

Decision Notice
& Finding of No Significant Impact
18 Fire Competing Vegetation Control Project
USDA Forest Service
Bend-Ft. Rock Ranger District, Deschutes National Forest
Deschutes County, Oregon
T. 19 S., R. 12 E.

Decision and Reasons for the Decision

BACKGROUND

The 18 Fire Competing Vegetation Control Environmental Assessment project (hereinafter referred to as the EA) is designed to describe the effects of implementing each of the three (3) proposed alternatives, including one No Action alternative and two action alternatives, that address vegetation that is competing with planted seedlings in the 18 Fire area. Project activities would occur across approximately 2,000 acres of the 18 Fire area on the Bend-Fort Rock Ranger District. The proposed project would focus on controlling the competing vegetation, moving resource conditions closer to the goals and desired future conditions identified in the Deschutes National Forest Land and Resource Management Plan and the 18 Fire Recovery Project.

The analysis describes the effects of using spot application of a granular (pellet) form of the herbicide hexazinone or the use of manual grubbing, over the next five (5) years, to control grasses and shrubs. Grasses and shrubs are competing with and substantially reducing the survival and growth of ponderosa pine seedlings. Planting occurred on approximately 225 acres in 2005. Approximately 1,775 acres will be planted in 2006 and 2007, with approximately 600 of the acres within a fenced big game enclosure. The area actually treated with the application of herbicide would be approximately 304 acres.

There are no known Threatened, Endangered or Sensitive species in the project area.

LOCATION

The project area is located approximately one mile south of the Bend wildland urban interface (WUI), at the most northerly boundary, and within the Pilot Butte Watershed. There are no perennial, intermittent, or ephemeral streams, wetlands, or water bodies within or adjacent to the project area. The nearest watercourse is the Deschutes River, located approximately 6 miles to the west. The entire project area was clearcut harvested by a private company in the 1920s and subsequently acquired by the federal government for incorporation into the Deschutes National Forest. The area was salvage harvested in 2004 following the 18 Fire. The vegetation consists primarily of the ponderosa pine and bitterbrush plant association with occasional juniper and lodgepole pine trees. The area is located east of the Northwest Forest Plan boundary line and lies outside the range of the northern spotted owl. There are no inventoried roadless areas within the project area.

The area encompasses lands within the Deschutes National Forest Land and Resource Management Plan (LRMP) as amended by the Inland Native Fish Strategy (INFISH), and Regional Forester's Eastside

Forests Plan Amendment No. 2 (Eastside Screens). The planning area includes the following LRMP management areas: Deer Habitat (MA-7), General Forest (MA-8), and Scenic Views (MA-9).

Table 1: Legal Location – Deschutes County, Oregon - Willamette Meridian
Township 19 South, Range 12 East, Sections 2, 3, 10, 11, 14-16, 21-23, and 26-28

PURPOSE AND NEED FOR ACTION

The analysis for the harvest of the fire killed trees and for the recovery (including planting of tree seedlings) of the burned area was completed in the 18 Fire Salvage Recovery Project, Environmental Impact Statement (EIS) and is incorporated by reference. The Record of Decision was signed on November 17, 2004, allowing implementation of the seedling planting to proceed.

Without treatment to reduce the competing vegetation, seedling growth and survival is expected to be poor. This proposed project is specific to areas that were and are to be planted with trees, within the perimeter of the 18 Fire.

There is a need to provide for an economical and affordable means of controlling competing vegetation so that planted ponderosa pine seedlings can become established. This would assure the successful reforestation of previously defined areas deforested by the 18 Fire (defined in the FEIS for the 18 Fire Salvage Recovery Project, USDA Forest Service, 2004)

ENVIRONMENTAL ASSESSMENT

The 18 Fire Competing Vegetation Control Environmental Assessment (EA) dated October 2005 documents the analysis of three alternatives to meet this need. The assessment also documents the analysis of the No Action alternative. The EA can also be viewed at the Deschutes National Forest website: www.fs.fed.us/r6/centraloregon/projects/units/bendrock/index.shtml or at following locations: 1) the Forest Supervisor's Office located at 1001 SW Emkay, Bend, Oregon, and 2) the Bend-Fort Rock District Ranger's Office located at 1230 N.E. Third Street, Suite A-262, Bend, Oregon.

