Decision Notice

and

Finding of No Significant Impact

(Forest Plan Amendment #67)

for the

Dad's Creek WUI Project

USDA Forest Service
Malheur National Forest
Blue Mountain and Prairie City Ranger Districts
Grant County, Oregon

T.11S., R.34E., Section 33; T.12S., R.34E., Sections 3 – 5, 7-10, 14-17, 22-26, 35, 36; T.12S., R.35E., Sections 1, 2; and T.13S., R.34E., Sections 30 & 31, Willamette Meridian.

Introduction

The United States Forest Service, Malheur National Forest proposes to reduce fire hazard through the use of fuel burning, noncommercial and commercial thinning, and machine work for fuel disposal or removal in the 7,200 acre Dad's Creek Wildland Urban Interface Project Area on the Blue Mountain and Prairie City Ranger Districts. All activities are planned under the authority of the Healthy Forest Restoration Act of 2003 (HFRA). The project area is a forested, Wildland Urban Interface (WUI) Area identified in the Grant County Community Fire Protection Plan. The plan was approved in June and July of 2005 and updated in 2007. The management objectives as stated in the Plan for the Dads Creek area, are to provide a safe and efficient area for fire suppression activities as well as enhance fire suppression capabilities by modifying potential fire behavior inside the urban forest intermix zone.

The Purpose and Need for This Project

The project is being proposed to protect lives and property within the rural/urban community interface adjacent to National Forest lands. To provide protection there is a need to remove hazardous fuels from the area and manage forest vegetation to reduce the risk of uncharacteristic, severe fire moving from the Forest into private property. Decades of management that has included harvest of fire resistant large ponderosa pine and suppression of natural fires has resulted in forest conditions that are unlike historic conditions. Trees are crowded close together, small trees provide fuel ladders into the crowns of larger trees, and woody debris has built up on the forest floor. Unhealthy forest conditions are manifested in numerous bark beetle caused pockets

of tree mortality, extensive defoliation by insects in recent decades and elevated levels of dwarf mistletoe in both Douglas-fir and ponderosa pine.

Collaboration

Extensive collaboration was conducted in development of this project. I would like to thank members of Blue Mt. Forest Partners, adjacent landowners, Tribes, and other interested parties that worked on the project over the last several months. The honest and open dialog during collaboration influenced development of the proposed action and my decision.

Decision and Reasons for the Decision

I have decided to select Alternative 2 with modifications from the Dads Creek WUI Fuels Reduction Project Environmental Assessment. As stated in the Legal Notice published in the Blue Mt. Eagle Newspaper on September 17, 2008, I am modifying the agency proposed action by not constructing the 0.8 miles of temporary road near the Dixie Butte Inventoried Roadless Area (IRA). Proposed treatments in units 10, 12, and 18 accessed this road would not occur. I am changing the proposed fuel treatment in units 10 and 12 to under-burning only. Unit 18 would be precommercial thinned (up to 9" dbh), hand-piled and under-burned.

My decision also includes two additional small changes to Alternative 2. This fall several members of Interdisciplinary Team (IDT) visited the site of a proposed temporary culvert on Road 2600300. The team members recommended changing the proposal to a rocked ford which is a better option for protecting valuable water resources. The IDT noted a mapping error in the EA made available for pubic comment. A portion of Unit 100 as shown on all EA maps overlaps the Sumpter Valley Railroad Interpretive site. I want to clarify that is my intention to avoid activities within the Interpretive Site. This change will result in approximately 12 acres being deleted from the unit. Modified thinning is still planned adjacent to the interpretive site to open up views of the Strawberry Mountains. All other proposed actions identified in the EA are the same.

Table 1 shows my modifications to Alternative 2 compared to the original Alternative 2 in the EA. A full description of Alternative 2 (modified) is provided on Decision Notice (DN) pages 5-13.

Table 1 - Alternative 2 (Modified) Compared to Original Alternative 2

Proposed Action	Alternative 2	Alternative 2 (modified)
Commercial Thinning (acres)	1,421	1,279
Understory Removal (acres)	362	362
Convert to early seral species	28	28
Precommercial Thinning to 9" dbh (acres)	799	799
Precommercial Thinning in Commercial Thinning Units (acres)	666	646
Temporary Road Construction (miles)	1.8	1.0
Activity Fuel Treatments (acres)		
- Whole Tree Yarding	1,145	1,023
- Whole Tree Yarding/Grapple Piling	334	334
- Whole Tree Yarding/Hand Pile	332	312
- Grapple Pile	493	493
- Handpiling	206	206
- Swamper Burning	58	58

- Biomass Yarding (if commercially viable)	605	605
Prescribed Burning	2,532*	2,520**

* 1,467 acres overlap with mechanical treatments
** 1,325 acres overlap with mechanical treatments

Rationale:

I believe that this alternative, as modified, responds to specific fire-risk concerns identified in the Grant County Community Fire Protection Plan and public input received. The collaboration group that worked on the project over the last several months came to agreement on most of the components of the project. However, there is one proposed temporary road located near the Dixie Butte Inventoried Roadless Area (IRA) that is in conflict. I evaluated the concerns over impacting the values of the adjacent Inventoried Roadless area versus the fuels reduction benefits of constructing the road and commercially thinning approximately 130 additional acres. I also know that the communities of John Day and Prairie City are dependent on wood products industry and deleting these acres will result in a decrease of roughly 639 ccf of timber. This is a relatively small amount of timber, but with the communities of John Day and Prairie city struggling due to mill closures, and a very high jobless rate in Grant County, this was still a very tough decision for me. I made the final decision to not construct the temporary road primarily to honor the trust building and open and honest dialog that occurred during collaboration. I would like to see the efforts of the collaboration group that has formed in the community continue.

The selected alternative will capture the economic value of approximately 6697 ccf of sawtimber and would make available 605 acres of biomass material while removing hazardous fuels from the area and reducing the risk of uncharacteristic, severe fire moving from the Forest to private property. On the National Forest lands, both tree density and the proportion of fire intolerant fir species have increased from historical conditions. The lack of periodic fire and harvesting of large ponderosa pine has resulted in denser, younger, often multi-layered stands of trees that are composed of more fir trees and fewer pines and larches than historically occurred. Surface fuels have increased and are more continuous at these increased loadings across the landscape than were historical conditions. Increased surface fuel loadings increases the potential flame length of a fire thereby increasing the chance of a surface fire moving into the crowns increasing the probability for an active crown fire. In the selected alternative crown or canopy fuels and ladder fuels will be reduced by commercial and pre-commercial treatments. Surface fuels will be reduced through hand or grapple piling, burning the piles, removal of slash for utilization, and/or underburning. A majority of the proposed fuel reduction activities will be done through contracts, providing employment opportunities to the local community.

I evaluated the environmental consequences of Alternative 1 (No Action). This alternative provides the least impact on the environment including soil impacts. This alternative will leave the area in its existing condition and does nothing to reduce the fire hazard in the project area and fails to meet the purpose and need. I weighed the difference in purpose and need benefits and lesser environmental impacts and chose to select Alternative 2 (modified). All Forest Plan Standards including soil protection standards will be met in Alternative 2 (modified).

Decision Description – Alternative 2 (modified)

The following is a table summarizing my decision followed by a detailed description.

