

Decision Notice  
& Finding of No Significant Impact  
**Long Prairie Mistletoe Reduction**

**USDA Forest Service**  
**Bend-Ft. Rock Ranger District, Deschutes National Forest**  
**Deschutes, Klamath, and Lake Counties, Oregon**  
T. 22 S., R. 11-13 E. and T. 23 S., R. 11-13 E

## **Decision and Reasons for the Decision**

### **Background**

The Long Prairie Mistletoe Reduction project area is located approximately 2 miles east of La Pine, Oregon. The project area is outside of the range of the northern spotted owl (Northwest Forest Plan Area). There is no surface water within or immediately adjacent to the project area.

Since 1970, regeneration harvest treatments have occurred on approximately 35 to 40 percent (19,600 to 22,500 acres) of the planning area. At least 70 percent of this harvest occurred in lodgepole pine dominated stands. This treatment also occurred in stands with a mix of lodgepole pine, ponderosa pine, and occasionally white fir. To assure natural regeneration would occur, overstory trees were retained within these stands. Overstory trees were retained at approximately 40 to 60-foot spacing (an average of 12 to 27 trees per acre) to assure distribution of seed across the stand and to provide site amelioration. The original intent was to remove seed trees once an adequate number of seedlings were present in the understory. In the years since harvest, these stands have regenerated and an understory of vigorous trees is now present. Understory trees are approaching or exceed a height of 3 feet or an age of 10 years.

Dwarf mistletoe is found throughout the project area. It is also present in varying amounts in overstory trees retained in regeneration harvest units. Dwarf mistletoe is a parasitic plant that affects the health, vigor and growth of lodgepole and ponderosa pine. It spreads fastest from infected overstory trees to understory trees. Understory trees greater than three feet in height (or more than 10 years old) and generally within 30 feet of an infected overstory tree are at the greatest risk of infection. Dwarf mistletoe reduces diameter and height growth and can kill or predispose the tree to attack by insects or other diseases. The extent to which mistletoe affects the host tree depends largely upon the age when the tree is initially infected. Older, larger trees experience little or no obvious effects whereas younger and smaller trees often experience significant reductions in height and diameter growth. Dwarf mistletoe infection can induce the formation of witches' brooms. These brooms can provide forage, nesting, and cover for birds and mammals.

## Purpose and Need

The Purpose and Need for action is to:

- 1) Reduce the spread of dwarf mistletoe from overstory trees to understory trees within areas previously harvested and regenerated to increase the likelihood of: a) developing larger diameter trees desired for timber production and favored by or depended upon by many wildlife species, and b) having healthy, full crowned trees desirable for scenic views, and
- 2) Provide commercial forest products to the economy in support of the Forest Service's legally mandated mission.

## Environmental Assessment

The Long Prairie Mistletoe Reduction Environmental Assessment (EA) dated September 2005 documents the analysis of two alternatives to meet this need. The assessment also documents the analysis of the No Action alternative. The document may be viewed at the Deschutes National Forest website (<http://www.fs.fed.us/r6/centraloregon/projects/units/bendrock/longprairie/>) 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

Based on my review of all alternatives, I have decided to implement **Alternative 3**, with the minor modifications described below. Alternative 3, as modified, will treat approximately 11,420 acres within the Long Prairie Mistletoe Reduction project area to reduce the spread of dwarf mistletoe from overstory trees to understory trees in stands regenerated following timber harvest.

Approximately 5,304 acres will be treated by felling and removing live overstory trees that are excess to cavity nester habitat needs and are greater than or equal to 4 inches dbh (diameter at 4.5 feet above ground level) and less than 21 inches dbh. Trees with and without dwarf mistletoe will be removed. Approximately three trees per acre will be retained within treatment areas to provide future snags (green tree replacements).

