Decision Notice
& Finding of No Significant Impact
Lava Cast Project

USDA Forest Service

Bend-Ft. Rock Ranger District, Deschutes National Forest
Deschutes County, Oregon
T. 20 S., R. 11and 12 E. and T. 21 S., R. 11and 12 E

BACKGROUND

The Lava Cast Project 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 address vegetation and fuels conditions in the project area. Activities would occur on approximately 9,500 acres on the Bend-Fort Rock Ranger District. The project would move vegetative resource conditions closer to the goals and desired future conditions identified in the Deschutes National Forest Land and Resource Management Plan and the Newberry National Volcanic Monument 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 commercial and pre-commercial thinning, mechanical shrub treatment (mowing), hand and grapple piling slash and fuels, and prescribed fire.

LOCATION

The Lava Cast planning area is approximately 36,000 acres, including a portion of the Newberry National Volcanic Monument (Transition Zone, 5,935 acres). Approximately 2,369 acres lie within the wildland-urban interface zone (WUI), which as defined within the Upper Deschutes River Natural Resources Coalition Community Wildfire Protection Plan. The planning area is located approximately 10 miles south of the urban growth boundary of Bend and one mile east of Sunriver.

The high water mark of the Little Deschutes River abuts the westernmost boundary of the project area. There are no perennial or intermittent streams within the project area. Ephemeral channels may exist, but have no surface connection to any perennial streams. There are no lakes, ponds, reservoirs, or wetlands within the project area.

The Deschutes National Forest and Newberry National Volcanic Monument are divided into Management Areas and Zones respectively. The Deschutes National Forest Land and Resource Management Plan and the Newberry National Volcanic Monument Comprehensive Plan provide forest managers with direction on the goals and objectives for the management of these lands.

Approximately 2,369 acres lie within an area known as the Wildland-Urban Interface zone (WUI) and coincide within the General Forest and Scenic View management areas. Within these acres, special legislative authorities and direction are added to existing management direction.

Approximately 383 acres of the 21,622 North Paulina Roadless area lies within the southeastern boundary of the Lava Cast planning area. There are no activities planned within the roadless area.

The following table displays the treatment areas by acres and Management Areas or Zones the Lava Cast planning area.

Table 1: Treatment acres by Management Area for Alternatives 2 & 3

Forest Plan Management Area	Acres of MA in Planning area	Alternative 2 Acres of Proposed Commercial Harvest	Alternative 3 Acres of Proposed Commercial Harvest	Alternative 2 Acres of Proposed Harvest in WUI	Alternative 3 Acres of Proposed Harvest in WUI
MA 8 General Forest	27,017	7,574	7,542	201	174
MA 9 Scenic View	5,279	1,807	1,820	692	764
NNVM Monument Transition Zone	5,393	153	153	0	0
Totals		**9,534**	**9,515**	**893**	**938**

PURPOSE AND NEED FOR ACTION

Management activities that are proposed within the planning area are guided by the strategic framework of the Deschutes National Forest Land and Resource Management Plan (USDA 1990) (Forest Plan), as amended (most notably the Regional Forester's Amendment known as the Eastside Screens), and the Newberry National Volcanic Monument Management Plan (NNVM). The Forest and NNVM Plans establish desired conditions for specific resources; Management Areas and Zones within the Forest and Monument; standards and guidelines by which activities must be conducted; and general objectives for goods and services that are expected to result from these activities. These desired conditions, along with site potential, are refined by actual site conditions then compared to the existing forest conditions to form the basis for the need to take action. Proposed actions are designed to promote these desired conditions.

Comparisons between existing and desired conditions demonstrate a need for forests that are more similar to historic conditions (for species distribution, size and structure, fire regime condition class and fuel models), and for forest conditions adjacent to communities (WUI) that have a low likelihood to support crown fires and will provide for fire fighter safety. These conditions are expected to be more resilient to large-scale disturbances than current conditions. This would favor restoration of large diameter fire-dependent ponderosa pine-dominated forests and reduce the risk of large scale mixed conifer and lodgepole stand-replacing disturbance events from insects, disease and wildfire. Changes in existing forest conditions must provide for continued suitable and sustainable wildlife habitats. Activities to meet these needs are expected to contribute to the economy of the area by providing jobs and wood products.

ENVIRONMENTAL ASSESSMENT

The Lava Cast Project EA dated November 2006 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 Deschutes National Forest website: www.fs.fed.us/r6/centraloregon/projects/units/bendrock/index.shtml or at the Bend-Fort Rock District Ranger's Office located at 1230 N.E. Third Street, Suite A-262, Bend, Oregon.

