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# Final Supplemental Environmental Assessment Straw Devil

**Middle Fork Ranger District, Willamette National Forest  
Lane County, Oregon**

**The project is located in T.21, 22, and 23 S., R. 4 and 5½ E.; Willamette Meridian.**

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## Introduction

The Forest Service has prepared 5 supplemental Environmental Assessments (EAs) pursuant to an opinion and order signed November 21, 2003, in a lawsuit in the U.S. District Court for the District of Oregon, *Oregon Natural Resources Council Action, Oregon Natural Resources Council Fund, and American Lands Alliance v. U.S. Forest Service*, Civil No. 03-613-HU. These 5 supplemental EAs are for the Borg and Solo Timber Sales on the Mt. Hood National Forest, and the Clark, Pryor, and Straw Devil Timber Sales on the Willamette National Forest.

Pursuant to the Court's opinion and order, the Forest Service is to submit these supplemental EAs for public comment from February 17, 2004, to March 18, 2004. After reviewing comments submitted, the Forest Service is to prepare final supplemental EAs by April 16, 2004. Plaintiffs in this lawsuit must submit any objections to the final supplemental EAs with the court by May 17, 2004. If any such objections are filed, the court will establish a briefing schedule and hold a hearing on the objections.

The Straw Devil Timber Sale is located in the Salt Creek drainage, which is a tributary to the Middle Fork of the Willamette River on the Willamette National Forest, approximately 9 miles southeast of Oakridge, Oregon south of Highway 58. The East Devil (a portion of Canyon East ATV Timber Sale) Timber Sale is located in the Salt Creek drainage, which is a tributary to the Middle Fork of the Willamette River on the Willamette National Forest, approximately 18 miles southeast of Oakridge, Oregon south of Highway 58. The environmental effects are disclosed in the Straw Devil Environmental Assessment (EA). The District Ranger signed the Decision Notice and Finding of No Significant Impact (DN/FONSI) for the Straw Devil projects on June 16, 1998.

The purpose of this analysis is to disclose and analyze the agency's survey and manage duties for this sale including the application of management recommendation to those survey and manage species found in the Straw Devil and East Devil Timber Sales area.

In 1998 litigation was initiated in the U.S. District Court for the Western District of Washington in Seattle which challenged in part the USDA Forest Service's interpretation of the Northwest Forest Plan's (NWFP) requirement to phase-in certain pre-disturbance survey requirements (ONRC Action et al. v. USFS et al., CV 98-942WD).

On August 2, 1999, the Seattle court ruled the Agency's application of the Survey and Manage requirements was deficient in two ways. The court invalidated a November 1, 1996, interagency memorandum, which interpreted the Northwest Forest Plan as requiring the completion of surveys for the survey and manage species with completed protocols available at the time of the NEPA decision. In addition the Court invalidated another interagency memorandum, dated November 6, 1996, that modified the survey requirements for red tree vole. As a result, projects that relied on the NEPA decision date as the determinant of what species to survey for, or relied on the modified red tree vole survey requirements, did not comply with the Northwest Forest.

On December 17, 1999, the Seattle Court approved a stipulation dismissing the lawsuit. The stipulation provided procedures for conducting certain pre-disturbance surveys and documenting the results in a Supplemental Information Report. The Straw Devil and East Devil Timber Sales were subject to the terms of this stipulation and surveys were initiated in 2000. Table 1 shows the survey protocols and the management recommendation reference for these surveys. The stipulation provided that it would expire when the agency adopted a set of amendments for survey and manage species through a Supplemental EIS.

On January 12, 2001, Secretary of Agriculture Dan Glickman, and on January 11, 2001, Secretary of the Interior Bruce Babbitt, signed the Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M ROD). The S&M ROD amended the Northwest Forest Plan and changed categories for some species and removed some from Survey and Manage. It also clarified the agency's intent as to the timing of surveys and surveys for the red tree vole.

In June of 2002, the 2001 Survey and Manage Annual Species Review was released. It made changes to categories for some species and removed some from the Survey and Manage standards and guidelines. The timber sale was not changed as a result of the 2001 Survey and Manage Annual Species Review.

In 2003 litigation was initiated in the U.S. District Court for the District of Oregon in Portland challenging this and other timber sales alleging in part that the Supplemental Information Reports that were completed for these sales violated NEPA (ONRC et al v. USFS et al, CV No. 03-613-KI). On October 9, 2003 the Court ruled the Forest Service violated NEPA by authorizing the sales without preparing NEPA analyses regarding the agencies survey and manage duties under the Northwest Forest Plan.

On November 21, 2003, the Portland court signed an Opinion and Order that directed the Forest Service to prepare additional NEPA analyses before proceeding with logging of any of these sales. The purpose of this analysis is to disclose and analyze the agency's survey and manage duties for these sales. The Court stated the analysis should discuss the methodologies used for the surveys, the results of the surveys, a range of alternatives and the management decisions being made.

In December 2003, the 2003 Survey and Manage Annual Species Review was released. It made changes to categories for some species and removed some from the Survey and Manage standards and guidelines including red tree vole. The timber sale was not changed as a result of the 2003 Survey and Manage Annual Species Review.

