

Decision Notice and Finding of No Significant Impact

Two Bee Landscape Management Project

**USDA Forest Service
McKenzie River Ranger District
Willamette National Forest
Lane and Linn Counties, Oregon**

T.13S., R.6E., Sections 25 and 26; T.13S., R.7E., Sections 29-31, and 32; T.14S., R.6E., Sections 12-14, 22-28, and 33-36; T.14S., R.7E., Sections 5-8, 17-20, 30, and 31; T.15S., R.6E., Sections 1-3, 11, and 12; Willamette Meridian

Decision and Reasons for the Decision

Background

The Two Bee Landscape Management Project documents the environmental analysis (EA) of a proposal to implement timber harvest, watershed restoration, and closure of roads in the Two Bee Project Area. A majority of the proposed actions are located within a 12,456-acre area on the McKenzie River Ranger District and within Upper McKenzie Watershed. Proposed actions would occur in an area west of the McKenzie River, north of Trail Bridge Reservoir, and to the District boundaries west and north. Major drainages include Hackleman Creek, Smith Creek, Browder Creek, and Bunchgrass Creek. Elevations range from 2,300 ft. at Trail Bridge Reservoir to 5,200 ft. at Bunchgrass Mountain. The development of two existing rock pits are located outside of area described above, but are described in the EA at page 43.

The Two Bee Project was developed with guidance from the 1990 Willamette National Forest Land and Resource Management Plan, as amended. The Two Bee Project began in 1999, prior to public scoping, when the McKenzie Ranger District interdisciplinary team initiated the landscape analysis of Landform Block 2B, as delineated in the Upper McKenzie Watershed Analysis. This analysis used range of natural variability to describe how the forested landscape has fluctuated over the long-term in response to disturbances such as fire and floods. The landscape analysis process led to the delineation of Target

Landscapes, which are subsets of the larger landscape and defined by smaller-scale geographic influences and a blend the capabilities of the landscape with human expectations. With this background analysis, the McKenzie District Ranger initiated the Two Bee EA recognizing the need to manage the project area in a way that could mimic the types of fire disturbance that occurred on the landscape which influenced the arrangement of wildlife habitats over time.

The Two Bee Landscape Management Project is intended to meet the purpose and need to manage the stands in the project area to achieve the desired conditions described in the Two Bee Landscape Analysis (Appendix J of the Two Bee EA), to contribute to a sustainable level of timber products from the project area to meet the harvest allocation for the McKenzie River Ranger District, and to respond to findings and recommendations from the Upper McKenzie Watershed. The EA documents the analysis of three action alternatives to meet this need, along with the no-action alternative. I have reviewed the EA, related documents, and public input. My decision is based upon that review and I have found the analysis to be in full compliance with direction from the amended Forest Plan.

Documents in the Project Record are available for public review at the McKenzie River Ranger District, 57600 McKenzie Highway, McKenzie Bridge, OR 97413, phone 541-822-3381.

Decision

I have decided to select **Alternative B Modified**, to implement timber harvest on approximately 818 acres, several watershed restoration projects, and road closures within the Two Bee Project. This decision is based upon my review of the analysis presented in the Two Bee Environmental Assessment, along with comments received from the public during the 30-day comment period. This action will yield approximately 10.8 million board feet (MMBF) of wood products. I am modifying Alternative B as it is described in the EA by excluding salvage unit 39 at Lake's End Campground. A timber sale would have accomplished the removal of hazard trees and existing blowdown by helicopter at this developed site. Instead, to improve public safety, trees in the campground that are considered hazardous will be felled using other means available to the Forest Service, and left on site.

Alternative B Modified will include moderate partial cutting on 591 acres, moderate partial cutting with multi-story objectives on 121 acres, commercial thinning on 87 acres, and salvage on 19 acres. The timber sales from this proposal are likely to occur over a four-year time span, beginning in fiscal year 2007. Harvest systems will include ground-based yarding systems on approximately 578 acres, skyline yarding on 176 acres, and helicopter yarding on 64 acres. Two helicopter landings will be located along Forest roads 2676-655 and 2676-681 to facilitate yarding. Each landing will be approximately .5 acres in size. This action includes construction of approximately 4,200 feet of temporary roads to facilitate yarding of units 3, 6, and 7. Upon completion of sale activities, the temporary roads will be decommissioned.

All timber harvest units will receive fuels reduction treatments to reduce activity-generated fuels, or slash. Treatments include yarding of trees with the top attached to the last log with limbing to be done at the landing, underburning of harvest activity fuels under a residual overstory, and the piling and burning of landing, hand, and machine/grapple piles. Where needed, harvest units will have landing piles burned following harvest. To make roads more effective as fuel breaks for wildfire suppression, units with roads

will have hand piling treatments focused along the roadside and 100 ft. into the unit. Prescribed fire to treat logging slash will take place during the spring season, or when weather and fuels are in spring-like conditions. See EA page 28, Table 6 for unit by unit descriptions.