DECISION

Based on my review of all alternatives, and comments from the public, I have decided to implement **Alternative 3** with the minor modifications described below. It includes everything described for

Alternative 3 in the EA, including identified mitigations and monitoring measures that were identified in Chapter 2 of the EA.

- There will be no commercial treatment in 141 acres of potential pine marten habitat (Units: 156, 157, 178, and 185).
- Modify the silvicultural prescription in unit 159 (32 acres) so that no ponderosa pine over 16" diameter at breast height (dbh) would be cut and ponderosa pine basal area (BA) of 80 sq. ft. would be retained where present.
- Retain a lower limit of 60 BA in all stands where the silvicultural prescription had recommended retention levels as low as 40 BA.
- Where average stand diameter is less than 12", do not cut ponderosa pine over 16"dbh.
- Where average stand diameter is equal and greater than 12", do not cut ponderosa pine over 18"dbh.
- The diameter limit for cutting white fir will be 18", while for lodgepole pine it will remain 21"dbh.

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 changes in outcomes with this modified alternative (i.e., less volume, less subsoiling, less large trees cut), the difference in the effects from Alternative 3 are not measurable, thereby the purpose and need of the project would still be met while adjusting to retain wildlife habitat. Changes and effects are discussed in the sections below.

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 3 modified best meets the purpose and need for action by moving the forest setting more quickly towards historic ponderosa pine conditions than alternative 1 or 2 while retaining more of the large tree component for current and future wildlife habitat. Alternative 3 modified also returns more acres to Condition Class I (6,877 vs. 229), while providing for worker safety, meeting visual quality objectives, maintaining soil and ground water quality, and meeting the needs for deer hiding and thermal cover more effectively than the other alternatives considered.

When compared to Alternatives 1, 2, and 3 Alternative 3 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 3 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 3 modified are designed to increase the dominance of large, fire-tolerant ponderosa pine over time more than Alternative 2:

Alternative 3 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 3 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.

However, due to the diameter cap limits, stands would need to be treated in the future sooner than they would have to be without the modifications. This is due to the resulting stand density, which would make them more susceptible to beetle infestation. It's estimated that another thinning treatment would have to occur in approximately 15 years (instead of 30) due to stand density and associated effects that it would cause on forest health, including increased risk of stand replacing wildfire. Though the modifications would not make the treated stands as open as Alternative 3, the end result is a treated area that is more open, with clumps of dense vegetation interspersed throughout the treatment unit than currently exists.

Fire & Fuels

Historically, the dominant fire regime was a regime of low-intensity fire with an average fire return interval of less than 15 years. The EA describes a need to move fire regimes towards the HRV by approximating historic levels of late and old structural stages within watersheds over time as well as to provide for firefighter safety and reduced wildfire risk within the Wildland-Urban Interface. I carefully considered this need in deciding what activities to undertake.

Prior to fire suppression over the last 90 years, the forests in the Lava Cast project area were shaped by frequent, low-intensity fires. As a result of fire suppression, the amount of ground fuel and the density of forest stands have increased. This has changed fire regimes condition classes and increased the amount of area that would now support a mixed or high-intensity fire because fuel loadings are higher, stands are densely stocked with smaller trees, and fuel arrangements are more continuous.

Based on these conditions, I concluded that reducing fire risk is an appropriate course of action. Implementing any of the action alternatives will reduce this risk. Commercial harvest, noncommercial thinning, and prescribed fire activities work in concert to reduce stand densities and decrease susceptibility to high-intensity wildfire. Both commercial and noncommercial thinning are species specific and will move species composition toward the fire-tolerant ponderosa pine. Prescribed fire treatments, both natural fuels and activity fuels underburning, also reduce the amount of fuel loading.

Alternative 3 modified better reduces the risk by the type of thinning prescription designed, which removes more of the continuous fuels. Alternative 3 modified and Alternative 3 returns 6,877 acres to Fire Condition Class I and 2,402 acres to Fire Condition Class II, whereas Alternative 2 does this on 229 and 9,283 acres, respectively.

Soils

I was concerned about effects to soils from project implementation. The analysis indicates that the extent of detrimental soil conditions relative to existing conditions would either: 1) remain the same, 2) increase, but would remain within Forest Plan standard, or 3) decrease levels below existing conditions (EA, pages 153-155, and 183-184).

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 Deschutes 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 and result in fewer activity areas with detrimental soil conditions that exceed the Forest Plan standard when compared to the existing condition.

The units that will have treatments deferred to retain potential pine marten habitat treatment on 141 acres (156, 157, 178, 184 and 185) would forego the beneficial effects from subsoiling that would have followed the commercial thinning. This would maintain the existing conditions on the ground of which all five of these units are above Deschutes Forest Plan guidelines for soils.