On approximately 5,374 acres, treatments will remove overstory trees infected with mistletoe while minimizing removal of overstory trees free of mistletoe infection. These treatments will:

1. Fall and remove mistletoe-infected overstory trees greater than or equal to 4" dbh and less than 21" dbh on approximately 581 acres.
2. Retain clumps of mistletoe-free overstory trees within approximately 1,203 acres. Approximately 50 percent of these acres would be in retention clumps. Outside of retention clumps, fall and remove all live trees greater than or equal to 4" dbh and less than 21" dbh with and without dwarf mistletoe.
3. Prune, girdle, or fell mistletoe infected lodgepole pine on approximately 3,590 acres; retain all material on site.

On approximately 648 acres, all lodgepole pine overstory greater than or equal to 4 inches and less than 21 inches dbh will be removed. Ponderosa pine and white fir within the units will provide green tree replacements. Similarly, on approximately 24 acres, no ponderosa pine

greater than or equal to 4 inches and less than 21 inches dbh would be retained. Lodgepole pine within proposed treatments would provide green tree replacements. On approximately 105 acres, all lodgepole pine overstory greater than or equal to 4 inches and less than 21 inches dbh would be removed. With this treatment, all green tree replacements will be provided outside of treatment area. These treatments would remove overstory trees with and without dwarf mistletoe.

Felling and removal of trees will be done using ground-based equipment. Felled trees will be whole-tree yarded to landings. To minimize increasing detrimental soil disturbance, skid trails and landings used for prior harvest will be reused where possible. In some cases, this will mean using skid trails or landings that have been subsoiled. Slash generated at the landings will be machine piled and burned. There will be no new road construction. To access some units, closed roads will be opened. Following harvest, closures will be re-established. Approximately 33 miles of temporary roads will be needed.

Alternative 3 will provide approximately 11,000 CCF (5.7 MMBF) of wood fiber volume to the economy. Much of this volume will come from lodgepole pine averaging 8 to 10 inches dbh.

In addition to the green tree replacements retained within the treatment units, green tree replacements will be provided in patches or clumps outside and adjacent to proposed treatment units. Green tree replacement clumps outside of the treatment units will be designated and tracked within one of the district's GIS data layers. Approximately 6,580 acres will be designated and tracked. Areas designated as green tree replacement clumps will not necessarily be precluded from future harvest. Future treatments would need to retain at least 53 trees per acre greater than or equal to 8 inches dbh (or the largest available). Green tree replacement designation would remain in these areas until understory trees within regeneration units are large enough (10" dbh for lodgepole pine and 15" dbh for ponderosa pine) to provide suitable snag habitat.

#### *Modifications*

To make Alternative 3 consistent with Forest Plan direction (EA, pages 78, 79, and 82) and more responsive to retaining connectivity between late or old structural stage stands, I am deferring the removal of overstory trees in the northern portion of Unit 121 (34 of 87 acres). As a result, the removal of lodgepole and ponderosa pine in excess of green tree replacements will be reduced from 1,320 acres to 1,267 acres. Reducing treatment acres in Unit 121 will also reduce the size of the created opening to be consistent with Forest Plan direction (EA, page 48).

To make Alternative 3 more responsive to retaining potential habitat for white-headed woodpeckers and Williamson's sapsucker, I am limiting the harvest of ponderosa pine overstory trees to only those overstory trees infected with dwarf mistletoe.

To provide the planned level of green tree replacement clumps and the desired condition therein, the 60 acres of clumps that overlap ongoing activities associated with the Gem Timber Sale (EA, page 71, Alternative 3 cumulative effects) will be replaced with the 60 acres of green tree replacement clumps identified in **Attachment 1**.

## Mitigations

The following mitigation measures are included as a part of this decision:

1. Reclaim temporary roads, log landings and primary (main) skid trails (totaling approximately 422 acres) within the following activity areas to reduce the cumulative amount of detrimentally compacted soil and meet Regional guidance provided in FSM 2520, R-6 Supplement No. 2500-98-1. Within these activity areas, ground based equipment will be used and detrimental soil conditions are expected to exceed allowable limits. Appropriate rehabilitation treatments include the use of subsoiling equipment to loosen compacted soil layers, redistributing humus-enriched topsoil in areas of soil displacement damage, and pulling available slash and woody materials over the treated surface to establish effective ground cover protection. Decommission (obliterate) logging facilities that will not be needed for future management. Estimated subsoil acres needed to comply with management direction are included in a unit-specific table in Appendix 2 of the Environmental Assessment. (EA, Pages 26 and 27, Mitigation 6)