Table 2 - Alternative #2 (Modified): Summary of Activities

	Alternative 2 (Modified)
Commercial Harvest	
Commercial Thinning (acres)	1,279
Understory Removal (acres)	362
Convert to early seral species (acres)	28
Logging Systems	
Tractor (including skidder or forwarder systems) (acres)	1260
Tractor/Skyline (acres)	135
Tractor/Tractor Winch (acres)	401
Tractor Winch (acres)	25
Skyline (acres)	104
Road Construction and Maintenance	
Road Maintenance (miles)	44
Temporary Road Construction (miles)	1.0
Open Closed Road – To Be Re-closed (miles)	30
Activity Fuel Treatments	
Whole Tree Yarding	1,023
Whole Tree Yarding/Grapple Piling	334
Whole Tree Yarding/Hand Piling	312
Grapple Pile	493
Handpile	206
Swamper Burning	58
Biomass Yarding	605
Precommercial Thinning	
Precommercial Thinning to 9" dbh (acres)	799
Precommercial Thinning in Commercial Thinning Units (acres)	646
Fire Hazard Reduction in Designated Old Growth (acres)	**58**
Prescribed Fire	
Underburning (acres)	2,520
Pile Burning (acres)	1,365
Landing Pile Burning (number of landing piles)	167
Swamper Burning (acres)	58

Detailed Description:

The following detailed description of my decision is excerpted from the **(EA Chapter Alternative 2 on pages 4 to 32)** and I incorporate by reference the detailed description of Alternative 2 presented in that document; including the maps and legal descriptors that denote locations of actions. The maps can be found in EA Appendix B. The acres listed have been modified to reflect my modifications to Units 10, 12, 18, and 100.

Commercial Harvest

A variety of mechanical vegetation treatments are prescribed to reduce the fire hazard and to promote forest health. Treatment prescriptions were determined on a site specific basis considering the biophysical environment, current condition of the stand, other resource concerns, and the location. All trees 21" diameter at breast height (dbh) and larger would be retained to keep a varied stand structure (multiple age classes) across the landscape to mimic a more natural

appearing forest. The only exceptions would be for road or landing construction or to fell hazard trees.

- Commercial Thinning – 1,279 acres
- Understory Removal (Thinning from below in multi-story stands) – 362 acres
- Conversion to early seral species – 28 acres

The commercial thinning reduces ladder and canopy fuels and promotes ecologically appropriate species composition and structural conditions in order to increase resiliency currently lacking across the planning area. This prescription would thin small/medium size trees (7 to 20.9" dbh) in immature forest stands by thinning from below to reduce stocking levels to reduce canopy fuels, enhance individual tree growth, and to allow for the reintroduction of fire. Thinning from below means the majority of the trees to be cut are in the smallest diameter sizes (9 to 14" dbh) and relatively few trees would be cut in the medium diameters (15 to 20.9" dbh). An additional objective in mixed species stands would be to select for retention of fire adapted early seral species (ponderosa pine and western larch) and reduce the proportion of fire susceptible late seral species (Douglas-fir and grand fir). Commercial thinning would reduce the competition among trees for sunlight, water, and nutrients resulting in more vigorous, healthier forest stands.

The conversion to early seral species treatment seeks to reduce the effects of fir ingrowth into stands that historically had a frequent fire return. These stands are presently in a condition where fire would most likely cause high mortality, the objective is to return it into a condition where fire can eventually be re-introduced and allowed to play its natural role. It would remove late seral species trees from the middle and understory, thin early seral species trees where they are over stocked, and reforest any resulting understocked areas to historic stocking levels. Where early seral species trees are not available, a minimum of 20 trees per acre would be left to provide structural variety and future large snag recruitment.

Understory removal is basically a thinning that removes both commercial and precommercial sized trees (1" to 20.9" dbh) from multi-storied stands. The result is a thinning from below to reduce ladder and canopy fuels and to enhance the survivability of the larger trees in the stand from fire and insect attack.

Variable Spacing in Understory Removal and Commercial Thinning Treatments

To enhance structural diversity for wildlife and visuals while reducing fuel loadings, trees would be left at a varied spacing, as opposed to even spacing, with the density varying as much as 50% across the stands. Higher tree density and unthinned areas should provide higher levels of security/hiding cover in the short-term. Lower density areas will open up forest stands, breaking up the fuel continuity and allowing for fire adapted understory shrub species to regrow. Conifer seedlings that regrow in the increased sunlight will be controlled by periodic prescribed burning so that they do not become overcrowded in the future. The burning will create a mosaic by killing some of the young trees, but some patches will survive the burning to provide young trees for future hiding cover and stand diversity.

The thinning would be to lighter densities near the private lands and in the drier biophysical environments and at higher densities farther from the boundary and in the cooler and moister environments.

Unthinned areas are to be left for wildlife habitat that are 3 to 5 acres in size and cover 5 to 15% of the area to be treated. In units immediately adjacent to the public/private boundary, retain unthinned patches at the 5% level. Retain all snags that are not safety hazards. Future snag replacements will be created by the prescribed burning.

Retention of Medium Sized Older Trees

Occasionally trees are found that are less than 21" dbh but are obviously older than the second growth trees in the rest of the stand. Often they are growing near old growth trees that are over 21" dbh and would normally be removed during thinning and understory removal treatments to reduce competition with the larger trees. Several comments were received that stated these trees were valued highly by the respondents as trees that could soon grow into trees over 21". These medium sized trees generally lack lower branches and do not pose a ladder fuel risk, and they comprise a relatively minor component of the forest. Therefore, they are not considered much of a fire hazard and most are to be retained.

Likewise "wolfy" trees with stem damage, poor form, broken tops, or numerous large branches are to be left for wildlife habitat, at approximately one per acre, when available.

Logging Systems

In keeping with the objective to keep road construction to a minimum, logging systems were designed to use the existing road network whenever possible. The portion of the project area northwest of Highway 26 was originally accessed in the early part of the 20th century by railroad grades and was logged using horses. Some roads were constructed later, but the present system does not provide good access at the present time to all the planned harvest units. Several short temporary roads will be needed to access these units; they will be closed after being used for this entry. The numbers below include areas planned for biomass removal as well as for sawlog yarding.

- Tractor (including skidder or forwarder systems) – 1260 acres
- Tractor/Skyline - 135 acres
- Tractor/Tractor Winch – 401 acres
- Tractor Winch – 25 acres
- Skyline – 104 acres

Road Construction and Maintenance for Proposed Action

Approximately 44 miles of existing open and closed roads will be used for log haul.

- Road maintenance for haul use – 44 miles
- Temporary road construction and rehabilitation after use - There are 4 temporary roads being planned to access harvest units that total approximately 1.0 miles in length. These are to be rehabilitated after this project.
- Opening of closed system roads (to be re-closed) – 30 miles

To accomplish timber harvest activities, temporary road construction and commensurate use road maintenance would occur to provide adequate access for harvest and fuel treatment. Commensurate use road maintenance means the amount and type of road maintenance performed will depend on the existing road condition, the season of use, and other factors.