Wildlife Habitat

My decision to retain all of the white fir and ponderosa pine larger than 18" dbh would retain current habitat for various wildlife species and for future snag recruitment. The existing low density of snags coupled with the importance of large diameter snags to many species, emphasizes the need to retain existing snags, as well as creating conditions that will favor the recruitment of larger snags.

Treatments prescribed for the action alternatives would reduce the amount of potential pine marten habitat. Though there are no known historic sightings within the Lava Cast project area, I've decided to forego any commercial harvest operations on approximately 141 acres to maintain potential pine marten habitat.

Also, Alternative 3 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 2. Alternative 3 modified takes a slower approach towards creating this type of old growth than Alternative 2, with fewer short-term effects.

Furthermore, there are areas that have non-system, user-created roads that also provide wildlife habitat. The first of the areas (Lava Cast Forest) is mostly within Newberry National Volcanic Monument and a large portion of it consists of lava. The second unroaded area is due west of Lava Cast Forest. It includes approximately half of the only Old Growth management area in the planning area. The third area identified is near Sugar Pine Butte. Similar to the Lava Cast Forest a large portion of this area consists of lava flows and rock outcrops.

These areas have some roadless characteristics where there are no system roads. As described above, two of the areas are predominately lava flows and wildlife habitat and some roadless characteristic is maintained since there are no treatments on the open lava flows. Other forested areas identified are without system roads though they do not have roadless character, as they were harvested during the railroad logging era and have evidence of logging, such as logging grades, stumps and cable throughout the area, and there are user-created roads and trails that cross them.

The following table further displays the rationale for selecting modified Alternative 3.

Table 2: Treatment acres by Management Area for Alternatives 2 & 3

ALTERNATIVE 2	ALTERNATIVE 3 modified
Proposes a Forest Plan amendment that would allow commercial harvest on 540 acres of late old structure (LOS) stands.	No commercial treatment of LOS; no forest plan amendment.
885 acres of WUI treatment.	975 acres of WUI treatment.
Commercially thinned stands result in evenly distributed trees across the unit. Thus, these units appear denser.	Commercially thinned stands result in varying degrees so that the unit is very open in some areas with dense patches in others. Thus, these stands appear more open.
Treats all trees equally in regards to thinning; i.e., does not target lodgepole or fir trees.	Thins primarily lodgepole and mixed conifer, leaving ponderosa pine as the dominant tree in treated units.
Returns 229 acres to Fire Condition Class I.	Returns 6,877 acres to Fire Condition Class I.
Returns 9,283 acres to Fire Condition Class II.	Returns 2,402 acres to Fire Condition Class II.
Closes 10.5 miles of road.	Closes 18.4 miles of road.
Diameter limit for all tree species capped at 21".	Retains approximately 141 acres of pine marten habitat.
	Diameter limit of 16"or 18" for ponderosa pine (depending on avg. stand diameter).
	Diameter limit of 18" for all white fir.

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 change in current management direction or in the level of ongoing management activities within the project area. Current stand conditions and concerns related to these conditions (i.e. high stocking levels, high fuel loads) would persist, making the project area more susceptible to large-scale disturbances (such as bark beetles, stand replacing wildfire).

Alternative 2 – Proposed Action: This alternative was developed by modifying the original proposed action sent out in the May 2004 scoping letter. The proposed action in that letter was modified as described in the "Alternatives considered but eliminated" section of the EA (EA p. 45). The proposed action was modified primarily by eliminating some areas from consideration for treatment in this proposal. This alternative proposes commercial thinning and fuels treatment to reduce bark beetle susceptibility to low levels and fuel loading on 9,512 acres. Alternative 2 would move stands towards late old structure (LOS) with reduced susceptibility to beetle infestations on approximately 20,110 acres, or 62% of the planning area. This alternative also retains 6,858 acres of dense forest stands with moderate to high susceptibility to bark beetles. Alternative 2 proposes approximately 883 acres of treatments in the Wildland Urban Interface. This alternative would require an amendment to the Deschutes National Forest Land and Resources Management Plan, as amended by the Eastside Screens, to permit commercial thinning on 540 acres of late old structure (LOS) ponderosa pine and lodgepole pine stands to reduce the risk of loss due to insect and disease and to move these stands towards ponderosa pine historic conditions (HRV).

Alternative 3: This alternative is in response to comments suggesting that variable density thinning be considered as a harvest method. Variable density thinning would develop stands to be more resilient to influences such as wildfire and insects and disease outbreaks. Thinning would be done on approximately 9,299 ponderosa pine acres to create gaps of approximately 2 acres in size in the harvest unit. Thinning would also be done to varying degrees so that there are dense patches of vegetation along with light, moderate and heavily thinned areas. The alternative treats the units with the similar activities as Alternative 2, but thinning would be done on a wider spacing (35' as compared to the 14 to 20 foot

spacing in Alternative 2) around all trees larger than 18" dbh. Also, in most of the ponderosa pine dominated stands, removing most of the lodgepole pine and white fir is proposed. The end result is a treated area that is more open, with clumps of dense vegetation interspersed throughout the treatment unit. There would be no commercial treatment of LOS in this alternative.