## **Changes Made Between Draft and Final**

Discussion was added in the next section concerning the Record of Decision for the Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines. Based on comments received, clarification was added concerning the status of red tree vole sites in Straw Devil Unit 2 that were located by a

citizen group and later validated by Forest Service biologists. A separate document was developed containing comments on the draft Supplemental EA and agency responses to the comments.

## Time line

Straw Devil Timber Sale was sold on November 23, 1998 to Engle Investors (Star Fire Lumber), however because of the litigation previously described; the timber sale contract was not awarded at that time.

Initial protocol surveys for the Straw Devil Sale were started in February 2000. A total of 123 acres were surveyed for red tree voles using the modified line transect method as described in the RTV protocol (Version 2.0, February 2000). All trees with potential nests identified from the transect surveys were climbed and nests verified. In addition, after field verification and consultation with the project planners, it was determined that Straw Devil Units SD1, SD 3, SD 6, SD 7, SD 9, and SD 10 met the criteria in the protocol (p. 13- Additional Survey Guidelines for Old-Growth Conifer Stands) triggering selective tree climbing. Fifty-seven trees were climbed in these units to meet this protocol specification. Pre-disturbance surveys were completed for red tree voles, mollusks, and plants including lichens and bryophytes on Straw Devil in January of 2001. Units SD 3, SD 4, and SD 9 were dropped due to the number of nests to be protected.

In July 2001 a letter to the Straw Devil EA Project File documented the analysis of the effects on the significant issues and described new information and changed circumstances after red tree voles were found in units of the timber sale. Based on survey results and RTV Management Recommendations (Version 2.0, Sept. 2000), the Straw Devil timber sale was modified. Of the original 9 units, 3 were dropped and 3 were modified. The Straw Devil timber sale contract was awarded to Engle Investors (Star Fire Lumber) on March 5, 2002.

In summer 2002, individuals from citizens' groups brought in 33 red tree vole nest samples found in trees that they had climbed in four units of the Straw Devil Timber Sale. The nest samples were catalogued and reviewed by agency biologists for consistency with red tree vole occurrence and habitat association. Because a large percentage of the additional samples were from Straw Devil Unit 2, a unit where Forest Service surveys had not identified any nest trees, in spring 2003 the Forest Service contracted tree climbers to collect nest samples in Unit 2. The project wildlife biologist validated the nests collected by the climbers for presence of red tree voles. The rationale for validating the samples in Unit 2 is in the wildlife biologist's letter to the Middle Fork Ranger Dated June 12, 2003 and titled *Straw Devil Timber Sale Red Tree Vole Known Site Evaluation*.

Straw Devil Unit 1 has been completely logged and Unit SD 2 is about 7% logged. East Devil Timber Sale was offered for bid but there were no bidders. It was then offered as a court ordered alternative timber volume (ATV) sale to replace timber sales in the Siuslaw National Forest pursuant to Section 2001(k) (3) of the Rescission Act (Public Law 104-19). The East Devil ATV Timber Sale Units were combined with Canyon ATV on the Detroit Ranger District, Willamette

National Forest. The combined sale was awarded as Canyon East ATV Timber Sale to Scott Timber Company. Harvest has occurred in Units ED 19, ED 50, ED 52, and ED 59. Units, ED 16 and ED 17 are 10% logged. Unit ED 14 was dropped due to northern spotted owl activity and vole nest. Units ED 43 and ED 44 had no modifications and were combined with Julep Timber Sale, ED 18, ED 50, ED 51, ED 52, ED 56, ED 58, and ED 59 had no modifications. This leaves Units ED 55 and ED 57 for evaluation for effects of survey and manage recommendations where fungi were found. There were no red tree voles found in Units ED 55 or ED 57.

In January 2004, the Forest Service and BLM published a Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines. This fSEA is tiered to the supplemental EIS that supports the March 2004 ROD and the other NEPA documents to which it is a supplement. The Record of Decision (USDA USDI 2004) following that Supplemental EIS was signed on March 22, 2004, but is not in effect until April 21, 2004. In this March 2004 ROD the agencies eliminated the Survey and Manage Standards and Guidelines. Because this Supplemental EA was prepared following current direction, pursuant to the Court's order, the March 2004 ROD does not apply to this Supplemental EA.

## **Survey and Manage duties based on current direction**

The survey and manage direction that was current when this analysis was prepared is found in the Record of Decision for the Final Supplemental Environmental Impact Statement for Amendment to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M ROD). Survey protocols can be found at the following web site: <http://www.or.blm.gov/surveyandmanage/sp.htm>. Current direction is also provided by the Survey and Manage Annual Species Reviews of 2001, 2002, and 2003.

The S&M ROD page 18 b. (<http://www.or.blm.gov/nwfpnepa/FSEIS-2000/ROD-SandG.pdf>) states, "If activities are not under an awarded contract or signed permit, or actual habitat disturbance by agency crews has not begun, no Survey and Manage requirements in this Decision are applicable to these activities except:

- 1) If the NEPA decision or decision document was signed after September 30, 1996, and red tree vole pre-disturbance surveys were not conducted, conduct red tree vole surveys in accordance with the protocol in effect at the time the surveys are initiated, and manage resultant sites according to the Management Recommendation in effect at the time surveys are concluded; and,
- 2) Previously managed known sites of species removed from Survey and Manage or assigned to Category F by this Decision are released for other resource activities as described in the attached standards and guidelines; and,
- 3) Sites of species requiring management of known sites under the standards and guidelines will be managed as described under *Application of Manage Known Sites Direction* under the Timing Requirements for Surveys Section" in the standards and guidelines."