Approximately 21.6 miles of existing forest roads will be maintained or improved to allow access to harvest areas for timber haul and to reduce adverse impacts to resources. Another 4.4 miles of road used only for rock haul from rock pits will receive spot rocking and other road maintenance for a total of 26.0 miles of road maintenance. Passage for aquatic wildlife species and 100-year flood events will be restored at the Ikenick Creek crossing on road 2672-675. Stream crossings on road 2672 and 2672-655 will be redesigned to prevent overtopping when beaver activity impairs culvert function.

This decision will close approximately 7.5 miles of currently open Forest roads to reduce erosion and improve wildlife habitat. Of the 7.5 miles, 3.8 miles will be closed with gates, 3.3 miles will be closed with earthen berms, and 0.4 miles will be decommissioned. In addition, 2.7 miles of currently closed Forest roads will be decommissioned.

The Boulder Rock Pit, located on Forest Road 2653-704, and the Dogwood Rock Pit, located on Forest Road 2655-507 will be developed to provide approximately 10,000 cubic yards of crushed rock and rip rap for maintenance work on roads accessing the Two Bee Project area. Both rock pits are greater than 0.25 miles from any known spotted owl activity center. Seasonal restrictions on blasting and rock crushing would be in place from March 1 to September 30 to avoid potential disturbance to spotted owls.

Post-sale activities include aerial fertilization of timber stands, pre-commercial thinning, conifer pruning, noxious weed control, browse cutback, diversity thinning, forage seeding, pond habitat improvement, native seed application, and the re-vegetation at water source #1724. Follow-up snag and down wood creation would occur to meet prescribed post harvest levels for snags and down wood. Snag and down wood creation will occur four to five years after harvest. EA pages 48 and 49 include a description of post-harvest actions.

Mitigation Measures:

This decision implements the following mitigation measures described in the EA pages 52 through 56 for the Two Bee Project:

The proposal implements 18 Best Management Practices to ensure meeting the standards and guidelines for water quality and soil stability. These management practices include: protection of all streams channels with Riparian Reserves; improved road reconstruction maintenance practices; erosion control measures, slope limits for ground-based yarding, and skid trail restoration measures.

Log suspension requirements and fuel reduction operations are prescribed to minimize soil disturbance within Forest Plan standards and guidelines (FW-081 and FW-084). If mineral soil is exposed in specific locations beyond the level of maximum allowable disturbance, the site will be waterbarred and seeded immediately following harvest.

Seasonal restriction for noise producing activities will be implemented for a number of activities to avoid potential disturbance to breeding pairs of northern spotted owl and bald eagles, as in the terms and conditions in the Biological Opinion submitted by the US Fish and Wildlife Service. The restriction will

be applied to falling, yarding, heavy equipment operation, helicopter use, which might occur within one-quarter mile of known spotted owl activity centers or un-surveyed habitat from March 1 through July 15.

Noxious weeds will be treated prior to the maintenance and reconstruction of roads and logging equipment will be pressure-washed prior to operations to mitigate the spread of weed species.

Monitoring will occur at many points in time during the implementation process of the project including during sale layout and preparation, sale administration, and contract inspections. The project will also be included in the list of timber sales as a candidate to be sampled by Forest, Provincial, and Regional monitoring teams.

Decision Rationale

Alternative B Modified is consistent with requirements of the amended Willamette National Forest Land and Resource Management Plan to manage the project area for multiple uses and for a sustained yield of forest products over time. This project meets the purpose and needs for action as stated above, by meeting the need for timber with harvest of 10.8 MMBF on 818 acres. The Willamette Forest Plan describes the goal to meet timber outputs at IV-227, and sets forth Standards and Guidelines for harvest scheduling at FW-176 and 177.

This alternative will move the forested landscape toward achieving the target landscapes described in the Two Bee Landscape Analysis, by retaining early, mid, and late seral habitats dominated by mature forests over time for Fire Regimes 2B-1 and 2B-2 (EA, Appendix J).

This alternative implements the best combination of activities to follow management recommendations from the Upper McKenzie Watershed Analysis:

- Implement stand treatments that maintain or enhance riparian reserves. Recommended protection measures from the Upper McKenzie Watershed Analysis are specified to remain consistent with Aquatic Conservation Strategy objectives.
- Use prescribed fire to reduce activity generated slash and re-initiate fire disturbance to the timber stands.
- Manage early-seral habitat with pre-commercial and commercial thinning to provide structure within future mid-seral stands.
- Maintain late-successional habitat within the Matrix allocation to interconnect with corridors, stepping stones, or permeable mid-seral habitat.
- Include road restoration work where appropriate

Significant Issues

Alternative B Modified responds best to the Significant Issues of Water Quality/Aquatic Resources, Threatened Northern Spotted Owl, and Elk Habitat (see EA pages 12 and 13).

