams. The existing conditions in the project area do not currently meet RMOs. All four action alternatives include activities that promote future attainment of RMOs more quickly than Alternative 1; however, implementation of any alternative will not immediately result in meeting RMOs. Alternative 2 treats the most acres within RHCAs followed closely by Alternative 4. Alternative 5 treats the least acres within RHCAs. Alternative 1 does not include any activities in RHCAs to promote attainment of RMOs; however, evolving conditions in the project area will result in some improvements to RMOs under every alternative.

7. Alternative 4 will reduce tree density and improve growth and vigor of the residual trees and reduce susceptibility to insects and disease. These treatments would more quickly restore historic seral/structural stage conditions and improve growing conditions for larger trees than either no action (Alternative 1) or precommercial thinning/prescribed fire (Alternative 3). Acres dominated by late-seral species such as grand fir and Douglas-fir would be reduced by more than 800 acres, but stay within the historic range. Acres dominated by early-seral species (i.e. ponderosa pine and western larch) would be increased by about 400 acres due to treatment, and increase by an additional 700 acres over the next 20 years. This alternative results in more acres dominated by early-seral species than Alternatives 1, 3, and 5 but less than Alternative 2.

As a result of our scoping efforts, two significant issues were identified and led to alternative development. These significant issues relate to road work and wildlife habitats.

1. Alternative 4 was developed with an emphasis on using existing roads and minimizing new road construction while meeting the purose and need for action. In Alternative 4, new road segments are generally less than 0.25 miles. The amount of road construction, reconstruction, closure, and decommissioning varies by alternative. Alternative 2 includes the most road construction and reconstruction activities, followed by Alternative 4, then Alternative 5. Alternatives 1 and 3 do not include any road work. The amount of road work was an important consideration in determining which alternative to select because of public comments. Many comments indicated that there should be no road construction or very little road construction. Alternative 4 strikes the best balance between achieving the objectives in the purpose and need and responding to public comments related to minimizing the amount of new road construction.

2. Alternative 5 was developed by comparing the proposed action to a variety of wildlife habitats such as pileated woodpecker feeding habitat, goshawk post-fledging areas, elk satisfactory cover (70% canopy closure) in winter range, and connective corridors. The effects to wildlife varies by alternative and by species.

Several comments were raised during the 45-day comment that influenced my decision.

1. Some concerns stated that road densities were too high, more roads should be closed, or no new roads should be constructed. One comment suggested that only roads that are having adverse effects on soils or water should be closed. Some comments indicated that all roads should remain open, while others suggested that new roads be removed as soon as possible. I

carefully considered the road work proposed under Alternatives 2, 4, and 5. Alternative 2 has the highest level of road work. Alternatives 4 and 5 have low levels of new road construction; all new roads will be closed after harvest activities are complete. Alternatives 4 and 5 also include reconstructing existing roads which will reduce the effects of roads on water quality. Closing and decommissioning roads will also reduce effects on water quality and wildlife. Comparing Alternatives 4 and 5 and considering how well these alternatives achieve the objectives in the purpose and need for action, Alternative 4 strikes a reasonable balance between achieving objectives and responding to stakeholder concerns related to roads.

2. Several comments expressed concerns related to various wildlife habitats. There is no "best" alternative for wildlife considering the various species, habitat needs, and both short and long term effects. Alternative 4 does reduce habitat for some species such as pileated woodpecker, but it increases habitat for other wildlife species such as the white-headed woodpecker. While habitat is reduced for the pileated woodpecker under Alternative 4, habitat remains within the HRV for this species, both immediately after implementation and in 50 years. All of the action alternatives increase the amount of white-headed woodpecker habitat immediately after implementation to within HRV. For goshawk, all of the alternatives result in retaining primary nesting habitat within the HRV. For elk, Alternative 3 results in the highest Habitat Effectiveness Index (HEI) rating in winter range areas. Alternative 4 is slightly better than Alternative 5. Alternative 2 provides the least amount of elk habitat.