The following work is classified as maintenance under the definition listed in the Federal Register but will be listed as reconstruction in any timber sale contracts: construct new drainage dips, construct new waterbars, construct new outlet ditches, place geotextile on existing road surface, place fill material in ruts in road, repair or replace existing cattle guards, removal of small trees and stumps

Typical road maintenance could include: blade and shape roadbed, reshape drain dips or grade sags, reshape waterbars/cross ditches, spot rocking in roadbed, brushing, remove hazard trees, minor realigning of road junctions, cleaning culverts, seeding, and remove excess material from roadbed.

These maintenance actions would be done on both open and closed roads as needed for harvest activities and fuel treatments. Roads that are currently closed but needed for proposed actions (approximately 30 miles of road) would be opened temporarily and reclosed after project activities are concluded. Nine temporary culverts would be installed and removed after project completion. Road closures for roads that are closed and grown in or otherwise undrivable will be implemented by constructing an earth berm at a logical location at or near the road junction. Additionally, the roadbed will be covered with natural materials such as logs, rocks, slash/brush, etc., where available, for a distance deemed to prohibit vehicle use. If natural material is not available in quantities needed to effectively close the road, one or more additional earth berms will be constructed in a series behind the first earth berm.

Temporary roads would also be needed to support timber harvest. All temporary roads would be rehabilitated after use. Rehabilitation would eliminate future use of the road with the objective of restoring hydrological function. This will include re-contouring, subsoiling, and seeding as necessary and discouraging continued use by constructing an earth berm or placing large rocks and slash at the entrance.

Post Harvest Treatments

Subsoiling

Commercial harvest units 14, 38, 58, 84, 86, 94, 96, and 112 and biomass utilization units 68, 72, 152, 156, 166, 170, 172, and 280 may be subsoiled or harvested on frozen or snow covered soil. If further monitoring indicates that the Forest Plan detrimental soil disturbance threshold of 20% can be met without requiring these measures, they will be waived.

Small Tree Removal

Following the convert to early seral species treatment in unit 78, there would be small Douglas-fir and grand fir trees remaining that are undesirable for future management. Trees would need to be cut up to the lower diameter limit in the timber sale, this is anticipated to be 9” dbh, but may be larger or smaller depending on the economics at the time of logging. These small trees would be cut, the fuels reduced to target levels, and the non-stocked areas greater than ½ acre in size would be reforested with early seral species such as ponderosa pine and western larch tree seedlings. Planted areas would be monitored for growth and survival and additional measures to achieve acceptable reforestation may be necessary.

Understory Removal Areas

Following these thinning treatments of commercial sized trees, there is expected to be a number of stands with an understory of non-commercial trees that would need to be removed to meet the fuels and ladder fuels objectives. Actual need for treatment would be evaluated after the commercial harvesting is complete and only those areas in need of further treatment will be thinned.

- Precommercial Thinning and Fuel Treatment – 362 acres

Activity Fuels Treatments

There are several methods proposed to treat the logging and precommercial thinning wood residue:

- Whole Tree Yarding – 1023 acres
- Whole Tree Yarding/Grapple Piling – 334 acres
- Whole tree Yarding/Hand Pile – 312 acres
- Grapple Pile – 493 acres
- Hand Pile – 206 acres
- Swamper Burning – 58 acres
- Biomass Yarding – 605 acres (if commercially viable)

Yard tops attached and whole tree yarding is done during the logging operations. Both methods bring the top and limbs to the landing where it can be utilized as biomass, or if there is no market, it is piled and burned. Grapple piling is done with a grapple mounted on a low ground pressure (<8 psi) track excavator and is restricted to slopes less than 35%. Grapple piling is used in areas with moderate to high fuel loads. Hand piling is primarily used on slopes greater than 35% with moderate to high fuel loads. Piles from both methods are burned in the late fall after sufficient moisture has fallen to minimize fire spread.

Biomass Utilization

The objective of this project is to utilize as much of the vegetative material that is cut as is economically possible. Tradeoffs include the possible increased soil compaction compared with less smoke created and less soil impacted by pile burning.

Two methods of biomass removal from units could be used. One is like current harvest methods, using feller-bunchers and skidders. This method could be used at the same time as the commercial harvest, or it could occur later. The second method is to use low ground pressure forwarders and other machinery on more closely spaced trails. No method of utilizing biomass from steep slopes is currently economically viable.

At the present time it is uncertain if the material will be utilized, but this analysis allows removal from 605 acres and utilization of landing pile material if economically viable.

Precommercial Thinning

The precommercial thinning prescription is recommended where the small trees to be cut (1” to 9” dbh) are not economically merchantable sawlog material. The objective is to reduce ladder fuels, reduce the amount of live and dead fuels, and increase tree growth.

- Precommercial Thinning to 9" dbh – 799 acres
- Precommercial Thinning in Commercial Thinning units – 646 acres

The spacing of leave trees in the areas to be precommercial thinned would also be varied by as much as 50% to provide a variety of habitats and visual diversity.

There may be utilization of the small precommercial diameter material that is cut for products such as posts and poles, firewood, and biomass fueled co-generation of electricity. Likewise, the tops, branches, and other woody biomass that are yarded into landings for fuel reduction in harvest units will also be made available for utilization. Local markets are limited and hampered by marginal economics, but efforts will be made to utilize the woody biomass generated by this project rather than dispose of it by burning.

Fire Hazard Reduction in Designated Old Growth

The purpose of these treatments is to reduce the risk of loss of old growth trees due to wildfire, while maintaining the habitat requirements of old growth dependent wildlife species. Treatments will occur in selected dedicated old growth stands, up to 40% of the area, in clumps where large >21" dbh ponderosa pine, western larch or Douglas fir exist. No clump would be larger than three acres and they would be scattered throughout the unit where concentrations of old growth trees exist.

None of the trees cut will be removed for commercial products (biomass or sawlogs).

All trees less than 9" dbh within each old growth clump will be thinned to an average 26 feet spacing. The spacing will be varied as much as 50% to select early seral species (such as ponderosa pine and western larch) which are the preferred leave trees.

Within 10' of the drip line of old growth late seral tree species (such as Douglas-fir and grand fir) 9" dbh to 15" dbh will be either cut or girdled. Girdled trees should have few lower limbs or will have their lower limbs pruned. Felled trees will have limbs and tops removed.

Slash generated from these treatments will be jackpot/swamper burned during times when the ground and fuels are moist. Small fires would be started and the surrounding slash would be fed to the fires. This would better protect the old growth trees and snags from damage compared to other slash treatments.

Units to be treated:

- #206 - 26 acres (40% actual treatment area = approx 10 acres)
- #208 - 28 acres(40% actual treatment area = approx 11 acres)
- #209 - 35 acres (40% actual treatment area = approx 15 acres)
- #211 - 27 acres (40% actual treatment area = approx 11 acres)
- #212 - 8 acres (40% actual treatment area = approx 3 acres)
- #214 - 21 acres (40% actual treatment area = approx 8 acres)

Total = **145 acres** (40% actual treatment area = **approx 58 acres**)

Prescribed Fire

Prescribed burning would be done to reduce surface fuels, reduce litter and duff depth, and increase canopy base height. Underburning is best used in areas with lighter fuel loads and is done over relatively large areas to reduce the need for constructed fire lines. Pile burning will be done in thinning areas to reduce the fire hazard created by cutting and/or harvesting trees. Swamper burning will be done under moist conditions in the designated old growth treatment areas.