Water Quality/Aquatic Resources:

Alternative B Modified includes 18 specific Best Management Practices (BMPs) that provide for the protection of soil, water, and fisheries resources, as required project mitigation. The riparian reserve strategy provides for retention of stream shading vegetation and adequate levels of large wood in riparian

reserves. This alternative will partially cut 130 acres and underburn 157 acres within riparian reserves that are not tributary to bull trout habitat, which is expected to create stand conditions that favor the accelerated development of future large wood and other late successional stand characteristics. This alternative would also provide greater immediate diversity of patches and openings, and would create conditions that result in greater plant species richness in the riparian reserves. This alternative improves passage for 100-year flows on road 2672-675 that also benefits aquatic wildlife species, and it improves stream crossings on roads 2672 and 2672-655 (EA pages 27 and 81-101)

Threatened Northern Spotted Owl:

Habitat for 10 spotted owl sites is affected by **Alternative B Modified** within known owl home ranges, for a total 731 acres. However, high quality nesting habitat will be protected, and other late-successional habitat is maintained to interconnect with corridors. Precommercial thinning will increase the future diversity and potential use of forests that are currently not providing spotted owl habitat. Owl sites will benefit by reduced disturbance associated with 7.5 miles of road closures.

All the owl sites at risk from disturbance are protected through seasonal restrictions to comply with terms and conditions in the BO from USFWS. None of the harvest units are located in Critical Habitat for the spotted owl or within Late-Successional Reserves. No occupied breeding habitat is altered under this alternative. Effects within non-breeding habitat are in compliance with standards and guidelines from the Willamette Forest Plan and U.S. Fish and Wildlife Service guidance (EA page 28, and 101-104).

Elk Habitat:

This alternative will have the greatest amount of partial cutting of thermal cover used by elk for thermo-regulation and foraging. Although moderate partial cutting reduces the quality of existing thermal habitat, it should recover quickly and promote the development of higher quality thermal cover in the future. Commercial thinning will increase the potential use of young forests in the area for foraging and hiding cover. Road closures and decommissioning will reduce existing road density on 7.5 miles of road. The road closures will reduce disturbance caused from motorized vehicles along open roads to provide increased habitat security. Even though this action increases big game forage in the short-term, it does not solve the need for long-term high quality forage on this landscape (EA page 28 and 105-110).

Other Alternatives Considered

In addition to the selected alternative, I considered action Alternatives A and C, and Alternative D, the No-Action alternative. A comparison of how these alternatives respond to significant issue can be found in the EA on pages 67-69.

Alternative A

Alternative A would implement less timber harvest than in the selected alternative (556 acres resulting in approximately 5.7 MMBF of Forest products). Harvest treatments would include less partial cutting, but

it employs 117 acres of shelterwood with heavy reserves, a regeneration-type harvest. The 117 acres of shelterwood units would be planted with Douglas-fir, western white pine, western hemlock, and sugar pine. Harvest systems would include approximately 391 acres of ground based yarding, 158 acres using skyline yarding, and 7 acres of helicopter yarding. At 64 acres, Shelterwood/HR Unit 31 exceeds the 60-acre limit for created openings from regeneration timber harvest, as established by the Forest Service R6 Regional Office. This alternative would have required a waiver of this limitation. Alternative A would require less temporary road than the selected alternative, with 1,200 feet in units 3 and 6.

Alternative A proposes less partial cutting and underburning of riparian reserves that are not tributary to bull trout habitat (9 acres and 65 acres), that would create stand conditions to accelerate development of future large wood. All units in Alternative A would reduce activity fuels similar to the selected alternative. A total of 28.4 miles of existing forest roads would be maintained along timber haul routes and for access to the two rock pit development sites, compared to 26 miles in the selected alternative. As in the selected alternative, Alternative A would also close 7.5 miles of currently open roads with gates, earthen berms and decommissioning, and an additional 2.7 miles of currently closed roads by decommissioning. Passage for aquatic wildlife species would be restored at the Ikenick Creek crossing to pass 100-year flows on road 2672-675. Stream crossings on road 2672 and 2672-655 would also be improved (EA, page 20).

The Boulder Rock Pit, located on Forest Road 2653-704, and the Dogwood Rock Pit, located on Forest Road 2655-507, would be developed as in the selected alternative. In addition, all post-harvest activities listed in the EA, pages 48-49, would be included.

This alternative was not selected because it does not meet the need for timber harvest as well as the selected alternative, B Modified. It also does not respond as well to Issue 2 (threatened spotted owl) because of the 117 acres of shelterwood harvest that removes spotted owl nesting, roosting, or foraging habitat. It meets the needs to achieve the target landscapes similar to B Modified, and it otherwise responds to the recommendation from the Upper McKenzie WA such as road improvements, and road closure and decommissioning, or thinning of young stands in a similar manner as B Modified.

Alternative C

Alternative C would implement a greater level of timber harvest than in the selected alternative (1,054 acres resulting in approximately 24.3 MMBF of timber products.) Harvest treatments would include 212 acres of moderate partial cutting, 175 acres of heavy partial cutting, 573 acres of shelterwood with heavy reserves, and 87 acres of commercial thinning. Harvest systems would include approximately 391 acres of ground based yarding, 158 acres using skyline yarding, and 7 acres of helicopter yarding. Similar to Alternative A, shelterwood/HR units 6, 7, 31, and 34 would exceed the 60-acre limit for created openings from regeneration timber harvest, and would require a waiver of this limitation (EA, page 34).