The Decision Notice was signed after September 30, 1996.

## Methodology of surveys

Some categories of species require that site-specific, pre-disturbance surveys be conducted prior to signing decision documents for habitat-disturbing activities. These “pre-disturbance clearance” surveys focus on the project unit with the objective of reducing the inadvertent loss of undiscovered sites by searching specified potential habitats prior to making decisions about habitat-disturbing activities. The surveys are not designed to find all individuals. Sometimes surveys are conducted outside the actual project area if the project might affect adjacent habitat. Surveys are done according to the Survey Protocols (Table 1) that are designed by taxa experts. Survey protocols can be found at the following web site:

<http://www.or.blm.gov/surveyandmanage/sp.htm>. Species in Categories A and C require pre-disturbance surveys where the species ranges overlap a project (USDA USDI 2001, p 21-25).

Data is entered into the Interagency Species Management System (ISMS) database.

- Red tree vole (RTV) surveys were completed according to the survey protocols. A line transect was used to achieve approximately 300 lineal feet per acre. Surveyors searched for nest sites along these transects every 50 feet.

The following surveys were conducted in 2000 before current management direction determined that they were not necessary:

- Terrestrial mollusk surveys were conducted during the spring and fall of 2000 as the result of a court injunction. Surveys were conducted for a group of terrestrial mollusks with particular emphasis in searching for the species with home ranges overlapping the project area. All mollusk species encountered were identified including some that no longer require surveys. The following species were surveyed for in the project area: *Megomphix hemphilli*, *Prophysaon coeruleum*, *Prophysaon dubium*, and *Pristoloma articum crateri*. The survey for terrestrial mollusks involves two visits to the project during the spring or fall when species are likely to be visible. Sample plots are intensively examined for 20 minutes and mollusks are identified and recorded on field forms. For further details on survey technique; refer to the protocol.
- Surveys were conducted by botanists for vascular plants, lichens, bryophytes, and fungi. The surveys for botanical species involved walking through likely habitat areas during the time of year suited for species identification.

The following Survey protocols and Management Recommendations were used: Table 1  
Protocols

Taxon Group	Survey Protocols	Management Recommendations Based On
Lichens	Version 2.0 March 12, 1998 Transmitted same date	Version 2.0 Transmitted March 2, 2000 Includes all but <i>Nephroma occultum</i>
Vascular Plants	FSM 2672.4, Version 2 December 1998 Transmitted 1/20/99	Version 2.0 December 1998 Transmitted 1/20/99
Fungi	<i>Bridgeoporus</i> : Version 2.0 May 13, 1998 Protection Buffer Fungi: Version 1.3 Transmitted December 1999	Version 2.0 September 1997
Bryophytes	Survey and Manage: Version 2.0 December 11, 1997 Transmitted same date Protection Buffer Bryophytes: Version 2.0 Transmitted December 3, 1999	Version 2.0 December 1998 Transmitted 9/21/99
Red Tree Vole	Straw Devil/East Devil: Version 1.0 September, 1996. Surveys were completed prior to February 18, 2000, when version 2.0 was distributed.	MR Version 2.0 Sept 2000 Transmitted 9/27/2000
Mollusks	Draft Version 2.0 October 29, 1997	Straw Devil/East Devil: Terrestrial Mollusks Version 2.0 11/23/99

## Results of surveys/Management of known sites

No mollusks that needed protection were found in the surveys.

Surveys for botanical species were completed and 8 species were found that do not require management of known sites. Three species were found that required protection buffers.

Botanical Species: Table 2 Botanical species found. Note they were all found in East Devil Units

Unit	Species	Status*	Recommendations **
<b>Fungi</b>			
ED 17	<i>Truffle – an immature mushroom</i>	None	None
ED 18	<i>Ramaria sp.</i>	None	None
ED 18	<i>Cortinarius sp.</i>	None	None
ED 50	<i>Chroogomphus tomentosus</i>	None	None
ED 55	<i>Ramaria amyloidea</i>	Category B	Provide a 2 site tree buffer (310 ft.)
ED 56	<i>Ramaria velocimutans</i>	None	None
ED 56	<i>Ramaria subviolacea</i>	None	None
ED 57	<i>Albatrellus flettii</i>	Category B	Provide a 2 site tree buffer (310 ft.)
ED 57	<i>Polyozellus multiplex</i>	Category B	Provide a 2 site tree buffer (310 ft.)
ED 59	<i>Cortinarius alboviolaceus</i>	None	None

<b>Bryophytes</b>			
	<i>None</i>		
<b>Lichens</b>			
ED 55	<i>Hypogymnia oceanica</i>	Category F	None
<b>Vascular Plants</b>			
	<i>None</i>		

\* 2001 status from *S&M ROD*, Standards and Guidelines. Category B requires protection of known sites. Category F does not require pre-disturbance surveys and does not require protection of known sites.

\*\* For more details please refer to the report titled “Botanical Survey and Manage Sites on East Devil Timber Sale”, dated May 14, 2001. There were no survey and manage botanical species found in the Straw Devil Timber Sale units.