- Underburning – 2,520 acres
- Pile burning – 1365 acres
- Landing pile burning – estimated 167 landings
- Swamper burning – 58 acres

An estimated 2,520 acres has been identified in the 7,200 acre project area where underburning can be done within the next ten years. Due to the buildup of both live and dead fuels, approximately 1,325of the 2,520 acres would need mechanical treatments before burning can be done. Future maintenance burning would be needed to limit regeneration and maintain low levels of surface fuels. Burning additional areas (outside of the 2,520 identified acres) would be desired in the future.

The 2,520 acres of underburning was identified in areas that are predominately ponderosa pine and where conditions are presently suitable for burning. The first burns would need to be accomplished in the spring due to the fuel buildups, once the fuel is reduced "maintenance burning " would be mostly be done in the fall when weather and moisture conditions are appropriate. Ignition would be by hand or by using ATVs. Underburning occurs in a mosaic fashion and not all acres are blackened at any one time. Multiple underburning entries over the next 10 years may be needed to reduce the fuels to the desired fuel composition, and towards conditions for maintenance burning.

Burning would occur in two range allotments; Dixie and Reynolds and would be coordinated with the permittees. The recovery of vegetation, including forage production and species diversity, would be monitored after prescribed burning using forest guidelines to determine when the burned areas can be grazed again.

The varied spacing proposed for the commercial thinning, understory removals, and precommercial thinning would leave up to 15% of a unit unthinned in patches that are 2 to 5 acres to provide security/hiding cover. During the underburning, the objective is to avoid mortality in these identified patches. The method to minimize mortality in these patches would be determined by the burn boss at the time of implementation.

Prescribed fire is not proposed in any of the replacement old growth (ROGs) or post fledgling areas (PFAs) within the project area. Portions of the designated old growth (DOG) will have swamper burning to reduce slash loads after thinning.

Approximately 111 acres of late and old structure (outside of DOGs and ROGs) are within areas prescribed for underburning. Underburning in these areas would be low intensity with the objective of reducing surface fuels while minimizing tree mortality, especially in the larger trees. Methods to protect large trees can include raking the litter and bark accumulation away from the

base of the tree, not burning areas where concentrations of large trees exist, burning when duff moisture under the larger trees is sufficient to not cause damage to the base of the tree or damage fine roots close to the surface.

An estimated 1365 acres of pile burning has been identified in areas where fuel loads are in excess of levels safe for underburning and where the option for utilization of the material may be unavailable. Piles will be created by hand on slopes greater than 35% and by grapple machines with a ground pressure less than 8.5 psi on slopes less than 35%. Piles will be burned under moist conditions when fire is limited primarily to the pile location. Piles will be located so that damage to any residual trees will be minimal during burning. While pile burning does create intense heat to the soil surface and may sterilize the soil, piles will be limited to less than 2% of the total surface area of a treatment unit.

An estimated 167 landing piles will need burning. The material in these landing piles is available for utilization and this may reduce the overall amount of landing pile burning. Piles will be burned under moist conditions when fire is limited to the pile location. Piles will be located so that damage to any residual trees will be minimal during burning.

Prescribed fire in the form of swamper burning is proposed in an estimated 58 acres of the designated old growth (DOGs). Swamper burning is performed in areas where slash levels exceed levels safe for underburning. A concentration of slash is ignited under moist conditions and then the remainder of the excess slash in the area is added to the pile as it burns. Less than 2% of the total surface area of the treatment unit will be impacted by the burning of these slash concentrations.

Ignition will occur within some of the RHCA's. Ignition will stop at the slope break of the riparian channel. This will give the burn personnel more control over the burn intensities within the RHCA's to minimize the severity on soils and riparian vegetation. Past district experience has shown that when fire is allowed to back into RHCAs the effects are dependent on the existing vegetation. As soon as vegetative species and moisture regimes within the RHCA change and become more shaded with more moisture and higher humidity, the fire would not burn, so riparian vegetation is rarely affected. Shrubs and conifers providing streamside shade and riparian vegetation are rarely affected because they do not burn with enough intensity to cause mortality. Overall burn severity in the RHCA's will be monitored by the fish biologist or hydrologist to assess the effects across the many RHCA's that may be in a burn block for potential cumulative effects.

The objectives of utilizing prescribed fire are to reduce surface fuels, reduce litter and duff depth, and increase canopy base height. Prescribed fire is not being utilized to change the structural stage of any the stands. Some tree mortality is expected and acceptable in forested stands. Acceptable mortality ranges are listed in the Design Criteria section.

Control lines for prescribed burning would include existing roads whenever possible. Hand line may also be constructed for control lines adjacent to private lands and to tie one road to another. Fire lines on slopes greater than 25% will be water barred. Fire lines will not be used in RHCA's. Other methods to contain fire within the RHCA's will be used such as "black line".

During project implementation, burning would adhere to the Oregon Smoke Management Plan and the State implementation Plan of the Clean Air Act.

Alternate Snowmobile Route

The snowmobile route on the 2600087, 2600306, and 2600318 roads may be needed for log haul during the winter. Snowmobile use would be suspended during log/biomass haul. Other existing routes nearby will be designated to provide for use by snowmobiles during the winter.

Associated Actions Included In Alternative 2 (Modified)

Sumpter Valley Railway Interpretative Site

Modified thinning is planned in Unit 100 to open up views of the Strawberry Mountains to the south of the planned Sumpter Valley Railway Interpretative Site parking area relocation and picnic area.

Aspen

Fencing the small aspen patch in unit 34 is planned to reduce grazing and encourage sucker survival. Several conifer trees that are shading the aspen may also be cut or girdled and left in place. Any slash created by tree cutting will be hand piled and burned.

Forest Plan Amendment

I have decided to amend the Forest Plan to bring this decision into consistency with the Plan (Forest Plan amendment # 67).

Reduce Winter Range Satisfactory Cover below Forest Plan Standards

I am amending the Malheur Forest Plan to slightly reduce satisfactory cover below Forest Plan standards on 8 acres in the Dads Creek subwatershed. The existing winter range satisfactory cover is already below Forest Plan standards. This amendment is being proposed to non-commercially treat Dedicated Old Growth to reduce the risk of loss of old growth trees due to wildfire, while maintain the habitat requirements of old growth dependent wildlife species. See complete description above (Fire Hazard Reduction in Designated Old Growth). Of the 58 acres being treated in the Designated Old Growth (DOG) approximately 8 acres is in winter range.

Table 3 - Alternative #2 (Modified): Cover in Dads Creek Subwatershed

Cover	Forest Plan Standards		Existing Cover		Cover After Treatment	
	Summer Range	Winter Range	Summer Range	Winter Range	Summer Range	Winter Range
Satisfactory	12%	10%	22.7%	6.27%	15.4%	6.26%
Marginal	5%	10%	43.3%	38.8%	23%	29.1%
Total	20%	25%	66%	45.1%	38.4%	35.3%

Most of the treatments would occur in Dry Forest types. These stands are considered outside the historic range of variation (HRV), i.e., overstocked and likely unsustainable given the high risk of uncharacteristically severe fire and insect epidemics. Most of these stands would likely fall out of

cover within the next 25 years if not treated. In a 2003 letter to the Eastside Forests, the Regional Office provided direction encouraging Forests to use site specific Forest Plan amendments to move the landscape towards HRV (USDA FS June 11, 2003).