Alternative C proposes a greater cutting and underburning of riparian reserves that are not tributary to bull trout habitat (44 acres and 246 acres respectively), that would create stand conditions to accelerate development of future large wood. Alternative C is the only alternative that would implement natural fuels prescribed burning on 149 acres on the east slopes above Smith Reservoir. All harvest units in

Alternative C would receive similar types of activity fuel reduction treatments as the selected alternative to reduce logging slash. A total of 28.8 miles of existing forest roads would be maintained along the timber haul routes and to access the rock pit development sites, compared to 26 miles in the selected alternative. As in the selected alternative, Alternative C would close 7.5 miles of currently open roads with gates, earthen berms and decommissioning, and would decommission another 2.7 miles of currently closed roads. This alternative proposes partial cutting 44 acres and underburning 246 acres within riparian reserves that are not tributary to bull trout habitat. Alternative C would improve passage for aquatic wildlife species on road 2672-675, and improve stream crossings on roads 2672 and 2672-655.

The Boulder Rock Pit, located on Forest Road 2653-704, and the Dogwood Rock Pit, located on Forest Road 2655-507, would be developed as in the selected alternative. In addition, all post-harvest activities listed in the EA pages 48 - 49, would be included.

Even though this alternative meets the need for timber harvest better than Alternative B or C, it also does not respond as well to Issue 2 (threatened spotted owl) because it uses 573 acres of shelterwood harvest to meet the need for timber that removes spotted owl nesting, roosting, or foraging habitat. It meets the needs to achieve the target landscapes similar to B Modified, and it otherwise responds to the recommendation from the Upper McKenzie WA such as road improvements, and road closure and decommissioning, or thinning of young stands in a similar manner as B Modified. However it does not respond to the recommendation to maintain late-successional habitat and retain corridors as well as Alternative B Modified.

Alternative D, No Action

Under the no-action alternative, current management plans would continue to guide management of the project area. No timber harvest treatments would be implemented to help stands maintain or increase overall stand growth and vigor, and to reduce the future susceptibility to insects and disease. No temporary road construction would be implemented. Only those management activities planned and implemented under previous decisions would continue in the project area. Forested stands would continue to develop under existing conditions. Current stand density levels and growth trends would continue.

Since no timber harvest would occur at this time, this alternative would not meet the purpose and need for action that includes managing the project area to provide an output of timber products at the optimum level, to meet the long-term sustained yield capacity as prescribed in the Willamette Forest Plan. Alternative D would not meet the need of moving the Two Bee Landscape toward development of target landscapes from the Two Bee Landscape Analysis, and it would not take action in response to findings and recommendations made in the Upper McKenzie WA. The no-action alternative would not implement road improvements or any other watershed restoration projects. The no-action alternative does not reduce miles of road within the project area, and so it does not reduce disturbance to elk and other wildlife species from open roads.

This alternative would not develop the Dogwood and Boulder rock pits to provide crushed rock for road maintenance. None of the post-harvest projects listed in the EA on pages 48 and 49 would be implemented as a result of this action.

The No-Action alternative was not selected because it does not meet the need for timber products, nor does it meet the need to move the landscape toward the development of target landscapes from the Two Bee Landscape Analysis, and it does not respond to any recommendations from the Upper McKenzie WA listed in the EA on page 4.

It does not promote watershed restoration projects, nor does it close or decommission roads, which would also benefit wildlife (spotted owls, and elk). The No-Action alternative would protect the habitat for the northern spotted owl best by not degrading, downgrading or removing any spotted owl habitat. It would not alter elk habitat, and result in no change to the elk effectiveness ratings (EA, page109).

Public Involvement

An earlier environmental assessment for the Two Bee Project was released for public review and comment in February 2003, followed by a Decision Notice on August 11, 2003. Later that year, the decision notice was withdrawn after considering issues that were raised in an administrative appeal. The Two Bee EA was revised and released for public comment on two other occasions, in December 2003 and again in April 2004. Subsequent decision notices following each of these releases were also withdrawn.

Scoping for the current proposed action was initiated on June 10, 2005, when the McKenzie River Ranger District sent a public scoping letter to a project mailing list of 41 interested individuals, agencies, tribal governments, and elected representatives. The scoping letter described proposed actions to implement timber harvest within even-aged mature and mid-seral timber stands, to close and decommission roads, and to develop rock pits to meet the needs of road maintenance. The letter provided the purpose and need for action, a summary of the proposed action, a summary of preliminary issues, and alternative actions. The Two Bee Project has been listed in the Forest Focus – the quarterly schedule of proposed actions (SOPA) for the Willamette National Forest, since Summer 1999.

Five comment letters were received in response to the June 2005 scoping letter. Eugene Water and Electric Board (EWEB) expressed concerns with using Forest roads within the Carmen-Smith Hydroelectric project area, impacts of timber harvest on recreation facilities, impacts to soil and potential input of logs and slash into EWEB reservoirs (Carmen, Smith, and Trail Bridge Reservoirs). Other commenters had similar concerns with the effects of timber harvest on the reservoirs. Three commenters suggested the use of variable density thinning in the harvest of young plantations, and urged that only plantation thinning be considered. Both Oregon Natural Resources Council and Cascadia Wildlands Project had concerns with managing timber in areas considered unroaded, within the Wild and Scenic River corridor, and with the impacts of timber harvest on habitat for the northern spotted owl. A response to the comment letters during scoping is provided in the EA in Appendix H.