Surveys of suitable habitat for great gray owls were completed in 1998 and 1999. Of the original 23 units of Straw Devil EA, 4 were dropped due to red tree vole nests and 4 were modified due to red tree vole nests and 2 were modified because of fungi.

**Table 3** Straw Devil and East Devil (Canyon East): Red Tree Voles (RTV):

<b>Unit*</b>	<b>Active Nests</b>	<b>Inactive Nests</b>	<b>Active Validated Nests Samples</b>	<b>Inactive Validated Nests Samples</b>
SD 1	0	0		
SD 2	0	1	9	3
SD 3	4	2		
SD 4	1	0		
SD 6	1	2		
SD 7	1	0		
SD 8	0	1		
SD 9	2	0		
SD10	3	1		
ED 14	1	0		
ED 16	0	0		
ED 17	0	0		
ED 18	0	0		
ED 19	1	3		
ED 43	0	0		
ED 50	0	0		
ED 51	0	0		
ED 52	0	0		
ED 55	0	0		
ED 56	0	0		
ED 57	0	0		
ED 58	0	0		
ED 59	0	0		



Unit*	Active Nests	Inactive Nests	Active Validated Nests Samples	Inactive Validated Nests Samples
Totals	14	10	9	3

\* ED = East Devil Timber Sale  
SD = Straw Devil Timber Sale

## Alternatives

Two alternatives (A and B) were developed to apply management recommendations (Table 1) for protection of Survey and Manage Species (S&M). Red tree vole and 3 fungi were found during surveys.

**Alternative A:** This the awarded timber sales with protection buffers according to protocol. Red tree vole habitat areas were designed according to protocol and incorporated protection buffers for active red tree vole nest sites. Nine nest trees validated in Straw Devil Unit SD 2 following submittal of samples by citizen groups were added to the interagency survey and manage database, but management recommendations (buffers) would not be applied because the Straw Devil timber sale was awarded prior to the Forest receiving the information about the nest sites in Unit 2. In most cases, the designated buffers protect inactive nests associated with active nests sites found during protocol surveys. The design also considered preserving as much of the original timber sale unit while protecting the habitat. S&M fungi were protected with buffers and excluded from harvest units.

**Alternative B:** Red tree vole habitat areas were designed according to protocol and incorporated protection buffers for active red tree vole nest sites and in most cases protect associated inactive nest sites found during protocol surveys. The nine nest sites validated by agency biologists in Straw Devil Unit SD 2 after the sale was awarded would not be buffered in this alternative. Active nest sites located during protocol surveys were to be placed near the center of habitats if reasonable. The design did not consider preserving the original timber sale unit. S&M fungi were protected with buffers and excluded from harvest units.

Table 4 shows the changes in the acreage of units modified by red tree vole (RTV) nests sites and fungi in Straw Devil EA. Unit SD 3, SD 4, and SD 9 were dropped due to the number of nests to be protected. Unit ED 14 was dropped due to northern spotted owl activity and vole nest. Units SD 1, SD 2, SD 8, ED 16, ED 18, ED 43, ED 44, ED 50, ED 51, ED 52, ED 56, ED 58, and ED 59 had no modifications.

Table 4 Change in acres by alternative in units modified by S&M presence

Straw Devil EA	ACRES				
	Unit Number	Original Sale Traverse	Alt A Awarded	Alt B Protected Species	
	SD 3	13	Deleted	Deleted	RTV
	SD 4	3	Deleted	Deleted	RTV

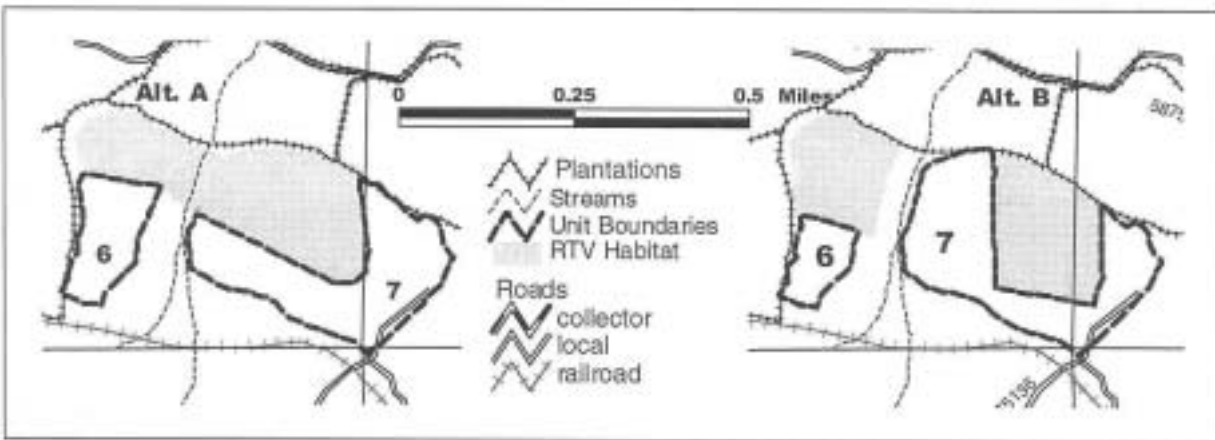
Straw Devil EA	ACRES			
	Unit Number	Original Sale Traverse	Alt A Awarded	Alt B
SD 6	13	8	5	RTV
SD 7	31	18	21	RTV
SD 9	5	Deleted	Deleted	RTV
SD 10	14	5	5	RTV
ED 14	15	Deleted	Deleted	Owl & RTV
ED 19	13	4ac logged	4ac logged	9 acres protected RTV
ED 55	14	9	9	Fungi
ED 57	10	2	2	Fungi
<b>TOTAL</b>	<b>131</b>	<b>46</b>	<b>46</b>	