DECISION

Alternative 2 is the Proposed Action that was identified in the 30-day public review and comment period notice, published January 4, 2006 in the local Bend newspaper *The Bulletin*. Based on my review of all alternatives, I have decided to implement **Alternative 2** (Proposed Action).

RATIONAL FOR DECISION

In making this decision, I have reviewed the Environmental Assessment and associated specialist information that has been disclosed in the analysis to make a reasoned choice and no significant impacts on the quality of the human environment have been identified. Based on my review of the above documents, I have decided that implementing the Proposed Action Alternative 2 because it meets the purpose and need for action by reducing or eliminating competing grasses, sedges, and other competing vegetation from around plantation tree seedlings in an efficient and economic manner, promoting significant improvement to seedling survival and growth. Alternative 2 meets the requirements for restocking trees, while providing for worker safety, meeting visual quality objectives, maintaining soil and ground water quality, and meeting the needs for deer hiding and thermal cover more effectively than the other alternatives considered. Reforestation costs are significantly lower with Alternative 2. There is a lower risk of encouraging the spread of noxious weeds with Alternative 2 than Alternative 3.

OTHER ALTERNATIVES CONSIDERED

Alternative 1 (No Action): Alternative 1 is the No Action alternative. This alternative is required by law and serves as a baseline for comparison of the effects of all of the alternatives. Under Alternative 1, there would be no change in current management direction or in the level of ongoing management activities within the project area. No control of competing and unwanted vegetation is occurring within the analysis area. Animal damage control (including existing fence), planting of units not already planted and stocking surveys would continue.

Alternative 3 (Manual Treatment): Alternative 3 proposes a 3 foot radius treatment area around each seedling where competition is mainly herbaceous and 5 foot radius where ceanothus and manzanita shrubs dominate (5 foot radius for units 15, 16, and 17). All vegetation within 3 feet or 5 feet of a seedlings stem would be manually cut, pulled, or scraped from the ground in a manner that removes the root crown and roots of herbaceous vegetation to a minimum depth of six inches below the soil surface.

PUBLIC INVOLVEMENT

The complete record of the public involvement process to date is available for review in the project file at the Bend-Fort Rock Ranger Station. The project was listed in the *Schedule of Projects for the Deschutes and Ochoco National Forests and the Prineville District of the BLM* (SOP) beginning with the spring 2005 issue. The SOP is posted to the Forest Service website and mailed to approximately 90 individuals or groups.

The 18 Fire Competing Vegetation Control Project was initially presented to the public in a letter sent October 26, 2005 with comments requested by November 18, 2005. This letter was sent to approximately 88 individuals, businesses, and organizations (Refer to Chapter 4 under Consultation heading for complete listing) that have expressed an interest in the project development process. Included in this mailing were the Confederated Tribes of Warm Springs, Burns Paiute Tribe, and The Klamath Tribe. The scoping letter was also placed on the Deschutes and Ochoco National Forest web site.

Written comments were received from the Confederated Tribes of Warm Springs and two organizations in response to the scoping effort. All comments received during the latest scoping period were read to ensure consideration of all comments during the analysis process.

In addition, the agency solicited comments of the environmental assessment during a 30-day comment period beginning January 4, 2006 and ending February 3, 2006. Comments were received from Sierra Club, Blue Mountain Biodiversity, and Oregon Natural Resource Council (ONRC). All groups that commented opposed the use of herbicides on National Forest. Response to the following comments and other comments can be found in the project record.

One of the Sierra Club comments said, “Our National Forests are not industrial agricultural production operations, and toxic-chemical herbicides have no place within these natural forest ecosystems”.

Blue Mountain stated that, “Your plan fails to analyze or mitigate completely the potentially greater risk to children, pregnant women and individuals with multiple chemical sensitivity”.