Using the comments from the public and other agencies, the interdisciplinary team identified several issues regarding the effects of the proposed action. Main issues of concern identified as Significant Issues by the District Ranger include 1. Water Quality/Aquatic Resources, 2. Threatened Northern Spotted Owl, and 3. Elk Habitat.

On October 26, 2006, the Two Bee EA was made available to the public and other agencies for a 30-day public review and comment period pursuant to 36 CFR 215, by legal notice in the Register Guard, Eugene, Oregon, the newspaper of record for the Willamette National Forest. Eleven letters and emails with comments were received. My decision was made considering these comments.

Jacob Groves, of the American Forest Resource Council, expressed a concern that the Two Bee EA did not use the best available science when assessing the effects of the project on elk habitat.

Response: The Forest established the current model to assess effects on big game habitat in the 1990 Willamette Forest Plan. The Wildlife Biologist applied the model to conduct the effects analysis, since it is our standard, but then adjusted the effects analysis based upon updated science information. The inconsistency of big game management direction with current science is broader in scope than the Willamette National Forest.

Doug Heiken, of Oregon Wild, had concerns about implementing stand treatments within unroaded areas, and also expressed concerns about the analysis of effects of the proposal on big game thermal cover, effects on the northern spotted owl, the effect of the project on snag and down wood habitat, the effect on Management Indicator Species, and whether surveys were done appropriately for Survey and Manage and Protection Buffer Species.

Response: All the concerns addressed by Mr. Heiken were analyzed in the EA and properly disclosed. Site-specific analysis properly assesses the effects of harvest treatments in unroaded areas on page 144-147. The threatened spotted owl is analyzed on pages 101-104. Migratory land birds and snags and down wood are discussed in depth on pages 115-121. The Survey and Manage Species surveys were completed for the Two Bee project and comply with current Regional guidance (EA at page 112-113).

Mike McCann of Eugene Water and Electric Board (EWEB) stated that, “as currently presented in the EA, EWEB does not believe that implementation of the Two Bee Project will impact Carmen-Smith hydroelectric operations.” EWEB had concerns about salvage unit 39 and conflicts with Recreationists. He requested that the Forest Service notify the public notice at several nearby campgrounds prior to conducting salvage harvest in unit 39 at Lake’s End Campground.

Response: Considering EWEB’s comment and other comments from the public, I have dropped Unit 39 from this decision in favor of falling hazard trees by other available means.

Susan Applegate and other commenters expressed a concern about the effect of moderate partial cutting in harvest units 33 and 34 on the scenic quality of Smith Reservoir, and that the salvage of unit 11 would result in loss of habitat.

The visual analysis for scenic quality, found in the EA at pages 139-144, discloses the effects on visuals along Smith Reservoir from the moderate partial cutting in these units. This action remains within Forest Plan standards for Forest Plan Management Area 11c. Salvage of Unit 11 will not result in loss of any important habitat. Salvage harvest will result in retention of existing snags and large wood on the site to meet Forest Plan standards and guidelines.

Several other comments were received from the public that either provided a ‘vote’ for a particular action, favored an alternative without giving supporting rationale, lacked sufficient specificity, or were

outside the scope of the project. The McKenzie District Interdisciplinary team has responded to all comments specific to the site specific actions and the adequacy of analysis performed in the EA, and is documented in the Two Bee EA Project Record. Responses to comments are available upon request by contacting the McKenzie River Ranger District office.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. Considering measures taken to ensure compliance with the Clean Air Act (EA pages 127-129), the Clean Water Act as discussed in the EA, pages 81-101) and application of BMPs during implementation, there will be no significant effects on public health and safety. This action includes road maintenance activities along all haul routes that includes hazard tree felling and drainage structure replacement prior to log hauling (EA page 29). Development activities in the Boulder and Dogwood rock pits would conform to the requirements of the Federal Mine Safety and Health Act of 1977. (EA pages 152).
3. The supporting documentation located in the EA and Project Record provides sufficient information to determine that this project will not significantly affect any known unique characteristics of the geographic area such as park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas such as historic or cultural resources.

There are no park lands or prime farmlands in the project area. All wetlands will receive adequate protection buffers to avoid any disturbance from timber harvest. Culvert replacement activities that occur within wetland areas will employ Best Management Practices to protect downstream resources from impacts. (EA, pages 48-57.)

Moderate partial cutting in unit 3 (41 acres) is within the Management Area for Upper McKenzie Wild and Scenic River. However, timber harvest as prescribed is consistent with standards and guidelines and allowable timber harvest specified in the 1993 McKenzie River Wild and Scenic River Plan which amended the Willamette Forest Plan. This action is designed to maintain the Outstandingly Remarkable Values of the McKenzie River Wild and Scenic River. (EA, pages 141 and 149-151.)