The following maps show the differences in the units where protocol for protection buffers and habitat were applied. The maps are for comparative display purposes. The Forest Service makes no expressed or implied warranty of these data or of the appropriateness for any user's purposes.

**Straw Devil Unit 6 and 7:**

**Alternative A:** Provide a 22 acre habitat area that includes 5 acres of habitat in the north part of unit 6, 5 acres of habitat between units 6 and 7, and 12 acres of habitat in the NW portion of unit 7.

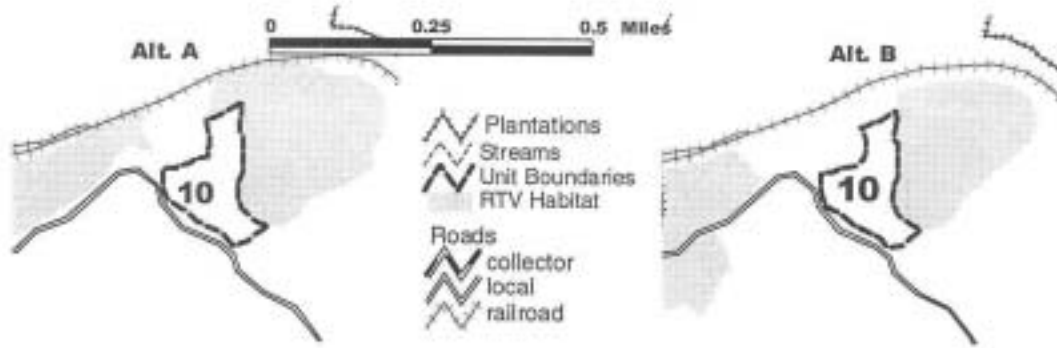
**Alternative B:** Unit 6 provides a 10 acre habitat area that includes 7 acres of habitat in the north part of unit 6, 3 acres of habitat along east boundary of unit 6. This would not provide linkage to habitat in Unit 7. Unit 7 provides a 14 acre habitat area that includes 14 acres of habitat in the northern portion of unit 7. This would not provide linkage to habitat in Unit 6.



**Straw Devil Unit 10:**

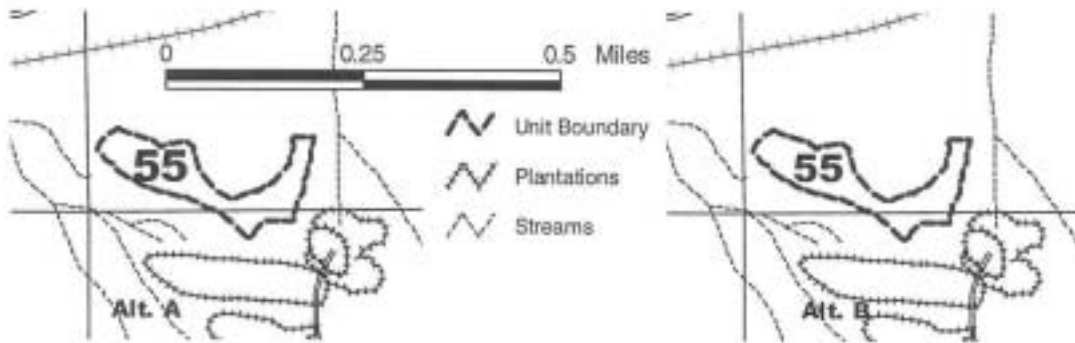
**Alternative A:** Provide 9 acres of red tree vole habitat area in the east portion of Unit 10 with an additional 5 acres of habitat on the north side of the unit.

Alternative B: Provide 9 acres of red tree vole habitat area in the east portion of Unit 10 with an additional 1 acre of habitat on the northeast side of the unit.



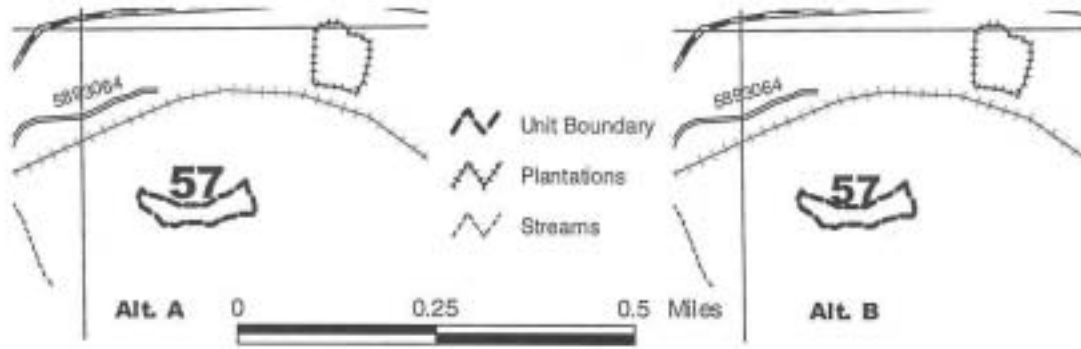
**East Devil Unit 55:**

**Alternative A and B:** The unit was redesigned to provide protection buffer for *Ramaria amyloidea*. The buffer around the fungi is about 310 feet.