Adjust and Expand Dedicated Old Growth Area (DOG) and Create a New Replacement Old Growth (ROG)

The existing DOG is located immediately adjacent to the National Forest boundary and is less than the recommended 300 acre minimum size. The DOG is overstocked with trees and is high risk to wildfire and insect epidemics and is not within the HRV. The Healthy Forests Initiative and Healthy Forests Restoration Act, Interim Field Guide, February 2004, states "One of the keys to effective fire management is treating fuels adjacent to structures and on private and Federal land throughout the wildland-urban interface."

Management Area (MA-13) direction for old growth prescribes management to reduce residues and to maintain or enhance old growth and to protect old-growth from catastrophic wildfires. In a 2003 letter to the Eastside Forests, the Regional Office provided direction encouraging Forests to use site-specific Forest Plan amendments to move the landscape towards HRV (USDA FS June 11, 2003).

It is proposed to move the DOG uphill away from the National Forest boundary and to expand its size to approximately 322 acres. Approximately 43 acres along the boundary that was formerly designated DOG will be treated to reduce the amount of understory trees and convert it from old forest multi-story to old forest single-story.

Originally, there was no ROG designated. This project proposes to designate one that would be approximately 250 acres in size.

Public Involvement

Consultation

Tribal consultation is ongoing with three American Indian Tribes with ceded lands or traditional use areas in the Dad's Creek Project Area. These are the Burns Paiute Tribe, The Confederated Tribes of the Umatilla Indian Reservation, and The Confederated Tribes of the Warm Springs Reservation of Oregon. The government-to-government consultation is being conducted under the terms of specific agreements with the individual tribes and includes regular contact and meetings as appropriate.

In 2008, the Forest Service provided National Marine Fisheries Service and U.S. Fish and Wildlife Service a program of work list for the three Blue Mt. Forests (Malheur, Umatilla, and Wallowa-Whitman). This list identified the Dad's Creek project as a project to be completed under the Section 7 Counterpart Regulations of the Endangered Species Act (Federal Register, December 8, 2003). Notification letters were mailed to NOAA and USFWS on August 1, 2008 stating that the Malheur National Forest intends to utilize the Section 7 Counterpart Regulations on the Dads Creek Wildland Urban Interface Project.

Coordination with Agencies, Communities, American Indian Tribes and Others

The Dads Creek WUI project has been listed on the Malheur National Forest Schedule of Proposed Actions since 2007. The SOPA is distributed to over 200 people, including a wide array of government agencies, interest groups, and interested individuals. The SOPA is also posted on the Malheur National Forest web site (www.fs.fed.us/r6/malheur).

On November 13, 2007, the Forest Supervisor and the District Ranger met with leaders of the Confederated Tribes of Warm Springs to inform them of and seek input about the Dads Creek WUI project. Another meeting was held in John Day on December 7, 2007, with local wildlife and fisheries biologists of the Confederated Tribes of Warm Springs to discuss the project and to listen to their concerns. A representative of the Warm Spring Tribe also participated during the collaboration with the Blue Mountain Forest Partners group.

Collaboration

The initial collaboration process for the Dads Creek WUI project spanned 12 months, starting in November 2006, when it was selected as the first collaboration project to be undertaken by the Blue Mountain Forest Partners. The group seeks to restore forest conditions to a healthier and less fire prone condition and to provide for a sustainable flow of forest products for the local economy.

The Blue Mountain Forest Partners (BMFP) organized in the summer and fall of 2006 and designated a sub-group to work with the Forest Service to design a restoration project in the Dads Creek subwatershed. The sub-group met in the project area in mid-November, 2006, to begin developing guidelines for the Forest Service to follow when designing the restoration actions. These guidelines were developed during a series of meetings by the sub-group and the Forest Service and then presented to the full BMFP group for agreement. Two documents were produced; the first was titled “Draft criteria for Forest Service consideration in preparing Dad’s Creek Project Final Version”, dated February 21, 2007, and the second was titled “Final Recommendations from the BMFP to the Forest Service” dated Sept. 7, 2007.

April 19, 2007, field trip with BMFP whole group to view private lands thinning, old growth with mistletoe, riparian treatments, and small diameter tree thinning.

July 23, 2007, field trip with BMFP sub-group to view thinning in a larger tree stand, smaller tree stands, stands with potential to convert old forest multi-story to old forest single story, and regeneration to seral species so that fire could be reintroduced.

A letter inviting people to attend a public meeting on November 15, 2007, was mailed on November 7, 2007, to approximately 160 individuals and groups. This included federal and state agencies, the Burns Paiute Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation, municipal offices, businesses, interest groups, and individuals. There was also a newspaper article in the Blue Mountain Eagle on November 7, 2007, and notices on the local radio station notifying the public of the meeting. The purpose of the meeting was to provide information about the project and seeking public input in the planning of the project. It was attended by about 30 people.

Nov. 16, 2007, Public field trip was held to view riparian areas and old forest multi-strata stands and discussed potential treatments in these areas.

January 24, 2008, meeting with BMFP sub-group to discuss comments made during the scoping period and the Forest Service responses to them.

January 31, 2008, Public meeting to discuss comments made during the scoping period and the Forest Service responses to them.

There were substantial changes and improvements made to the Proposed Action based on the site specific information and concerns the collaborators brought to these meetings and field trips.

Scoping

On December 5, 2007, the Proposed Action that was developed through the collaboration process was sent out to the public mailing list. This included Federal, State and local agencies, Grant County Court, Tribes, permittees, nearby property owners, advocacy groups, and the general public.

The responses received are on file in the project record. Similar comments from different responders were combined and are listed below. Included in this list are the different

Objections

The environmental assessment was mailed for the 30-day objections period on September 15, 2008. A Legal Notice Replacement announcing the availability of the environmental assessment and the objection period was placed in the Blue Mountain Eagle, a John Day newspaper, on September 17, 2008.

Objections were received by Don Bodewig, Prairie Wood Projects; King Williams, King Inc.; Ted Ferrioli, Malheur Timber Operators; Charlie O'Rorke, Tim Lillebo, Oregon Wild; and Asante Riverwind, Oregon Chapter Sierra Club. On October 20, 2008 all objections were withdrawn and on October 28, 2008 the Objection Reviewing Officer set aside all objections from review.

Issues

The Proposed Action was developed with collaboration under Healthy Forest Restoration Act (HFRA) authorities to meet the purpose and need described in Chapter 1 of the EA, pages 3 and 4. The Proposed Action was modified during the collaboration process using site-specific input for collaborators, including on-site visits with interested members of the public.

Normally, issues identified during scoping are used to generate alternatives. However, because this project was prepared under the Healthy Forest Restoration Act (HFRA) authorities, and the Proposed Action implements the recommendation of the Grant County Community Wildfire Protection Plan, no alternatives to the Proposed Action are required [HR 1904, Section 104(d)(3)]. Instead, the Interdisciplinary
Team (IDT) considered all the comments received during collaboration and scoping and refined the Proposed Action.