3. All of the action alternatives are consistent with water quality and fish habitat objectives in the Forest Plan. One commenter expressed concerns that the proposed activities in RHCAs, including road work, would cause adverse effects to redband trout that would lead to extirpation. Alternatives 2, 4, and 5 all reduce chronic sediment sources on Salmon, Crystal, and Rush Creek by repairing road/stream crossings or removing culverts. These activities would have short duration (less than 24 hours) effects to fish while improving long-term habitat conditions. None of this road work is included in Alternative 3. Alternatives 2, 4, and 5 are all expected to increase short-term sediment delivery; Alternative 2 would produce the most sediment while Alternative 5 would produce the least amount. None of the alternatives would produce enough sediment to adversely affect fish or jeopardize attainment of RMOs.

4. Two comments indicated that it was important to provide timber products and consider the effects on local communities, while another comment suggest that logging economics should not drive restoration priorities. In addition, one commenter objected to timber targets. The Forest Plan (p. 4-31) includes a goal of providing for the production of wood products. While Alternative 2 would provide the most wood products, it also has the highest level of road work. Alternative 4 provides more wood products than Alternative 5. Alternative 3 does not provide any wood products. One of the reasons I have decided to implement Alternative 4 is because it contributes wood products and jobs in support of the local economy.

When compared to the other alternatives, Alternative 4 provides the best mix of results considering the significant issues, the environmental consequences, and public comments. Alternative 4 includes 4.4 miles of new road construction which is only slightly higher than Alternative 5 and much lower than the 18 miles included in Alternative 2. Alternative 4 provides

an estimated 12.3 MMBF of timber compared to 15.4 MMBF in Alternative 2, 8.9 MMBF in Alternative 5, and no timber under Alternative 3.

Even though Alternative 4 provides less timber than Alternative 2 it builds fewer roads and has fewer short-term effects to fish and wildlife habitats while providing a moderate level of timber volume to support the local economy. Considering public comments related to road work, water quality and fish habitat, and providing timber to support the economy, Alternative 4 provides a reasonable balance between achieving resource objectives and considering the needs and interests of all stakeholders.

Other Alternatives Considered

In addition to the selected alternative, I considered four other alternatives. Alternative 4 was the environmentally preferred alternative. A detailed description of these alternatives can be found in the Final EIS on pages 18-25.

Alternative 1 (No Action)

Under the no action alternative, no activities would be implemented to accomplish the stated purpose and need for the Spears Vegetation Management Project. Routine activities such as road maintenance and suppression of unplanned fires would continue. Activities authorized under separate decisions, such as livestock grazing and noxious weed treatments, would continue. Recreational use of the area, including camping, hunting, and motorized and non-motorized uses, would also continue.

Alternative 2

Alternative 2 is the proposed action. This alternative includes an estimated 6,172 acres of commercial harvest and 11,160 acres of precommercial thinning. Fuel reduction activities include approximately 15,464 acres of prescribed fire, 3,015 acres of grapple piling, and 718 acres of hand piling. Hardwood thinning activities are proposed on 196 acres. Commercial harvest includes tractor, skyline, and helicopter logging systems. Road construction activities include 18.0 miles of new road construction, and 12.0 miles of reconstructing roads on an existing road bed. Newly constructed roads and roads that are reopened would be closed after harvest activities are complete. Three Forest Plan amendments would be needed to implement the proposed action.

Alternative 2 was not selected because of the level of road construction activities needed to access timber harvest units.

Alternative 3

Alternative 3 was developed to address the purpose and need without the use of commercial timber harvest. Generally, trees greater than 9 inches dbh would not be cut, except juniper. In isolated cases of damaged or diseased trees, trees up to 12 inches dbh would be cut. Alternative 3 includes underburning on 13,926 acres and hand piling on 856 acres. Precommercial thinning

is proposed on 9,703 acres and hardwood thinning on 196 acres. This alternative does not include grapple piling or road work. One Forest Plan amendment would be needed to implement this alternative.

Alternative 3 was not selected because it does the least to meet the needs for increasing LOS, increasing early-seral species composition, and reducing the risk of insects and disease.