**East Devil Unit 57:**

**Alternative A and B:** The unit has been redesigned to provide protection buffer for *Albatrellus flettii* and *Polyozellus multiplex* in the same buffer. The buffer around the fungi is about 310 feet. The unit will be changed to helicopter logging.



**Table 5** Straw Devil and East Devil (Canyon East) Red Tree Vole S&M Management Recommendations Alternatives

Unit*	Active Nests	Inactive Nests	Alternative A	Alternative B
<b>SD 1</b>	0	0	No changes for RTV needed	No changes for RTV needed
<b>SD 2</b>	9	4	No changes to Unit #2. Unit would be logged as designed and 9 active nests would be impacted.	No changes to Unit #2. Unit would be logged as designed and 9 active nests would be impacted.
<b>SD 3</b>	4	2	Dropped from the sale. Provide a 21 acre habitat area that includes all of units 3 and 4 and the area between the two units above the upper road.	Dropped from the sale. Provide a 21 acre habitat area that includes all of units 3 and 4 and the area between the two units above the upper road.
<b>SD 4</b>	1	0	Dropped from the sale. Provide a 21 acre habitat area that includes all of units 3 and 4 and the area between the two units above the upper segment of Rd. 5875.	Dropped from the sale. Provide a 21 acre habitat area that includes all of units 3 and 4 and the area between the two units above the upper segment of Rd. 5875.
<b>SD 6</b>	1	2	Provide a 22 acre habitat area that includes 5 acres of habitat in the north part of unit 6, 5 acres of habitat between units 6 and 7, and 12 acres of habitat in the NW portion of unit 7. This provides linking of 2 habitats.	Provide a 10 acre habitat area that includes 7 acres of habitat in the north part of unit 6, 3 acres of habitat along east boundary of unit 6. This would not provide linkage to habitat in Unit 7.

<b>SD 7</b>	1	0	Provide a 22 acre habitat area that includes 12 acres of habitat in the NW portion of unit 7, 5 acres of habitat between units 6 and 7, and 5 acres of habitat in the north part of unit 6.	Provide a 14 acre habitat area that includes 14 acres of habitat in the northern portion of unit 7. This would not provide linkage to habitat in Unit 6.
<b>SD 8</b>	0	1	No changes for RTV needed	No changes for RTV needed
<b>SD 9</b>	2	0	Dropped from the sale. Provide an 11 acre habitat area that includes all 5 acres of unit 9 plus 5 additional acres of habitat adjacent to the west and east sides of the unit.	Dropped from the sale. Provide an 11 acre habitat area that includes all 5 acres of unit 9 plus 5 additional acres of habitat adjacent to the west and east sides of the unit.
<b>SD10</b>	3	1	9 acres dropped from the sale. Provide a 9 acre habitat area in the east portion of unit 10 with an additional 5 acres of habitat on the north side of the unit.	9 acres dropped from the sale. Provide a 9 acre habitat area in the east portion of unit 10 with an additional 1 acre of habitat on the northeast side of the unit
<b>ED 14</b>	1	0	Dropped from the sale. Protection of red tree vole nest and northern spotted owl activity center. Memo dated Dec 18, 2001.	Dropped from the sale. Protection of red tree vole nest and northern spotted owl activity center. Memo dated Dec 18, 2001.
<b>ED 16</b>	0	0	No changes for RTV needed	No changes for RTV needed
<b>ED 17</b>	0	0	No changes for RTV needed	No changes for RTV needed
<b>ED 18</b>	0	0	No changes for RTV needed	No changes for RTV needed
<b>ED 19</b>	1	3	Logged - Provide a 12 acre habitat area adjacent to the unit on the north and east sides that encompasses the active and 2 inactive nests. 9 acres of original Unit in protection buffer.	Logged -Provide a 12 acre habitat area adjacent to the unit on the north and east sides that encompasses the active and 2 inactive nests. 9 acres of original Unit in protection buffer.
<b>ED 43</b>	0	0	No changes for RTV needed	No changes for RTV needed
<b>ED 50</b>	0	0	No changes for RTV needed	No changes for RTV needed
<b>ED 51</b>	0	0	No changes for RTV needed	No changes for RTV needed
<b>Unit*</b>	<b>Active Nests</b>	<b>Inactive Nests</b>	<b>Alternative A</b>	<b>Alternative B</b>
<b>ED 52</b>	0	0	No changes for RTV needed	No changes for RTV needed
<b>ED 55</b>	0	0	No changes for RTV needed	No changes for RTV needed
<b>ED 56</b>	0	0	No changes for RTV needed	No changes for RTV needed
<b>ED 57</b>	0	0	No changes for RTV needed	No changes for RTV needed
<b>ED 58</b>	0	0	No changes for RTV needed	No changes for RTV needed
<b>ED 59</b>	0	0	No changes for RTV needed	No changes for RTV needed

<b>Totals</b>	23	13	No changes for RTV needed	No changes for RTV needed
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\* ED = East Devil Timber Sale (Canyon East)  
SD = Straw Devil Timber Sale

## Environmental consequences

Table 6 contains a summary of the Environmental Consequences that are relevant to the unit changes made for Survey and Manage species.