Analysis issues are described in Chapter 1 of the EA, pages 12-16. These were used to develop project design features, and were tracked through the analysis in the relevant resource effects analysis in Chapter 3. The analysis of these issues revealed no significant effects from implementing the actions authorized under my decision.

Finding of No Significant Impact

Based on the site specific analysis summarized in the EA, Project Record, and this Decision Notice, and on previous experience with similar proposals, I have determined that this action is not a major federal action significantly affecting the quality of the human environment. Therefore, and environmental impact statement will not be prepared. The determination was made considering the following factors:

1. *Impacts that may be both beneficial and adverse.* Beneficial and adverse impacts of implementing the Selected Alternative have been fully considered within the EA. Beneficial and adverse direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed within the appropriate context and intensity. I find my decision would have neither a significant beneficial or adverse impact because the anticipated effects are similar to those in past fuel reduction projects which have not proven to cause significant impacts. Effects are described in the following EA locations: Fuels (pages 4-28); Forest Vegetation (pages 29-49); Wildlife (pages 50-108); Soils (pages 109-118); Hydrology (pages 119-124); Fisheries (pages 125-148); Rangeland (pages 149-161); Invasive/Noxious Weeds (pages 162-171); Botany (pages 172-184); Visual Quality (pages 185-192); Recreation (pages 193-197); Roads (pages 198-202); Economics(pages 203-212); Heritage (pages 213-218); Inventoried Roadless, Potential Wilderness and Areas with Undeveloped Character (pages 219-223); and Other Findings and Disclosures (pages 224-228).

2. *The degree to which the action affects public health and safety.* There are limited health and safey hazards to the general public, adjacent landowners, permittees, and Forest Service Employees. Smoke management guidelines will be followed (EA, page 228). The Selected Alternative would not significantly affect public health or safety. The safety of the area will be improved for adjacent homeowners, recreationists, and fire fighters (EA Chapter 2, page 30, Chapter 3, pages 4-28, 226).

3. *Unique characteristics of the geographic area.* There are no prime farmlands, or wild and scenic rivers within the project area. Wetlands are not expected to be affected by the proposed activities because the implementation of PACFISH RHCA's is expected to be sufficient in extent to protect wetland functions. Floodplain function is not expected to be reduced compared to the existing condition by any project activities. See DN page 22.

4. *The degree to which the effect of the quality of the human environment are likely to be highly controversial.* My decision falls within the scope of the analysis for the Malheur Land and Resource Management Plan (1990), as amended. During collaboration and other correspondence with the public there was no information presented that indicates substantial controversy about the effects of the project. CEQ guidelines on controversy refer not to the amount of public opposition, but to a substantial dispute to the size, nature, and effect of the action.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* My decision does not involve highly uncertain, unique, or unknown risks. The activities proposed are well established land management practices, and the risks are well known and understood. The Forest Service has extensive experience with similar types of actions.

6. *The degree to which the action may establish a precedent for future actions with significant effects.* My decision will not establish a precedent for future action with significant effects because this action is not unusual in itself and does not lead to future action that is unique.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The Selected Alternative is not related to other actions with individually insignificant but cumulative significant impacts. The analysis of past actions follows the Council on Environmental Quality guidance provided on June 24, 2005 and is consistent with Forest Service National Environmental Policy Act (NEPA) regulations (36CFR 220.4(f)) (July 24, 2008). Appendix C in the EA displays all activities and natural events that already have occurred, are currently occurring, or are likely to occur in the area of potential cumulative effects. The information in Appendix C is incorporated in cumulative effects analysis identified in the EA in chapter 3.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.* My decision will not adversely affect any scientific, cultural, or historic resources. No districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places will be affected. No significant effects on known cultural resources are anticipated. See DN page 22.

9. *The Degree to which the action may adversely affect endangered or threatened species or its habitat.* Actions are not likely to significantly adversely affect any threatened or endangered wildlife, aquatic, or plant species. Biological evaluations were completed for threatened, endangered, and sensitive species of animals, fish, and plants. These are available in the Project Record. See DN page 20-21.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.* I have examined this action and its relationship to applicable laws, executive orders, and regulations, and find that my decision will not violate any federal, state, local laws or requirements for protection of the environment. See DN pages 19-22.

Consistency Findings

After consideration of the discussion of environmental consequences (EA, Chapter 3), I find Alternative 2 (modified) is consistent with all applicable laws and regulations. This decision incorporates by reference the detailed discussion of policy and law consistency presented in the EA, **Chapter 3, pages 224 to 228.**

Consistency with Forest Plan Direction

The selected alternative is consistent with the Malheur National Forest Land and Resource Management Plan Final Environmental Impact Statement, Record of Decision, the accompanying Land and Resource Management Plan, as amended, **(USDA Forest Service 1990), dated May 25, 1990 (FEIS Chapter 3, pages 28, 47-49, 107-108, 118, 124, 145-148, 161, 171, 192, 196, 202, and 218).**

Consistency with Laws and Regulations

Healthy Forest Restoration Act (HFRA)

HFRA, Section 102 (e), directs states that…"if the management direction in a resource management plan (Forest Plan) for an old growth stand was established before December 15, 1993, that HFRA covered projects shall fully maintain, or contribute toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure".

To address HFRA direction a Historic Range of Variability Analysis (HRV), was completed for the Dads Ck. WUI Project. In the analysis, existing proportions of Old Forest Structure were compared to the historic range that was thought to have existed prior to settlement, based on published research, historic timber inventories, other available science, and professional judgment.

In the proposed action alternative, about 294 acres of old forest multi-stratum (OFMS) will be converted to old forest single stratum (OFSS) structure. Thinning and understory removal would increase the amount of OFSS, which is lacking. Additionally, the designated old growth enhancement treatments (noncommercial thinning in 40% of select units) will reduce the fire hazard to groups of old growth trees. These treatments are not anticipated to change the structural stage, as 60% of each stand will not have any change and will still have the existing understory. The amount of OFMS would decrease but would still be within the historical range. Forest Plan Amendment #2 allows manipulation of one type of Old Forest Structure to move stands into the Old Forest Structure stage that is deficit if this meets historical conditions. Conversion of the 294 acres to OFSS will move stand condition to an old growth condition characteristic of the forest type.

The proposed action is consistent with the requirement to retain large trees of fire-resilient species while removing mostly smaller trees. In so doing, the proposed action serves the HFRA purpose of imitating historic forest conditions in this fire-adapted ecosystem, so that future wildfires in the area may be less intense and cause less-severe impacts on both natural resources and human environmental values.

Relevant scientific information used in the analysis to describe pre-fire suppression old growth conditions and old dependent species habitat needs is cited in the Dads Creek WUI Fuels Reduction Project Silviculture Specialist Report, and in the Wildlife Specialists Report.

National Forest Management Act (NFMA)

Requirements of 36 CFR 219.28, which are part of the NFMA regulations, will be met. Specifically: 1) Harvest will only occur on suitable timberlands; 2) Following commercial thinning and understory removal activities, no reforestation activities will be required since the stands will remain fully stocked or overstocked; 3) Alternative 2 (modified) includes 28 acres of conversion to early seral species treatments. This treatment will remove late seral species trees from the middle and understory, thin early seral species trees where they are over stocked, and reforest any resulting understocked areas to historic stocking levels. Areas that are understocked would be planted if necessary to meet direction that areas regeneration harvested will be reforested within 5 years. The National Forest Management Act of 1976 requires the disclosure of any silviculture prescription that creates an opening larger than 40 acres, using even-aged vegetation management. Alternative 2 (modified) will not create openings greater than 40 acres.