Alternative 5

Alternative 5 was developed based on the purpose and need and the significant issue related to wildlife. This alternative includes variable density thinning within some wildlife habitats, and leaving higher densities in moister areas such as draw bottoms and RHCAs. Timber harvest and precommercial thinning is designed to maintain clumpiness and old tree cohorts within identified wildlife habitats. Alternative 5 includes an estimated 3,942 acres of commercial harvest and 10,952 acres of precommercial thinning. Fuel reduction activities include approximately 14,205 acres of prescribed fire, 2,150 acres of grapple piling, and 881 acres of hand piling. Hardwood thinning activities are proposed on 196 acres. Commercial harvest includes tractor and helicopter logging systems. Road construction activities include 3.2 miles of new road construction, and 10.1 miles of reconstructing roads on an existing road bed. Two Forest Plan amendments would be needed to implement Alternative 5.

Alternative 5 was not selected because it results in fewer acres of LOS, fewer acres dominated by early-seral species, and more acres at high risk of insects and disease over time.

Public Involvement

The proposal was first provided to the public and other agencies for comment during scoping in May 2006. On May 23, 2006, as part of the public involvement process, the agency mailed letters to 63 individuals, organizations, adjacent landowners, and other potentially interested organizations, including tribal agencies. The Notice of Intent (NOI) was published in the Federal Register on June 2, 2006. The NOI requested public comment on the proposal by June 26, 2006.

Forest Service staff also met with members of the Crook County Natural Resources Planning Committee to discuss the Spears Project on three occasions (March 27, 2006, June 6, 2006, and January 4, 2007). Three field trips to the project area were also held on June 6, 2006, August 30, 2006, and June 6, 2007.

The Spears Project has been listed in the quarterly Ochoco National Forest Schedule of Proposed Actions since the Spring 2006 edition.

Using the comments received from the public and other agencies during the scoping efforts, the interdisciplinary team identified several issues regarding the effects of the proposed action (see Issues section). Main issues of concern included effects to wildlife habitat and road construction (Final EIS, pp. 11-12). To address these concerns, the Forest Service created Alternatives 4 and 5.

Using the comments received during the 45-day comment period, the Final EIS was updated to provide additional information related to fish habitat, raptors, and cumulative effects on soils. The Final EIS was also updated to include additional references to scientific literature that was utilized during the environmental analysis.

Findings Required by Other Laws and Regulations

In reviewing the Final EIS and the activities included in the selected alternative, I have concluded that my decision is consistent with the following laws, requirements, and policies.

National Forest Management Act: To ensure consistency with the National Forest Management Act, the Forest Plan was consulted. The Forest Plan contains several standards and guidelines that apply forest-wide or to specific management areas. Both forest-wide and management area specific standards and guidelines were reviewed. Table 84 in the Final EIS briefly identifies the applicable standards and guidelines and how the alternatives are consistent. If the alternatives are not consistent, a brief description of the needed Forest Plan amendment is included. In addition, the requirements at USC (United States Code) 1604(g)(3) were reviewed and the selected activities are consistent.

My decision to implement vegetation management activities in the Marks Creek Watershed and Veazie Creek Subwatershed are consistent with the intent of the Forest Plan's long term goals and objectives identified in Chapter 4, Section 1 (pp. 4-1 to 4-39). However, three non-significant amendments are needed to implement this alternative. I have elected to amend the Forest Plan following the provisions of the 1982 planning rule.

Timing – The Forest Plan has been in effect since 1989. These amendments are occurring during the second decade of the plan period. The commercial harvest in Alternative 4 is expected to be implemented within the next 5 years. The activities within the Stewart Springs OGMA are expected to be implemented within the next 5-7 years.

Location and Size – Approximately 216 acres would be treated out of the 988 acres of multi-strata LOS in the Douglas-fir PAG within the 39,200 acre project area. The acres that are treated would remain LOS; it would change from multi-strata LOS to single-strata LOS.

The project area contains 3,260 acres of connective corridors. Alternative 4 includes 700 acres of commercial harvest in connective corridors. The commercial harvest retains options for future management of connective corridors.

The project area contains three OGMAs. Alternative 4 includes activities on 70 acres out of 821 acres within OGMAs. No activities are proposed in two of the three OGMAs within the project area. The proposed activities would maintain existing large trees.

Goals, Objectives, and Outputs – There would be no change in the long-term relationships between the levels of goods and services projected by the Forest Plan Final EIS and the impacts of implementing Alternative 4 because of the low number of acres being treated and the objectives of maintaining large trees and promoting development of LOS.