**Units:** 6, 7, 11, 13, 16, 18, 19, 24, 25, 38, 39, 41, 43, 45, 46, 47, 48, 49, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 66, 67, 71, 72, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 91, 92, 93, 94, 95, 96, 97, 98, 99, 101, 102, 103, 108, 109, 111, 113, 114, 116, 118, 119, 120, 121, 122, 123, 126, 128, 130, 131, 133, 135, 137, 138, 139, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 154, 155, 156, 162, 163, 164, 165, 166, 168, 170, 175, 177, 178, 179, 182, 185, 188, 190, 191, 194, 195, 196, 200, 201, 203, 204, 205, 206, 210, 214, 217, 218, 227, 228, 229, 230, 232, 234, 237, 242, 243, 245, 247, 248, 249, 254, 255, 256, 257, 258, 260, 262, 264, 265, 266, 270, 274, 276, 278, 279, 282, 283, 284, 286, 288, 294, and 298.

2. Within the Foreground landscape as seen from the Road 22 scenic corridor, protect all residual vegetation where possible. Fell understory trees damaged during overstory removal as needed to meet visual quality objectives. Felled trees will be lopped and scattered or handpiled and burned. (EA, Page 28, Mitigation 14).
3. Within harvest units, retain green tree replacements no closer than 100 feet from open roads to reduce future safety hazard when trees die. (EA, Page 29, Mitigation 20).
4. To avoid known populations of *Botrychium pumicola* (BOPU) located outside and adjacent to treatment unit 232, flag known BOPU site location prior to sale preparation and logging activities. (EA, Page 29, Mitigation 21).
5. To reduce risk of girdled trees falling on travel routes or dispersed campsites, use treatments other than girdling within 100 feet of open roads, designated snowmobile trails, and dispersed campsites. (EA, Page 30, Alternative 3 Mitigation 1).
6. At any time during the implementation of harvest treatments, limit miles of open temporary road within the Long Prairie Project area to less than 4 miles. Include in the timber sale contract(s) provisions that provide for the timely closure of temporary roads. Objective is to reduce potential for vehicle travel to expand beyond established road system, thereby reducing potential for wildlife disturbance, noxious weed spread, and Off Highway Vehicle (OHV) use. (EA, Page 30, Mitigation 26).

Also included as a part of this decision are the additional mitigations listed in the Environmental Assessment (pages 24 to 30) developed to prevent the spread of noxious weeds and to ease potential impacts to soils, wildlife, scenic views, heritage resources, dispersed campsites, and designated snowmobile trails.

### *Monitoring*

The four monitoring items identified in the Environmental Assessment (pages 31 through 32) are included as a part of this decision. Monitoring will be done to: (1) assure desired scenic views are retained along Road 22, (2) prevent the establishment or spread of noxious weeds following the soil restoration treatment (subsoiling), (3) assure that OHV use of adjacent steep slopes or allocated old growth areas does not increase as a result of harvest activities, and (4) assure that temporary roads are closed in a timely manner.

### *Connected Actions*

The connected actions identified in the Environmental Assessment (page 30) are also included as a part of this decision. These actions include: (1) conducting stocking surveys following overstory treatments, (2) felling undesirable whips in units 16, 65, 89, 229, and 288 (345 acres), (3) pulling noxious weed found during the monitoring of subsoiled skid trails and landings, and (4) soil restoration (subsoiling) in excess of amounts specified for mitigation.

## Reasons for the Decision

When compared to the other alternatives, Alternative 3, as modified, will best meet the Purpose and Need while addressing the concern for retaining higher levels of green tree replacements within treatment areas. This alternative will reduce the likelihood of mistletoe spreading to the understory by reducing the number of overstory trees infected with dwarf mistletoe (by either removal, felling, girdling, or pruning). It provides for the most extensive reduction of mistletoe infected overstory in previously harvested areas. It does this while retaining a relatively high level of green tree replacements (greater than 17 trees per acre) within approximately 50 percent of the reforested areas identified as having mistletoe infected overstory. While this alternative will extensively treat infected overstory, dwarf mistletoe will not be eliminated within treatment units or at the landscape level. Mistletoe will continue to present on the landscape to provide potential wildlife habitat.