The National Environmental Policy Act (NEPA) of 1969, as amended

NEPA establishes the format and content requirements of environmental analysis and documentation, such as the Dad's Creek WUI Project. This project is consistent with all requirements.

Air Quality and Clean Air Act of 1977, as Amended

During project implementation, underburning will adhere to the Oregon Smoke Management Plan and the State Implementation Plan of the Clean Air Act. Burning will be accomplished under smoke dispersion conditions that will minimize smoke impacts and protect air quality. Conducting during air mass instability will allow a high percent of the smoke to disperse. Past experience has shown that significant air quality declines are limited in scope to the general burn area and are of short duration. Those that will most likely be impacted are residences along Dads Creek and in Prairie City. The roads in the area will be signed as necessary during implementation. The proposed activities will not significantly affect public health or safety.

Clean Water Act of 1982

The design of project activities is in accordance with Forest Plan standards and guidelines, Best Management Practices, and applicable Forest Service manual and handbook direction. Project activities are expected to meet all applicable State of Oregon water quality standards. No effects on water quality or 303(d) listed streams are expected because none of the proposed actions are expected to remove vegetation which shades streams.

The Endangered Species Act of 1973, as Amended and Magnuson-Stevens Fisheries Conservation and Management Act (MSA) of 2000

The Endangered Species Act requires protection of all species listed as "Threatened" or "Endangered" by the Federal regulating agencies (Fish and Wildlife Service and National Marine Fisheries Service). The Forest Service also maintains, through the Federal Register, a list of species which are proposed for classification and official listing under the Endangered Species Act, species which occur on an official State list, or that are recognized by the Regional Forester as needing special management to prevent their being placed on Federal or State lists. On January 31, 2008, Regional Forester Linda Goodman released and updated Sensitive Species List which includes federally listed, federally proposed and sensitive species lists. In the cover letter for the updated species list (Regional Forester Linda Goodman, January 31, 2008) the Regional

Forest states that projects initiated prior to the date of this letter may use the updated sensitive species list or the list that was in effect when the project was initiated. The Responsible Official for the project has authority to decide which list to use. "Initiated" means that a signed and dated document such as a project initiation letter, scoping letter, or Federal Register Notice for the project exists. The Dads Creek WUI Project EA meets the criteria for "initiated" because the Project Initiation Letter (PIL) was signed on July 23, 2007. Therefore, this analysis will use the 2004 Regional Forester Sensitive Species List. Consequently, the 2004 Regional forester Sensitive Species list in effect at the time was used for field reconnaissance and all Biological Evaluations.

Alternative 2 (modified) is consistent with the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, and the requirements of the Regional Forest's Sensitive Species list.

Biological Evaluations have been completed for all threatened, endangered, and sensitive (TES) plant, aquatic, and terrestrial wildlife species. Alternative 2 (modified) is expected to have ***No Effect*** threatened Canada lynx and endangered gray wolf.

A letter was mailed to NMFS on August 1, 2008 with notification of the Malheur National Forests intent to utilize the Section 7 Counterpart Regulations on the Dads Creek WUI Project in 2008. A Biological Assessment was completed for threatened and endangered aquatic species. Concurrence on the project was completed on December 17, 2008 using the Counterpart Regulations authorized under the Healthy Forest Restoration Act. The effects determination for the Alternative 2 was a ***may effect, not likely to adversely affect*** bull trout, Mid-Columbia River Steelhead, and Mid-Columbia River Steelhead designated critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires the inclusion of Chinook salmon Essential Fish Habitat (EFH) descriptions in Federal fishery management plans. In addition, the MSA requires Federal agencies to consult with NMFS on activities that may adversely affect EFH. The effects determination for Alternative 2 was no adverse effect to Chinook salmon EFH.

Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 requires that federal agencies adopt strategies to address environmental justice concerns with the context of agency operations. With implementation of any of the proposed actions, there would be no disproportionately high or adverse human health or environmental effects on minority populations or low-income populations. There will be short term smoke impacts from prescribed burning to some of the residences along Dads Creek and in Prairie City. Racial and cultural minority groups could be in the work forces that implement project proposals. Contracts for the proposed work contain clauses that address worker safety and employment practices. Implementation of any project activities is not anticipated to cause disproportionate adverse human health or environmental effects to minority or low-income populations (EA, Chapter 3 page 228).

Facilitation of Hunting Heritage and Wildlife Conservation: (Executive Order 13443)

The purpose of this 2007 Order is to direct Federal agencies that have programs and activities that a measurable effect on public land management, outdoor recreation, and wildlife management, including Department of the Interior and Department of Agriculture, to facilitate the expansion and enhancement of the hunting opportunities and management of game species and their habitat. Federal agencies shall evaluate the effect of agency actions on trends in hunting participation; consider the economic and recreation values of hunting in agency actions; manage wildlife and wildlife habitat on public lands in a manner that expands and enhances hunting opportunities and work collaboratively with State governments to manage and conserve game species in their habitats.

With the implementation of the proposed action there will be limited-short term effects to hunters. Harvest activities, smoke from fuel treatments, and road closures may displace some recreationists to new areas to camp, hunt or travel. It is not anticipated that activities will cause a decline in big game populations.

Floodplains and Wetlands (Executive Orders 11988 and 11990) and Prime Farmland, Rangeland, and Forestland

Wetlands are not expected to be affected by the proposed activities because the implementation of PACFISH RHCA's is expected to be sufficient in extent to protect wetland functions. Floodplain function is not expected to be reduced compared to the existing condition by any project activities. There are no prime farmlands, or wild and scenic rivers within the project area. All alternatives are in accordance with the Secretary of Agriculture Memorandum 1827 for prime farmland, rangeland, and forestland.

National Historic Preservation Act

Cultural resource surveys of varying intensities have been conducted following inventory protocols approved by the State Historic Preservation Officer (SHPO). Native American communities have been contacted and public comment encouraged. The consultation and concurrence process with SHPO has been concluded. No significant effects on known cultural resources are anticipated. Identified sites and any newly recorded sites will be avoided from all ground disturbing activities. The Forest Specialist has certified that for this project the Forest complies with Section 106 of the National Historic Preservation Act, under the terms of the 2004 Programmatic Agreement for the State of Oregon.

Public Health and Safety

Public health and safety would be improved by reducing the potential for stand replacement wildfires near the wildland/urban interface boundary.

Forest Plan Amendment #67 and Determination that the Forest Plan Amendment is Not Significant under NFMA

I have determined that the Forest Plan Amendment is not a significant amendment under the National Forest Management Act implementing regulations [36 CFR 219.10(f)] (1982) and are consistent with the planning rule adopted on April 9, 2008 [36 CFR 219] (2008). The 2008 planning regulations [219.14(b)(2)] (2008) allow plan amendments to be made using the planning regulations in effect before November 9, 2000 (i.e., the 1982 planning regulations) during a 3-year transition period, beginning on April 21, 2008. The Forest Service Land and Resource Management Planning Manual (Forest Service Manual 1926.51) lists the changes to the land management plan that are not significant can result from:

1. Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management. (Forest Plan Level)

2. Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management. (MA area)

3. Minor changes in standards and guidelines

4. Opportunities for additional projects or activities that will contribute to achievement of the management prescription.