ONRC requested . . . “adoption of Alternative 3, which would use manual treatments instead of poisonous herbicides to control competing vegetation in the area affected by the 18 fire”.

Finding of No Significant Impact

After considering the environmental effects described in the 18 Fire Competing Vegetation Control 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. The following describes, in part, the basis for this finding.

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. (EA, pages 30 to 103)
2. There will be no significant effects on public health and safety. Public notification will be used for all applications requesting that people who know or suspect that they are hypersensitive to herbicides contact the Forest Service to determine appropriate risk management measures. (EA pages 21, 22, 23, 24, 25, 26, and 85)
3. There will be no significant effects on unique characteristics of the area. Within or adjacent to the project area there are no park lands, prime farmlands, wetlands, or wild and scenic rivers to be affected. (EA page 9 and 103)
4. The effects of implementation of this decision do not rise to the level of scientific controversy as defined by the Council of Environmental Quality. (see EA pages 8, and 9).
5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk. (see EA pages 30 through 103).
6. The action is not likely to establish a precedent for future actions with significant effects. (see EA pages 30 - 103).
7. The cumulative impacts are not significant. (see EA pages 30 to 103).
8. Following guidelines in the 2004 Regional Programmatic Agreement (PA) among USDA Forest Service, the Advisory Council on Historic Preservation, and the Oregon State Historic Preservation Office, a finding of No Effect under Section 106 of the National Historic Preservation Act (NHPA) has been determined for this project. Surveys were conducted for historic properties, cultural, historic and archaeological sites as well as Native American religious or sacred sites. Historic properties were located and the selected alternative was designed to avoid impacts to them. Consultation has occurred under the Programmatic Agreement with the State Historic Preservation Office (SHPO) and Tribes. All historic properties will be flagged and avoided. (see EA pages 96 to 97)
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.

The Biological Evaluation of Threatened, Endangered, and Sensitive Wildlife determined that the project area contains no known sitings or suitable habitat for Proposed, Threatened, Endangered or Sensitive (PETS) animals (see EA page 39 to 42; Appendix A, Wildlife BE).

The Final Biological Evaluation of PETS Plants determined that the project area contains no habitat for Threatened, Endangered, or Candidate plant species within the project area, with the possible wildcard exception of *Botrychium lineare*, a Candidate species. However, it has not been found on the Deschutes National Forest after 15 years of surveys.. (see TES Plant BE page 5).

10. The action will not violate relevant federal, state, and local laws, regulations or requirements designed for the protection of the environment. Effects from this action meet or exceed state water and air quality standards. (See EA pages 1, 8, and 9).

Findings Required by Other Laws and Regulations

This decision is consistent with the Deschutes National Forest Land and Resource Management Plan and accompanying Final Environmental Impact Statement, as amended, and as provided by the provisions of 36 CFR 219.35(f) (2005), which addresses Management Indicator Species.

This decision is in compliance with Executive Order 12989 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”. No minority or low-income populations would be disproportionately affected by the implementation of Alternative 2.

No significant irreversible or irretrievable commitment of resources will occur.

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Notice of Appeal must be filed (regular mail, fax, email, hand delivery, or express delivery) with the Appeal Deciding Officer (Regional Forester, ATTN: 1570 APPEALS) at 333 S.W. First Avenue, P.O. Box 3623, Portland, Oregon, 97208-3623. Appeals can be faxed to (503) 808-2255, sent electronically to appeals-pacificnorthwest-regional-office@fs.fed.us, or hand delivered to the above address between 7:45 AM and 4:30 PM, Monday through Friday, excluding legal holidays.

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in rich text format (.rtf), portable document format (.pdf), or Microsoft Word (.doc). 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. E-mails will be rejected if they are submitted to email addresses other than the one listed above, in formats other than those listed, or containing viruses.

Appeals, including attachments, must be postmarked or delivered within 45 days of the publication of the legal notice for this decision in The Bulletin, the Bend newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the Bend Bulletin, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted substantive comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Contact

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

/s/ Phil Cruz

PHIL CRUZ
District Ranger
Bend-Fort Rock Ranger District

02-17-06

Date

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