Management Prescription – These amendments apply only to this project and would not apply to future decisions. The amendments do not alter the desired future condition of the land or resources or the anticipated goods and services to be produced. Only a small acreage would be treated and options for future management would be maintained.

Amendment 1

The Eastside Screens (Regional Forester's Forest Plan Amendment No. 2) contain standards that indicate there should be no net loss of LOS if either one or both of the LOS stages are below HRV. The eastside screens indicate that some timber sale activities can occur within LOS stages that are within HRV, such as manipulating one type of LOS to move stands into the LOS stage that is deficit if it meets historical conditions. Currently, the amount of multi-strata LOS in the Douglas-fir PAG is within HRV and single-strata LOS is below HRV. Timber harvest in multi-strata LOS within the Douglas-fir PAG is designed to reduce competition and maintain large trees in this area; these stands would be converted to single-strata LOS. Following treatment, multi-strata LOS would be below HRV. This Forest Plan amendment allows multi-strata LOS in the Douglas-fir PAG to be converted to single-strata LOS and move multi-strata LOS below HRV.

Commercial harvest activities will reduce stand density, improve growth of the residual trees, and reduce potential mortality resulting from inter-tree competition. Commercial harvest would more quickly restore the historic seral/structural stage conditions and improve growing conditions for larger trees than no action, noncommercial thinning alone, or prescribed fire alone. Commercial harvest would decrease the probability of wildfires and decreases the severity of wildfire impacts.

This amendment is consistent with the Regional Forester's June 11, 2003, letter on guidance for implementing Eastside Screens. In that letter the Regional Forester encouraged Forest Supervisor's to consider site-specific Forest Plan amendments that would meet LOS objectives of increasing the number of large trees and LOS on the landscape. The commercial harvest in multi-strata LOS in the Douglas-fir PAG is consistent with the intent of the Eastside Screens to maintain and/or enhance LOS.

I have decided to amend the Forest Plan because it is important to maintain the longevity of large trees within areas where multi-strata LOS would be converted to single-strata. Within 20 years, the amount of multi-strata LOS within the Douglas-fir PAG is projected to be back within the historic range due to continued growth.

Amendment 2

The Eastside Screens contain standards that indicate timber harvest should be deferred in connective corridors when all the criteria for connective corridors cannot be met. This Forest Plan amendment will allow commercial harvest within connective corridors. Commercial harvest will reduce canopy closure to less than two-thirds of site potential. The Eastside Screens indicate that canopy closure should be maintained within the top one-third of site potential. Connective corridors within the project area represent the best connections given the existing conditions

resulting from physical restrictions such as ridges, meadows, and previous harvest practices. Commercial harvest within connective corridors will maintain existing large trees and promote development of additional large trees. Alternative 4 includes 700 acres of commercial harvest in connective corridors.

This non-significant amendment is consistent with the Regional Forester's June 11, 2003, letter on guidance for implementing Eastside Screens.

I have decided to amend the Forest Plan because it is important to maintain large trees and promote the development of LOS within connective corridors. Even though my decision allows canopy closure to be reduced within connective corridors, these areas will still provide adequate cover and structure to facilitate travel by most species that will use them. My decision will improve connectivity in the long-term by increasing the amount of LOS and increasing the connectivity between LOS stands.

Amendment 3

The Forest Plan (p. 4-251) states that vegetative management (except livestock use) will not be allowed within MA-F6 Old Growth, until further research is available on the needs of the dependent species. This Forest Plan amendment is needed because the activities are not consistent with the standard and guideline that indicates vegetative management is not allowed. Alternative 4 includes precommercial thinning, hand piling, and underburning in the Stewart Springs OGMA. These activities are designed to improve the longevity of large ponderosa pine trees on south and west facing slopes. The activities are consistent with the emphasis for the OGMA which is to provide habitat for wildlife species dependent on old growth stands.

I believe it is important to maintain large and old trees within OGMAs and promote habitat conditions for species that depend on these areas. Because these activities are limited to the drier portions of the OGMA, they would not affect pileated woodpecker nesting habitat and much of the area would remain suitable as foraging habitat.