Alternative 3 will provide an equivalent amount of wood fiber as would have been provided with Alternative 2. Harvest of overstory trees with and without dwarf mistletoe will provide wood fiber products while reducing mistletoe infected overstory in a cost efficient manner. Increases in detrimental soil conditions associated with harvest activities will be effectively mitigated by designating skid trails and subsoiling. While the girdle, prune, and fell treatment will not result in immediate returns to the federal government (Timber Receipts), potential for mistletoe spread will be reduced with no associated increase in detrimental soil conditions. Girdling will increase snag levels, providing cavity nester habitat and future coarse woody material in areas where these habitat features are at low levels.

This alternative meets requirements under The Deschutes National Forest Land and Resource Management Plan, as amended by the Regional Forester's Forest Plan Amendment #2.

## Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives. A comparison of these alternatives can be found in the EA on pages 34 and 35.

### **Alternative 1 – No Action**

Under the No Action alternative, current management plans would continue to guide management of the project area. There would be no treatments to reduce the spread of mistletoe from overstory trees to understory trees in regenerated units. There would be no treatments to reduce soil compaction. I did not select the No Action alternative because it does not meet the Purpose and Need for the project; it would neither reduce the spread of mistletoe in the project area nor provide commercial timber products to the economy.

### **Alternative 2 – Proposed Action**

Alternative 2 would treat approximately 8,180 acres with commercial harvest. Treatment would include felling and removal of live overstory trees excess to cavity nester habitat needs that are greater than or equal to 4 inches dbh and less than 21 inches dbh. Trees proposed for removal include those with and without dwarf mistletoe. Within proposed treatment units, approximately 3 trees per acre would be retained to provide future snags (green tree replacements) for cavity nester habitat. Additional green tree replacements would be provided adjacent to proposed treatment units.

## Public Involvement

A scoping letter describing a proposal to remove overstory lodgepole and ponderosa pine excess to cavity nester habitat was provided to the public and other agencies for comment. The letter was dated April 30, 2002 and comments were requested by May 31, 2002. The proposal was listed in the Schedule of Proposed Actions beginning in the summer of 2002. In addition, as part of the public involvement process, the agency solicited comments on the proposed action (Alternative 2) and on an alternative to the proposed action (Alternative 3) during a 30-day comment period beginning May 19, 2004 and ending June 30, 2004.

Government-to-government consultation occurred with the Tribes (Klamath Tribe, Confederated Tribes of Warm Springs, and Burns Paiute Tribe) in the format of the scoping letter, which described the project area and proposed action, and the letter requesting public comment on the proposed action and the alternative to the proposed action. Through each letter, the Tribes were invited to comment on the project. No special concerns about Tribal resources were identified.

Comments received from the public included support for the Purpose and Need for action. Conversely, concern was expressed that mistletoe is a part of forest function and is important to many species of birds and wildlife. There was also concern for the amount of temporary road construction. The strategies for providing green tree replacements were questioned. Concern was expressed that green tree replacements retained outside of units may be lost in future sales. There was also concern that insufficient numbers of green tree replacements were to be retained within treatment units. One respondent identified an unroaded area within the project area has significant ecological value. Concern was expressed for how the actions would affect the unroaded characteristics.

On October 6, 2004, a legal notice appeared in The Bulletin notifying the public that a decision had been made on the project and that the decision and associated Environmental Assessment (dated September 2004) were available for review at the District or Forest Supervisor's Offices or at the Forest Website. Additionally, the Environmental Assessment was provided to six members of the public who had previously commented on the project or had specifically requested a copy of the assessment. As a result of the administrative appeals process, additional analysis was done to assess the impacts of the project.