A cultural resource survey has been completed on all proposed treatment areas. Some areas

containing these resources have been identified. This action avoids or excludes these areas from management activities. The proposal will have no adverse effects to cultural resources (EA, pages 149-152). The surveys were conducted according to an inventory plan approved by the Oregon State Historic Preservation Office (SHPO). The inventory is consistent with an agreement between the USDA Forest Service R6/PNW, Oregon SHPO, and the advisory council on historic preservation. A provision will be included in the timber sale contract to provide for protection of this resource in the event that new material is discovered during ground disturbing activities.

4. The effects on the quality of the human environment are not likely to be highly controversial. Because there is no known scientific controversy over the impacts of the project. Timber harvest activities employing partial cutting and removal, fuels reduction treatments of activity fuels, temporary road construction, road treatments for watershed restoration, and road closures are common practices and the effects are well known. I understand that the project will enter what Oregon Wild has determined is an uninventoried unroaded area, which is not a land allocation recognized by the Forest Service. The effects of timber harvest on this area were fully disclosed in the EA (pages 144-147) and are not significant in their controversy, given that this is a partial cutting proposal with limited impacts. Most of the comments received consisted of opinions as to which alternative I should select. This limited controversy does not satisfy the threshold for the preparation of an Environmental Impact Statement (EIS). The EA effectively addresses and analyzes all issues and environmental impacts associated with this project (EA, Chapter 3, pages 71-151).
5. We have considerable experience with the types of activities to be implemented with this decision. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk. Similar types of timber harvest, activity fuel treatments, road work and other connected actions have occurred previously on the Willamette and on other National Forests. No impacts to the human environment that are highly uncertain or involve unique or unknown risks have been identified in Chapter 3 of this analysis (pages 71-151).
6. The action is not likely to establish a precedent for future actions with significant effects, because timber harvest projects of this magnitude and complexity are commonly implemented. The proposed commercial thinning, activity fuels burning, road treatments, and connected actions are well established practices on the Willamette National Forest and on the McKenzie River Ranger District, and do not establish a precedent for future actions (past actions in the project area are documented in the EA pages 71-72, and Appendix K).
7. I have reviewed the impacts of those past, present, and reasonably foreseeable actions described in the Environmental Consequences section of the Two Bee EA and find that this action will not have a significant cumulative impact on the environment EA, pages 71-151).

8. This action will not cause loss or destruction of significant scientific, cultural, or historical resources. An appropriate review has been conducted by this undertaking (as discussed in Factor 3). Both previously known, and unknown significant cultural sites discovered in field surveys will be avoided. These measures resulted in a determination of **No Historic Properties Affected**. The Standard Case by Case Review and documentation to SHPO was completed in May 2003, with a finding of No Effect noted. Because cultural resources would not be affected by this action there will be no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. (EA, pages 149-152).
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.

For the Northern Spotted Owl: Formal consultation with the U.S. Fish and Wildlife Service (USFWS) on effects to the northern spotted owl was initiated in 2002. Re-initiation of consultation occurred for the FY2003/2004 Habitat Modification Projects in the Willamette Province. The February 27, 2003 Biological Opinion and letter of concurrence with the Biological Assessment found that habitat modification projects within the Willamette Province, which includes the Two Bee project, are not likely to jeopardize the continued existence of the bald eagle or spotted owl and is not likely to destroy or adversely modify critical habitat for the spotted owl. The letter also provided concurrence for those actions described in the BA which may affect, but are not likely to adversely affect bald eagles and spotted owls.

After dropping harvest units and including post-harvest activities (including burning), the Two Bee project was submitted for a new consultation on September 12, 2006. A Biological Opinion and letter of concurrence on the amended proposed action and disturbance effects submitted in the BA, was signed by the USFWS on October, 25, 2006 (Log# 13420-2007-I-0011, cross reference Log# 1-7-06-F-0013). The USFWS concurs with the Willamette National Forest that the amendment of the project description to include post harvest burning *may affect, but is not likely to adversely affect* spotted owls. (See EA page 103 regarding the northern spotted owl and EA page 111 for a discussion on the bald eagle.)

For Bull Trout and Spring Chinook Salmon: ESA informal consultation was originally completed with the receipt of a letter of concurrence from USFWS (ref. 03-1497; Feb. 26, 2003) agreeing with the Forest Service determination that the proposed action was Not Likely to Adversely Affect bull trout, and it would have no adverse modification of proposed Critical Habitat; and with the receipt of a letter of concurrence from National Marine Fisheries Service (NMFS) (ref. 2003/00033; February 11, 2003) agreeing with the Forest Service determination that Two Bee project (Alternative B, proposed action) was Not Likely to Adversely Affect spring Chinook salmon.

ESA consultation was reinitiated with NMFS on February 6, 2006, to address recently designated Critical Habitat for spring Chinook salmon. NMFS agreed that the Two Bee project would not adversely modify designated Critical Habitat for spring Chinook salmon with their letter of concurrence dated March 24, 2006.