PUBLIC INVOLVEMENT

The complete record of the public involvement process to date is available for review in the project record at the Bend-Fort Rock Ranger Station. It is also covered in the EA in the public involvement section, beginning on page 18. 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 summer 2004 issue. The SOP is posted to the Forest Service website and mailed to approximately 90 individuals or groups.

The Lava Cast Project was initially presented to the public in a scoping letter sent on May 26, 2004. This letter was sent to approximately 107 individuals, businesses, and organizations that have expressed an interest in the project development process. The scoping letter was also placed on the Deschutes and Ochoco National Forest web site.

Responses were received from 13 groups or individuals. Their comments are a part of the public record. Most comments focused around the following activities:

- Fuel reduction and WUI: several respondents requested more treatments within the WUI than were originally proposed
- Vegetation management techniques.
  - There were general concerns that arose over the amount and size of trees proposed for commercial harvest. Some respondents did not want large trees to be harvested as part of the commercial thinning activities.
  - There was concern that the proposal to convert to ponderosa pine historic conditions would reduce mixed conifer stands and wildlife habitat effectiveness

The original proposal that was mailed in the scoping letter in May of 2004 is not to the same that is presented in Alternative 2 of this EA. Following review of the initial public scoping comments, it was decided to develop separate projects to reduce the complexity of the original proposal. Subsequently, the Bend-Fort Rock District Ranger decided to move forward with two categorical exclusion (CE) projects. The Lava Cast Timber Stand Improvement Project (non-commercial thinning to reduce stand density, mistletoe and shrub fuels on 804 acres) and the Lava Cast Fuels Reduction Project (mechanical treatment and prescribed burning on 2,193 acres, 847 of which are WUI) were designed from some of the units and treatments proposed in the original Lava Cast scoping letter. Thus those units planned under these two projects were dropped from treatment consideration for this project, and the two CEs were completed in 2005. Implementation for these projects is scheduled to begin in 2007.

In addition, the agency solicited comments on the Environmental Assessment during a 30-day review period beginning November 22, 2006 and ending December 22, 2006. Comments were received from Juniper Group/Sierra Club, Sunriver Homeowner's Association, Oregon Chapter Sierra Club, Blue Mountain Biodiversity, Oregon Department of Fish & Wildlife, and Oregon Wild (formerly Oregon Natural Resources Council). Response to the comments can be found in the project record and Appendix E of the EA.

Alternative 3 was developed from comments received from the public during the initial scoping for the project. 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 3 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 Lava Cast 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 pgs. 53-185)

2. There will be no significant effects on public health and safety because no significant adverse effects to public health or safety have been identified. Prescribed burning will affect air quality for a short period of time in the immediate vicinity of the activity. Implementation of Alternative 3 as modifed will in the long term benefit public safety by reducing reducing fuels in the Wildland Urban Interface. (EA pgs. 40-41, 103, 185)

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

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 pgs. 53-185)

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 50 through 185).

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 pgs. 27, 29-30, 59-66, 70-73)

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 59 to 185).\

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 pgs. 44-45, 164)

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. Use of the river by eagles may be incidental and likely for foraging or hunting but there are no activities planned with in riparian habitat conservation areas. Also, there would be **No Impact** to the wolverine or its habitat as a result of the project. 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. 76).

No habitat for Threatened, Endangered, or Proposed (Candidate) plant species exists within the project area, with the possible exception of *Botrychium lineare*, a Candidate species. Its range distribution is very wide and its habitat varies just as widely. However, it has not been found on the Deschutes National Forest, (nor more specifically in the project area), during 14 years of project-level surveys, which include complete lists of plants encountered. (EA pgs. 165-166).

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 pgs. 40-41, 186).

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, pgs. 37-45) 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 3 modified does not propose have any 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 Deschutes National Forest Land and Resource Management Plan 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 3 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 impact statement was undertaken to comply with NEPA.

National Historic Preservation Act: A cultural resource inventory was completed for the planning area. The Deschutes 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. See number 9 on page 8 for a discussion on species covered in this project.

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 Record of Decision 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 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

For additional information concerning this decision or the Forest Service appeal process, contact Leslie Moscoso, Bend-Ft. Rock Ranger District, 1230 NE Third Street, Bend, Oregon, 97701, phone 541-383-4000.