## Issues

To assist in identifying issues, the Interdisciplinary Team reviewed comments received during scoping and the 30-day comment period. The following significant issue framed alternative development:

Proposed timber harvest would remove live overstory trees, with and without dwarf mistletoe, from a landscape in which past bark beetle outbreaks and timber harvest have reduced the number of live, larger diameter trees. Timber harvest as proposed may affect cavity nester habitat indirectly by reducing future snag recruitment, and consequently could affect cavity nester populations.

The remaining significant issues were used to prescribe mitigation or analyze effects (EA, pages 19 to 20). These issues pertain to effects the proposed action would have on a variety of resource areas including: scenic views, soils, wildlife, noxious weeds, road access, and unroaded areas.

## Finding of No Significant Impact

After considering the environmental effects described in the Long Prairie Mistletoe Reduction 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.

### Cavity Nester Management Indicator Species (MIS)

Woodpeckers (Cavity Nesters) identified as MIS for the Deschutes National Forest include the following: black-backed woodpecker, hairy woodpecker, Lewis' woodpecker, northern three-toed woodpecker, pileated woodpecker, white-headed woodpecker, and Williamson's sapsucker (EA, page 55).

Activities will have no effect on Lewis' and pileated woodpeckers. These species are not suspected nor have they been found within or adjacent to the project area (EA, pages 55 to 56).

Activities will have no direct impacts on hairy woodpeckers, white-headed woodpeckers and Williamson's sapsucker (EA, page 71). Activity areas are currently not suitable habitat for these species. (EA, page 59 and 71).

Actions will reduce potential nesting habitat for black-backed and three-toed woodpeckers by two percent (approximately 852 acres) (EA, page 70). Considering the minor impacts to the spatial arrangement of habitat, the marginal nature of the habitat being impacted, and the relative abundance of this type of habitat within the project area, the reduction in potential nesting habitat

will not significantly impact local populations of black-backed and three-toed woodpeckers. (EA, pages 70 to 71).

#### Existing and Future Coarse Dead Wood

The actions will have no negative impact on existing snag density or coarse down wood. Some of the actions will increase these wildlife habitat features (EA, page 83).

While actions will reduce live trees available for future snag recruitment within activity areas, snag recruitment will occur in the future from green tree replacements retained within and adjacent to activity areas at 100 percent population levels as determined using the best available science (EA pages 59 through 62). Retention level of green tree replacements would be consistent with the Forest Plan, as amended by the Eastside Screens (EA page 74).

While actions will reduce live trees available for future coarse wood recruitment, green tree replacements retained within treatment units would provide for future coarse down wood at levels above those specified by the Forest Plan, as amended by the Eastside Screens. (EA pages 82 to 83).

#### Dwarf mistletoe as a unique habitat for wildlife species

Mistletoe brooms can serve as platforms for nesting or as habitat for species preyed on by great gray owls, northern goshawk, Cooper's hawk, sharp-shinned hawks, red-tailed hawks, and American marten. While actions will reduce the current availability of mistletoe and brooms stimulated by mistletoe infection, these wildlife habitat features will remain both within activity areas and within the surrounding landscape (EA, pages 53 to 54). Additionally, actions will retain other habitat features which can serve either as nesting habitat or as habitat for their prey. These features include: trees greater than 21 inches dbh, existing snags, coarse down wood, herbaceous and woody understories, and openings. (EA, pages 89, 93, 96, and 99).

#### Soils

The landscape in which the actions will occur can generally be characterized as gentle to uneven lava plains. The dominant soils readily drain excess soil moisture and have low compaction potential. Given inherent soil properties, there is low risk for mechanical disturbances to cause soil mass failures (EA, pages 110 and 125). While in some areas use of ground-based equipment will result in detrimental soil disturbance in excess of Forest Plan standards and guidelines, the specified mitigation has been demonstrated on the Forest to be highly effective in restoring compacted soils (EA, page 120). Soil conditions following activities and prescribed mitigation will be consistent with Regional policy and Forest Plan standards and guidelines (EA, pages 124 and 125).