I believe Alternative 2 (as modified) to be consistent with all aspects of the Forest Plan, except for two. The percent satisfactory cover is currently below Forest Plan Standards and would be slightly reduced after Alternative 2 (modified) is implemented. There is one Dedicated Old-Growth area (DOG) located within the Project Area. The existing DOG is located immediately adjacent to the National Forest boundary and is less than the recommended size. The purpose of this non-significant amendment is to allow changes in Forest Plan management allocations to adjust DOGs and designate ROGs.

Management Area 4A - Winter Range Satisfactory Cover

Amendment Summary: Satisfactory cover is currently below Forest Plan Standards in big game winter range (Management Area 4A) in the Dad's Creek subwatershed. Forest Plan standards require that 10% be in a satisfactory cover condition. Implementation of fire hazard reduction treatments in Designated Old Growth (Management Area 13), which overlaps big game winter range, would further reduce the percentage of satisfactory cover from 6.27% to 6.26% (8 acres).

Amendment determination of significance:

1. The purpose of fire hazard reduction treatments in designated old growth is to reduce the risk of loss of old growth trees due to wildfire, while maintaining the habitat requirement of old growth depend wildlife species. Managing residue to maintain or enhance old-growth habitat and protection of old-growth habitat from catastrophic fire is consistent with the goals and objectives

for Dedicated Old Growth (Management Area 13). The small number of acres that would be treated in overlapping Big Game Winter Range (Management Area 4A) will not significantly alter multiple use goals and objectives for winter range.

2. No changes or adjustments in management area boundaries or designations would occur as the result of this amendment.

3. There will be no changes to standards and guidelines for any management area due to this amendment.

4. The amendment will result in an opportunity to achieve management prescriptions in Dedicated Old Growth. The amendment will not result in additional projects or activities that will impact big game winter range.

Management Area 13 - Dedicated Old Growth

Amendment Summary: The existing Dedicated Old Growth Area (DOG) is located immediately adjacent to the National Forest boundary and does not currently meet the Forest Plan Standards for size. A Replacement Old Growth area (ROG) has not been identified for the DOG area. To adjust DOG boundaries and locate replacement old growth areas will result in changes in Forest Plan Management Area Allocations within the project area.

Amendment determination of significance:

1**.** There are currently 81,567 acres of mapped Dedicated Old Growth (DOG) and Replacement Old Growth (ROG) on the Forest with a MA-13 designation. The Forest Plan describes MA-13 as "being composed of mature/overmature sawtimber (150 years old or older) which provides habitat for wildlife species dependent on mature/overmature forest conditions…..These acres are evenly distributed across the Forest….These acres reflect both designated old growth and old growth replacement, and include only those acres outside of wilderness, research natural areas, semiprimitive areas, and wild and scenic rivers". The Forest Plan estimated 72,690 acres of MA-13 in the old growth network.

Since 1990, there have been a total of 66 non-significant amendments to the Forest Plan. Of these past amendments, 24 amendments have affected the location of old growth areas. Most non fire related old growth replacements were minor relocation or adjustments to old growth area boundaries to better meet forest plan requirements for old growth habitat. With the Dad's project DOG/ROG relocations, the acres mapped as MA-13 will increase by 102 acres, increasing the total DOG/ROG acres to 81,669 acres, which is more than the Forest Plan estimate of 72,690 acres in 1990. The relocation of DOGs and ROGs will not significantly alter multiple use goals and objectives for long-term land and resource management because the changes in MAs will not alter the long term relationship between goods and services projected by the Forest Plan nor will it forgo the opportunity to achieve an output in latter years.

2. Forest Plan Management Area Standard #4, pg IV-105, directs inventory and validation of all old-growth areas; and correction of previously dedicated old-growth unit designations that are not meeting management requirement direction where possible. When they are corrected

management areas from the Forest Plan change. Adjustment in DOGs and addition of ROG areas will result in an acreage decrease in MA -1 (General Forest), MA4A (Big-Game Winter Range), MA-14 (Visual Corridors); and an increase in MA-13 acres.

Table 4 (below) shows the change in management area allocations that will occur.

Table 4. Changes in Management Areas.

DOG/ROG	Existing MA-13 (Acres)	Proposed MA-13 (Acres)	RHCA Over-lap with MA-13 (Acres)	Forest Plan Management Allocation Changes (Acres)			
				MA-1 & 2	MA-4	MA-14	MA-13
363 – DOG	335	332	18	-62	0	-25	87
363 – ROG	0	250	23	-2	-36	-189	250
Total	235	572	41	-64	-36	-214	337

Manipulation of DOGs and ROGs will implement direction found at IV-105 in the Forest Plan. Management area changes are small in scale and will not cause changes in multiple use goals and objectives of the Forest Plan.

- The decrease of General Forest (MA-1) by 64 acres from the current total of approximately 543,882 acres is an insignificant Forest-wide acreage change.
- The net decrease of Big Game Winter Ranger (MA4A) by 36 acres from the current total of approximately 177,643 is less than 0.02 percent Forest-wide acreage change.
- The net decrease of 214 acres of Visual Corridor (MA-14) to the approximately 186,994 acres is less than a 0.1 percent forest wide acreage change.
- The increase in a MA-13 (102 acres) allocation from the current total of approximately 81,567acres is about a 0.12 percent Forest-wide acreage change.

There is a relationship between MA acres and the allowable sale quantity (ASQ) under the current Forest Plan; however, the increase or decrease in acres does not mean that there will be a corresponding increase or decrease in ASQ. The Forest Plan does allow scheduled timber harvest in ROGs that "maintain or enhance the capability of timber stands to provide suitable old-growth habitat in future" (Forest Plan, page IV-106). My decision approves commercial thinning in approximately 88 acres of Replacement Old-Growth with an objective of reducing tree densities to increase resiliency of the area for the long-term, while accelerating growth and the development of large trees.

3. There will be no changes to the standards and guidelines for any management area due to this amendment.
4. The amendment is resulting from an opportunity to achieve management prescriptions. Region 6 developed a network of old growth habitat areas to provide blocks of old growth coniferous forest across the landscape designed to support old growth management indicator species populations and allow for dispersal of individuals.

The Dad's Creek WUI Project Environmental Assessment is on file and available for public review at the Blue Mountain Ranger District , Prairie City Ranger District Office, 327 South Front Street, Prairie City, Oregon. The EA is also available for review on the Malheur National Forest Internet Website at: http://www.fs.fed.us/r6/malheur/projects/index.shtml

Administrative Review

This decision is not subject to appeal pursuant to 36 CFR 215.12 (Decisions and actions not subject to appeal). The objection process pursuant to 36 CFR 218 provided the sole means of administrative review for this HFRA project. The objection process has been completed.

Implementation of this project may begin immediately.

For further information about this project, contact Ryan Falk, Environmental Coordinator,

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Doug Gochnour [**DATE**]
Malheur Forest Supervisor