Changes to the project since ESA informal consultation have been assessed. The effects to ESA fish species are at a magnitude that is the same or less than originally consulted. The original Biological Assessment examined potential project effects on Matrix of Indicators at a project magnitude which was greater than in this action. The revised Fisheries Biological Assessment (October 2, 2006) finds site-specific and short-term effects continue to be anticipated at the same or reduced intensity and magnitude than originally described (Appendix B, Fisheries BA, November 24, 2003). The maintenance of listed species and their habitat is therefore, expected to continue with revisions to the Two Bee project. See Chapter 3, Water Quality/Riparian Habitat in the EA. (See EA, page 95 for Threatened fish species).

10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA, (pages 151-156). The action is consistent with the Willamette National Forest Land and Resource Management Plan (EA, pages 6-10).

Findings Required by Other Laws and Regulations

This decision to implement Alternative B Modified is consistent with the intent of the forest plan's long term goals and objectives listed on pages IV-2 to IV-44. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for Management Areas 6d, 9d, 11c, 11f, 14a and 15; where activities will occur implementing this decision (EA pages 6-10). (Willamette National Forest Land and Resource Management Plan, pages 152 to 239).

This decision is consistent with all applicable Acts and Regulations such as the National Forest Management Act (NFMA) of 1976, National Environmental Policy Act (NEPA) of 1969, Endangered Species Act (ESA) of 1973, Clean Water Act (CWA) of 1972 and section 319 of the 1987 CWA, Civil Rights Act (CR) of 1964, Title VI and Environmental Justice (EJ) Executive Orders 11988 and 11990, The Preservation of Antiquities Act of June 1906 and the National Historic Preservation Act of October 1966, Executive Order 12962 on Recreational Fishing, and Executive Order 13186 on Neotropical Migratory Birds. (EA, Chapter 3).

In addition, the August 1, 2005, and the January 9, 2006, U.S. District Court orders in the Northwest Ecosystem Alliance et al. v. Rey et al (NEA), Civ. No. 04-844, WD Wash. set aside the 2004 Record of Decision (ROD) to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines. The Court re-instated the January 2001 ROD for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, as amended by the 2001 and 2003 Annual Species Reviews. The Order allowed projects to continue or be implemented if they complied with the 2001 ROD as amended. As described below, the Two Bee project is in compliance with the 2001 ROD and does not rely on the 2001 or the 2003 Annual Species Review.

Subsequently, on November 6, 2006, the Ninth Circuit Court of Appeals in Klamath-Siskiyou Wildlands Center et al. v. Boody et al. (Klamath) No. 06-35214 (CV 03-3124 District of Oregon) held the

2001 and 2003 Annual Species Reviews regarding the red tree vole were invalid under Federal Land Policy and Management Act and National Environmental Policy Act as to the two Bureau of Land Management sales at issue in that case. Although the Klamath opinion is specific to the two named BLM timber sales, I believe it is prudent to assure you that I did not rely on the 2001 or 2003 Annual Species Reviews in developing the Two Bee Project because I completed all required surveys as listed in the EA (EA 112-113; Appendix C, Appendix D) and their protection measures are included in the selected Alternative B Modified as required by the 2001 ROD.

As a result, I conclude that the Two Bee Project complies with the January 9 NEA Order and the Klamath opinion by complying with all survey and manage requirements in the 2001 ROD for Amendments to Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Appeals can be submitted in several forms, but must be received by Forest Supervisor Dallas Emch, the Appeal Deciding Officer, within 45 days from the date of publication of notice of this decision in the Register Guard, Eugene, Oregon. The publication date in the Register Guard, newspaper of record for the Willamette National Forest, is the exclusive means for calculating the time to file an appeal. Attachments received after the 45 day appeal period will not be considered. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Appeals may be:

- 1) Mailed to: Appeal Deciding Officer, Dallas Emch, Forest Supervisor; ATTN: Appeals, P.O. Box 10607, Eugene, OR 97440;
- 2) Emailed **only to:** appeals-pacificnorthwest-willamette@fs.fed.us. Please put APPEAL and TWO BEE EA DECISION in the subject line;
- 3) Delivered to: Willamette National Forest, Supervisor's Office at 211 E. 7th Ave, Eugene, OR 97401, between the hours of 8:00 am and 4:30 pm, M-F; or
- 4) Faxed to: Willamette National Forest, Supervisor's Office, ATTN: APPEALS at (541) 225-6222.

The office business hours for those submitting hand-delivered appeals are: 8:00 am to 4:30 pm, Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to the email address above. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Implementation Date

If no appeal is filed within the 45-day time period, the USDA Forest Service will implement the Two Bee project five business days after the close of the appeal period, which starts on the date the legal notice announcing the decision appears in the Register-Guard, Eugene Oregon. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Contact

For additional information concerning this decision contact Al Brown, Natural Resources Planner, McKenzie River Ranger District, 57600 McKenzie Highway, McKenzie Bridge, Oregon; by telephone at 541-822-3381; or email at abrown02@fs.fed.us.

/s/ Mary Allison

MARY ALLISON
District Ranger

12-07-06

Date

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To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).