#### Hydrology and Fisheries

There will be no effects to Oregon Department of Environmental Quality 303(d) listed water bodies, fish populations or habitat, or Essential Fish Habitat for Chinook (Magnuson-Stevens Act) (EA, page 126). There is no surface water within or near the Long Prairie project area (EA, pages 7, 125, and 126). Consequently, there is no habitat within the project area that is classified as "Essential" for anadromous fisheries. The minor amount of water carried in ephemeral drainage channels does not leave the project area, infiltrating the soil well before reaching the nearest down slope water body. (EA, pages 125 and 126)



### Temporary Roads

Temporary roads associated with harvest activities will: (1) not impact known *Botrychium pumicola* (BOPU) sites or suitable habitat (EA, page 105), (2) not impact 303(d) water bodies (EA, page 125 to 126), and (3) avoid heritage resources (EA, page 29). Short-term increases in open-road density may displace individual deer or elk, but no impacts to populations are expected (EA, page 87). Temporary roads crossing through connectivity corridors may influence movement of small animals, but would not effect movement of birds or larger mammals (EA, page 79). While impacts associated with temporary roads would be considered an irretrievable loss of soil productivity until their function has been served, there will be no irreversible loss of the soil resource (EA, page 125).

Additionally, 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. There will be no significant effects on public health and safety. Harvest activities would not expose the public to an elevated risk of injury. Green tree replacements would be retained no closer than 100 feet from roads, limiting future safety hazards when the trees become snags. Similarly, girdling of trees would not occur within 100 feet of roads. (see EA pages 29 and 30). Pile burning would be conducted in compliance with National Ambient Air Quality Standards and Oregon Department of Forestry Smoke Management regulations and restrictions. Burning would occur during favorable existing and forecasted weather conditions to assure smoke dispersion away from the city of La Pine. (see EA page 151)
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.

No treatments or road construction would occur within or immediately adjacent to the Inventoried Roadless Area adjacent to and slightly overlapping the Long Prairie project area. Sounds associated with the mechanized treatments and the sight of smoke rising from landing pile being burned could have a short-term impact on the feeling of solitude that may be experienced by recreationists within the Inventoried Roadless Area. These short-term impacts would not change the resources or features that characterize the Inventoried Roadless Area. (see EA pages 137 through 140)

Three unroaded areas identified by the public during scoping are within the Long Prairie project area. These areas currently do not provide dispersed recreation experiences associated with inventoried roadless areas. The following actions would occur in two of these areas: seedtree removal, felling/girdling/pruning, and temporary road construction. All actions would occur within areas disturbed by past harvest activities. Actions would not affect areas with undisturbed soils and would not affect the existing diversity of plant and animal species within the areas. (see EA pages 141 - 148).

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 44 through 154 and pages 175 to 180).

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 44 through 154).
6. The action is not likely to establish a precedent for future actions with significant effects. (see EA pages 16 - 154).
7. The cumulative impacts are not significant. (see EA pages 44 - 153).
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 'Historic Properties Avoided' 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 17 through 18 and pages 132 through 134)
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 55).

The Final Biological Evaluation of PETS Plants determined that the project area contains suitable habitat for *Botrychium pumicola* (BOPU), a sensitive plant species. Treatment areas and temporary roads will avoid known BOPU populations or suitable habitat. One known population of BOPU located outside and adjacent to a treatment area will be flagged and avoided. Activities will occur in areas that have had previous ground disturbance and have a tree canopy that is closing or has closed. On rare occasions, an isolated BOPU plant may be found within this type of unsuitable habitat. Plants found in such unusual habitat tend not to survive. Given extensive surveys in the project area and the transient nature of plants found outside suitable habitat, the number of BOPU that may have been missed in previous surveys is likely to be small. The project may impact individuals or habitat of *Botrychium pumicola*, but will not likely contribute to a trend toward federal listing or cause a loss of viability to the population or species. (see EA pages 104 to 105).

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 125, 126, 151, and 154).

## **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 3.

No significant irreversible or irretrievable commitment of resources will occur. There will be some negligible irretrievable losses of dust caused by mechanical operations.