**Table 6** Alternative Comparisons

Resource Topic	Original Sale	Alternative A	Alternative B –
Lynx	No Effect	No Effect	No Effect
Red tree vole	36 nests affected	9 active nests would be impacted in Unit SD2.	9 nests impacted in Unit SD2; lack of linkage between habitat areas near units SD6 and SD7
Water Quality	131 acres total regeneration harvest.	46 acres total Less impact - 85 acres less regen harvest than original sale. Less potential for sediment. Restrict culvert replacement and road work to the dry season.	46 acres total Less impact - 85 acres less regen harvest than original sale. Less potential for sediment. Restrict culvert replacement and road work to the dry season.
Soils	131 acres of skyline and cable logging system.	44 acres of skyline and cable logging system Less impact - 87 acres less skyline and cable logging. Less potential compaction and displacement.	44 acres of skyline and cable logging system. Less impact - 87 acres less skyline and cable logging. Less potential compaction and displacement.
Fisheries	No listing of fish at the time of decision notice	This project was reviewed by the Level I Willamette Province Aquatic Team. Consultation with NMFS for spring chinook and USF&WS bull trout concurred this project “may affect is not likely to adversely affect”. (June 14 2001 bull trout) (June 8, 2001 chinook salmon)	
Wildlife – northern spotted	131 acres affected.	Less impact - 85 acres less spotted owl habitat	Less impact - 85 acres less spotted owl habitat

Resource Topic	Original Sale	Alternative A	Alternative B –
owl		removed than original sale. No change in B.O., May Affect, Not Likely to Adversely Affect.	removed than original sale. No change in B.O., May Affect, Not Likely to Adversely Affect.
Economics		About 65% reduction of revenue returned compared to original sale in units	About 65% reduction of revenue returned compared to original sale in units
Harvest Acres	131 acres	46 acres	46 acres

## Canada lynx

On July 8, 1998, the U.S. Fish and Wildlife Service (USFWS) published a proposed rule to list the lynx under the Endangered Species Act (Federal Register Volume 63, No. 130). The final rule listing the lynx was published on March 24, 2000. In the listing the USFWS considered the lynx to have been historically resident within 14 states including Oregon. More recently the USFWS has stated that there is no evidence that a resident lynx population ever occurred in Oregon (Federal Register Volume 68, 40076, 40089-90, July 3, 2003).

Lynx rely heavily on a single prey species, the snowshoe hare (*Lepus americanus*), although they do take other small mammals, birds and carrion, particularly when hares are rare. High snowshoe hare populations are generally associated with dense, young, lodgepole pine and subalpine fir stands. The Willamette NF has been conducting Lynx surveys to protocol since 1998. In 1998 a Regional Strategic Survey was completed on seven grid areas using the accepted hair snare method. During each of the following (1999, 2000, and 2001) the Forest conducted surveys using the National Lynx Survey Protocol in two separate grid areas. The results were negative in 1998, 1999, 2000, and 2001.

In January 2001 Standards and Guidelines for the management of lynx were addressed in the FEIS and Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines. This FEIS and Record of Decision amended the Northwest Forest Plan and therefore the Willamette Forest Plan. These Standards and Guidelines direct that the Lynx Conservation and Assessment Agreement (LCAS) will be used and referenced in all determinations of effect for Canada lynx. Lynx habitat as described in the LCAS and subsequent interpretation does not occur on the Willamette National Forest. The LCAS identified subalpine fir plant associations (PAG) as the primary vegetation component from which lynx habitat and lynx analysis units would be delineated. The Forest ran this analysis based on our plant association groups and identified approximately 8,170 acres of subalpine fir plant associations primarily on the east side of the Forest. Due to elevation, there are no subalpine fir plant associations in the Straw Devil project area.

The original BE effects analysis was based on early analysis and mapping efforts for potential lynx habitat. That early analysis suggested that there is lynx habitat within the Straw Devil planning area. Application of subsequent habitat guidelines (Ruediger et. al., 2000) indicates that there is no lynx habitat within the planning area.

Therefore, the change to the effects determination is relative to there not being habitat suitable for lynx in the planning area. The call of “No Impact” on lynx from this project becomes a “No Effect” determination due to the listing of the lynx as a Threatened species under the ESA.

## **Explanation of decisions being made**

Alternative A is the recommended management action. It removes 85 acres from units modified by Survey and Manage protocols from the original signed Decision Notice and Finding of No Significant Impact (DN/FONSI) for the Straw Devil projects. There would be no change to awarded timber sales. This is the recommended action because it applies management recommendations for the survey and manage species found consistent with current direction and would not result in any additional administrative costs. Management Recommendations were not applied to the red tree vole sites validated in Unit 2 of Straw Devil because the sites were discovered and validated after the timber sale contract was awarded. This is consistent with current direction in the 2001 ROD. Information from the 2003 Annual Species Review that states that persistence of the red tree vole is no longer a concern in the area where the Straw Devil is located and the increased administrative costs associated with modifying the timber sale contract were also factors in the decision regarding red tree vole sites in Unit 2.