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Table 1. Alternative Comparison

Management Activity	Units of Measure	Alt. A	Selected Alternative B-Modified	Alt. C	Alt. D No Action
Harvest Prescription					
Moderate Commercial Thinning	Acres	87	87	87	0
Light Partial Cut	Acres	96	0	0	0
Moderate Partial Cut	Acres	249	591	212	0
Moderate Partial Cut for Multistory	Acres	0	121	0	0
Heavy Partial Cut	Acres	0	0	175	0
Shelterwood w/HR	Acres	117	0	573	0
Salvage Harvest	Acres	7	*19	7	0
Total Acres	Acres	556	*818	1,054	0
Estimated Timber Volume	(MBF/ CCF)	5,696/ 10,802	*10,777/ 20,440	24,343/ 46,169	0/ 0
Natural Fuels Prescribed Fire	Acres	0	0	149	0
Logging System					
Ground-based	Acres	391	578	674	0
Skyline	Acres	158	176	293	0
Helicopter	Acres	7	*64	87	0
Roads					
Road Maintenance	Miles	24.0	21.6	28.8	0
Open Roads Closed by Gates, Berms, or Decommissioning	Miles	7.5	7.5	7.5	0
Total Road Decommissioning	Miles	3.1	3.1	3.1	0
Temporary Roads	Feet	1,200'	4,200'	4,200'	0

* Excluding unit 39 in this decision.

Figure 1

Two Bee Project Area Alternative B (Modified) North Half

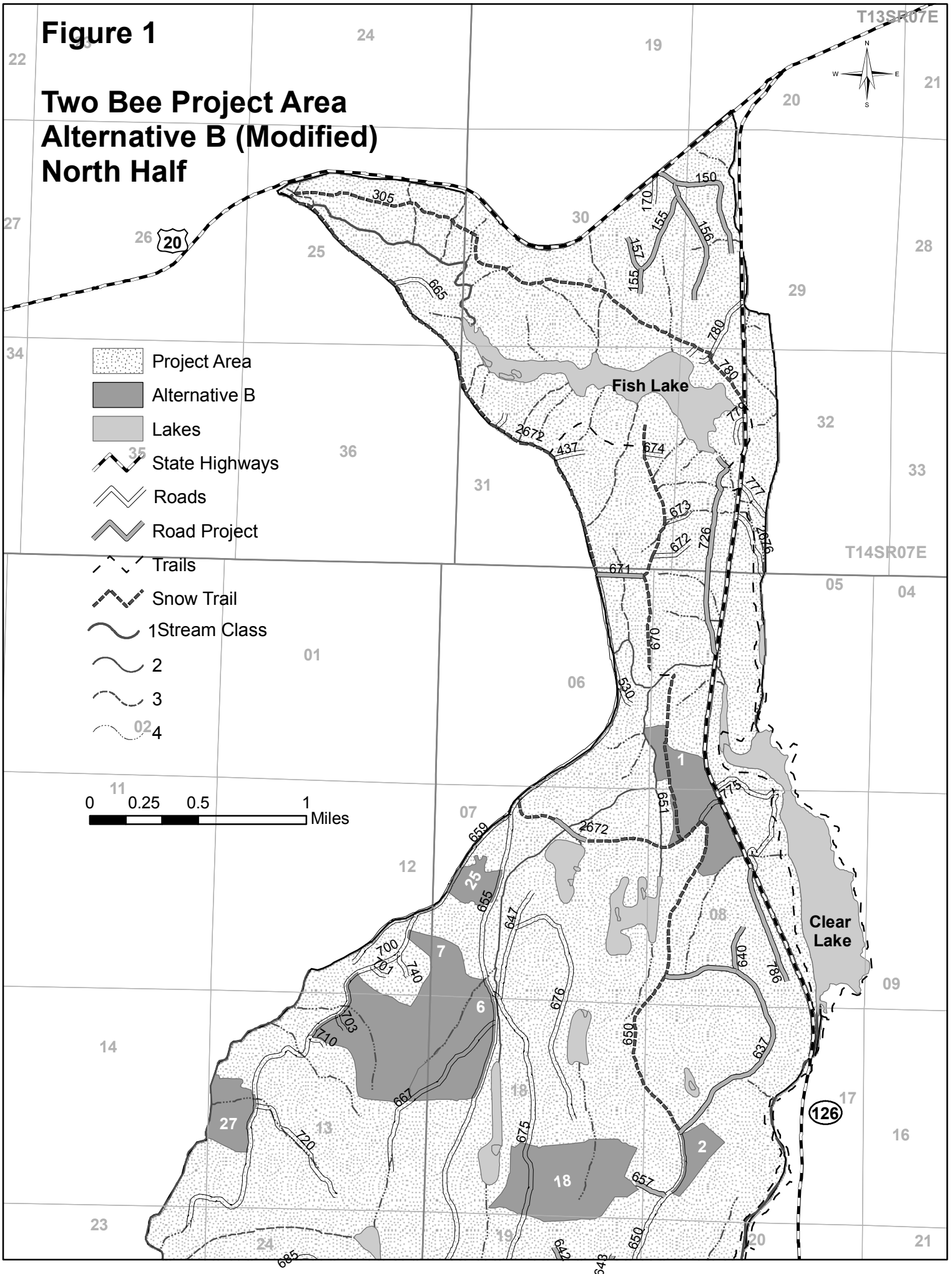


Figure 2

Two Bee Project Area Alternative B (Modified) South Half