## **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](mailto: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

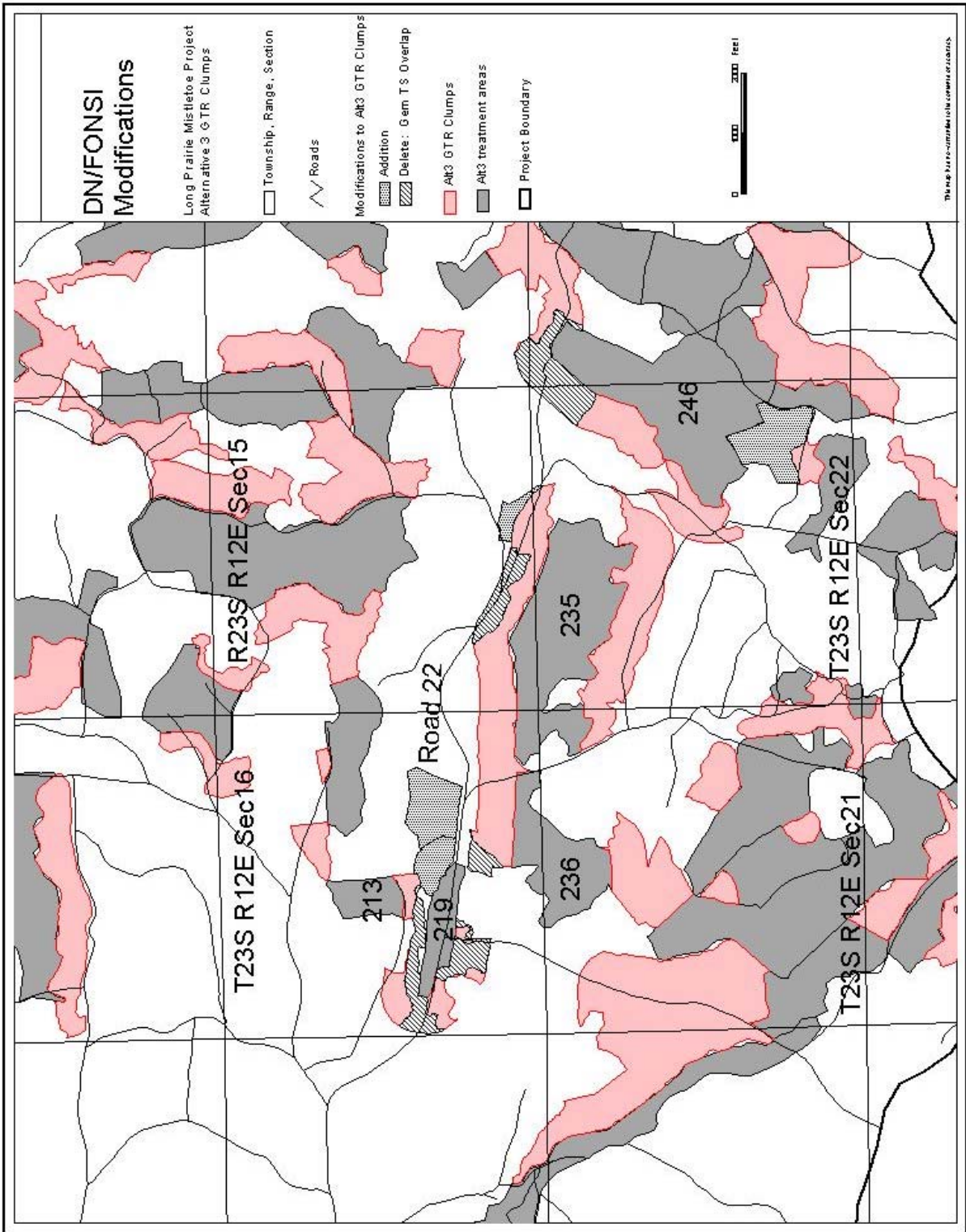
For additional information concerning this decision or the Forest Service appeal process, contact Barbara Schroeder, Bend-Ft. Rock Ranger District, 1230 NE Third Street, Bend, Oregon, 97701, (phone 541-383-4000).

/s/ Leslie A.C. Weldon  
LESLIE A.C. WELDON  
Forest Supervisor  
Deschutes National Forest

9-9-05

Date

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