Alternative B is not the recommended management action because additional administrative costs would be encountered in preparing Unit SD 6 and 7 and it would remove the linkage of RTV habitats in Units SD 6 and 7.

## **Finding of no significant change in actions, circumstances, or information**

No new environmental assessment or environmental impact statement will be prepared. No significant new information was learned as a result of the S&M surveys conducted for the Straw Devil and East Devil Timber Sales. Surveys for S&M species were conducted in 2000, as described above. Following S&M protocols, the Forest removed 85 acres of harvest area, including 4 units that were removed from the sales and parts of 6 other units modified for red tree vole and fungi. This is not significant new information because it is no different from what was established in the Northwest Forest Plan, as modified by the 2001 S&M ROD - both of which were adopted pursuant to an Environmental Impact Statement.

The changes made to the Straw Devil and East Devil Timber Sales in order to manage known sites of the red tree vole are not significant because they result in no adverse environmental effects. Dropping Units 3, 4, 9, 14 and parts of Unit 6, 7, 10, 19, 55, and 57 diminished the size



of the timber sales but dropping these acres result in less impact to the environment. Therefore the original Finding of No Significant Impact (FONSI) is not undermined or changed as a result of the surveys conducted for the Straw Devil and East Devil Timber Sales because the changes resulted in a reduction of environmental impacts.

Because there is no significant change to the actions, circumstances, or information that was presented in the Straw Devil EA, as a result of the surveys, no new environmental assessment or environmental impact statement is required.

There is an additional reason why the Forest need not prepare an environmental impact statement or a new environmental assessment for the Straw Devil and East Devil Timber Sales. The changes that were made to these timber sales as a consequence of discovery of the red tree voles and fungi were operational in nature, i.e. they are part of the normal administrative actions taken in implementing a decision. Actions taken to implement a decision made pursuant to NEPA are not subject to NEPA as long as those actions are within the scope of the original decision. These actions were within the scope of the original decision to proceed with Straw Devil and East Devil Timber Sales and carry out the decision that was made for Straw Devil EA and are consistent with the management direction that was in place at the time.

## **No new decision**

The Forest is not making a new decision about the Straw Devil EA project at this time. The information learned by the Forest in the S&M surveys, as recorded in this supplemental EA, provides no compelling reason to make a new decision about Straw Devil EA. The information we learned has been acted upon in the operational changes that were made to the Straw Devil and East Devil Timber Sales, which was to drop 4 units and parts of 6 other units.

Because no new decision is being made at this time, no new Decision Notice will be prepared.

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USDA Forest Service and USDI Bureau of Land Management. 1994b. Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl; Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest related Species within the Range of the Northern Spotted Owl (Northwest Forest Plan). Portland, Oregon.

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- Ruggiero, Leonard F.; Aubry, Keith B; Buskirk, Steven W.; Koehler, Gary M.; Krebs, Charles J.; McKelvey, Kevin S.; Squires, John R. Ecology and Conservation of Lynx in the United States. General Technical Report RMRS-GTR-30WWW. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. Available at: [http://www.fs.fed.us/rm/pubs/rmrs\\_gtr30.html](http://www.fs.fed.us/rm/pubs/rmrs_gtr30.html)
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- ESA Lynx Consultation Letter by Ken Byford, Forest Wildlife Biologist, Willamette National Forest, February 1, 2002.
- USDA Forest Service and USDI Bureau of Land Management 2004. The Record of Decision to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines March 2004.

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Forest Service  
Willamette National Forest  
Middle Fork Ranger District

Lowell: 60 S. Pioneer Street  
Lowell, OR 97452  
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**File Code:** 2670 TES species  
**Route To:** Analysis File

**Date:** January 26, 2004

**Subject:** Lynx

**To:** Files

## SUPPLEMENTAL BIOLOGICAL EVALUATION

### For Straw Devil

**Canada lynx:** On July 8, 1998, the U.S. Fish and Wildlife Service (USFWS) published a proposed rule to list the lynx under the Endangered Species Act (Federal Register Volume 63, No. 130). The final rule listing the lynx was published on March 24, 2000. In the listing the USFWS considered the lynx to have been historically resident within 14 states including Oregon. More recently the USFWS has stated that there is no evidence that a resident lynx population ever occurred in Oregon (Federal Register Volume 68, 40076, 40089-90, July 3, 2003).

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/s/ Michael Gebben            26 January, 2004

Michael Gebben  
Wildlife Biologist  
Middle Fork Ranger District

Ruediger, Bill, Jim Claar, Steve Gniadek, Bryon Holt, Lyle Lewis, Steve Mighton, Bob Naney, Gary Patton, Tony Rinaldi, Joel Trick, Anne Vandehey, Fred Wahl, Nancy Warren, Dick Wenger, and Al Williamson. 2000. Canada lynx conservation assessment and strategy. USDA Forest Service, USDI Fish and Wildlife Service, USDI Bureau of Land Management, and USDI National Park Service. Missoula, MT.

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