National Environmental Policy Act: The National Environmental Policy Act (NEPA) establishes the format and content requirements of environmental analysis and documentation. The entire process of preparing this environmental impact statement was undertaken to comply with NEPA. The NEPA also requires a consideration of best available science. The Final EIS was prepared using relevant, scientific information. The Final EIS and the resource reports in the project file demonstrate that a thorough review of relevant, scientific literature occurred during the environmental analysis process.

Clean Air Act: Alternative 4 has been designed to be consistent with the Clean Air Act. The Oregon DEQ is responsible for assuring compliance with the Clean Air Act. In 1994, the Forest Service, in cooperation with the DEQ, the Oregon Department of Forestry, and the BLM, signed a Memorandum of Understanding (MOU) to establish a framework for implementing an air quality program in Northeast Oregon. The MOU includes a prescribed fire emission limit of 15,000 tons of PM 10 per year for the national forests of the Blue Mountains (Malheur, Ochoco, Umatilla, and Wallowa-Whitman). (PM 10 are particulate matter that measure 10 microns in

diameter or less, and are small enough to enter the human respiratory system.) All prescribed burning on these forests is coordinated with the DEQ through the State of Oregon smoke management program. All prescribed fire activities proposed in the action alternatives would be conducted in compliance with the State of Oregon Smoke Management System and would meet smoke management objectives for total emissions.

Clean Water Act: To carry out this law, the State of Oregon has established state water quality standards for factors such as water temperature, sedimentation, habitat modification and pH, and an anti-degradation policy to protect water quality conditions. Under the anti-degradation policy in Section 303(d), water bodies that do not meet water quality standards are designated as "water quality limited." The project area contains three streams that are currently on the State 303(d) list for exceeding the average of the 7-day maximum stream temperature standard (64.4^{o} F or 18^{o} C). These streams are: Marks, Little Hay, and Hamilton Creeks. The Final EIS documents the analysis of effects to these streams. Implementation of Alternative 4 would not result in any measurable increase in water temperatures in any fish-bearing or non-fish bearing perennial stream in the project area. Commercial timber harvest and precommercial thinning activities were designed so that they do not reduce shade. There is a potential to increase water temperature in intermittent non-fish bearing streams (Class IV) when they are flowing, but this would not result in a violation of state water quality standards because these streams go dry before peak water temperatures occur in the project area.

Endangered Species Act: Biological Evaluations (BEs) have been prepared to document possible effects of proposed activities on threatened and endangered species in the project area. There are no endangered species known or suspected to occur on the Ochoco National Forest. The Final EIS discusses threatened species that are known or suspected to occur on the Ochoco National Forest include bull trout, mid-Columbia River steelhead, and Canada lynx. Potential effects to these species were analyzed and the analysis is summarized in the BEs (February 9, 2007, Wildlife BE and January 2007 BE for Aquatic Species) and in Chapter 3 of the Final EIS. The analysis documents that there would be no effect to bull trout or mid-Columbia River steelhead. The project may affect, but is not likely to adversely affect Canada lynx. Consultation with the U.S. Fish and Wildlife Service has been completed. Consultation with the National Marine Fisheries Service is not needed. The northern bald eagle was delisted on July 9, 2007. The bald eagle is no longer a threatened species; however, it will be designated a Regional Forester's sensitive species for at least 5 years. The Final EIS discloses the expected effects to bald eagles.

National Historic Preservation Act: The Project Review for Heritage Resources under the Terms of the 2004 Programmatic Agreement between the Forest Service and the State Historic Preservation Office was signed on June 19, 2007. Under the terms of that agreement, the Project Review for Heritage Resources has been forwarded to the SHPO for review. This project complies with Section 106 of the National Historic Preservation Act.

Implementation

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. Individuals or organizations who submitted comments during the 45-day comment period may appeal this decision. Any notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

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 8:00 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 Person

For additional information concerning this decision or the Forest Service appeal process, contact Katherine Farrell, Project Leader, Lookout Mountain Ranger District, at 3160 NE Third Street, Prineville, OR 97754 or (541) 416-6500.

Jeff Walter

JEFF WALTER
Forest Supervisor
Ochoco National Forest

7-16-07

DATE