

**DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT**

**Bend-Fort Rock Ranger District
Deschutes National Forest
Deschutes, Oregon**

**Aspen Vegetation Management
Environmental Assessment**

An Environmental Assessment (EA) for the Aspen planning area has been prepared that describes a range of alternatives, including a no action alternative. Activities include mechanical shrub treatments (mowing), prescribed burning, and non-commercial thinning of forest stands that are at high risk to disturbance from wildfire, insects or disease, and road closures and decommissioning. The Administrative Record may be reviewed in the District Office located at the Bend-Fort Rock District Ranger's Office located at 1230 N.E. Third Street, Suite A-262, Bend, Oregon.

Location

The Aspen planning area encompasses approximately 15,095 acres. The project area is located approximately 40 air miles southeast of Bend, Oregon within T. 22 S., R. 16 E., Sections 26-28,33-35; T. 23 S., R. 15, Sections 12,13,24,25,36; and T. 23 S., R. 16 East, Sections 2-4,7-11,14-23,28-33; Willamette Meridian, Deschutes County, Oregon. The project area is outside the range of the northern spotted owl and boundary of the Northwest Forest Plan but within the boundaries of the Revised Interim Management Direction Establishing Riparian, Ecosystem and Wildlife Standards for Timber Sales (Interim Direction), also known as the Eastside Screens.

Management activities within the project area are guided by direction described in the Deschutes National Forest Land and Resource Management (Forest Plan, 1990) as amended. The project area contains two (2) land allocations as described in the Forest Plan:

- Deer Habitat (MA-7): Approximately 13,810 acres are to manage vegetation to provide optimum habitat conditions on deer winter and transition ranges while providing some domestic livestock forage, wood products, visual quality, and recreation opportunities.
- Old Growth (MA-15): Approximately 880 acres are to provide naturally evolved old growth forest ecosystems for 1) habitat for plant and animal species associated with old growth forest ecosystems, 2) representations of landscape ecology, 3) public enjoyment of large, old-tree environments, and 4) the needs of the public from an aesthetic, spiritual sense.
- Private land comprises approximately 400 acres within the planning area.
- No surface water, wetlands, or other natural water sources are present within the planning area.

Decision

I have decided to authorize implementation of **Alternative 3** of the Aspen EA. Alternative 3 is the preferred alternative that was identified in the 30-day public review and comment period notice published April 7, 2004 in the local Bend newspaper, *The Bulletin*.

Alternative 3 will implement the following vegetation or fuels treatments, or a combination of vegetation and fuels treatments, on approximately 4,390 acres:

- Approximately 2,840 acres will have prescribed burning and/or mechanical treatment of shrubs to reduce the risk of stand replacement wildfire and return fire to the ecosystem.
- Approximately 80 acres (9 percent) of an Old Growth Management Area will have stand density reduced through only fuels activities.
- This alternative will non-commercially thin ponderosa pine to reduce stand density on approximately 1,240 acres.
- Non-commercial conifer removal will occur on approximately 550 acres where it is encroaching into deer foraging areas.
- Mountain mahogany restoration will occur on approximately 610 acres with the cutting of western juniper up to 8 inches diameter-at-breast-height. Large, old growth juniper will not be removed.
- Non-commercial removal of conifers for aspen release will occur on approximately 30 acres. An existing fence line will be repaired and extended approximately 200 feet.
- Approximately 20 miles of roads that are unnecessary for present Forest administration or roads with common destinations will be closed or decommissioned. Approximately 67 miles of roads will remain open for administrative and public access.
- No commercial thinning will occur with this project.

Decision Rationale

Alternative 3 will provide the best combination of resource protection and benefits. Substantial progress will be made in improving wildlife habitat and forest health while reducing the risk of uncharacteristic, high intensity stand replacement wildfire. This alternative will modify the existing vegetation across fewer acres using prescribed fire, but in areas that are less likely to have resulting damage to residual trees. A higher number of acres will have non-commercial thinning, subsequently reducing stand density and the likelihood of crown fire or extensive loss resulting from insect infestation. Removing small conifers that are encroaching into open areas will allow long-term utilization of forage.

Comparison of Alternatives			
Activity	Alternative 1 (No Action)	Alternative 2 (Proposed Action)	Alternative 3
Burn Under trees: Acres	0	1,282	1,422
Underburning – Spring like Conditions: Acres	0	968	338
Mechanical Shrub Treatment: Acres	0	318	198
Non-commercial Thinning Only: Acres	0	0	347
Non-commercial Thinning and Mechanical Shrub Treatment: Acres	0	1,079	892
Aspen Release: Acres	0	31	31
Mountain Mahogany Enhancement/Juniper Removal: Acres	0	612	612
Conifer Removal: Acres	0	0	550
Total Vegetative Treatment Acres	0	4,290	4,390
Road Closure: Miles	0	15.2	15.2
Road Decommissioning: Miles	0	5.2	5.2
Aspen Fence Construction: Feet	0	200	200

A variety of standard mitigation measures and best management practices have been included in order to ensure consistency with the Forest Plan. The mitigation measures and best management practices are listed in the EA, pages 33 through 39 and Appendix A of the Administrative Record and are a part of this decision.

Wildlife Habitat

Over 91 percent of the planning area (13,810 acres of 15,095 acres) is within the Deer Habitat management allocation (MA-7). Deer Habitat is critical winter range for mule deer and will be protected and improved with implementation of the proposed fuels and vegetation treatments. The vegetation activities proposed under Alternative 3 will reduce the risk of uncharacteristic large-scale, stand replacement disturbances that would alter or eliminate important deer winter habitat. Prescribed burning and mowing treatments will benefit mule deer by providing a diversity of shrub age classes and improve springtime forb diversity and availability.

Six (6) percent of the planning area, 880 acres, is within the Old Growth management allocation (MA-15). Old Growth and other late and old structure habitat associated wildlife species, such as the white-headed woodpecker, pygmy nuthatch, and white-breasted nuthatch, will benefit from the proposed treatments. Treatments that are designed to reduce stand density will protect old growth habitat with large trees, providing more historical and sustainable conditions. Reducing stand density will reduce the amount of ladder fuels that could allow ground fire to become a high intensity crown fire with the subsequent loss of large diameter ponderosa pine.

The design of the treatments, in both Deer Habitat and Old Growth, will improve the resistance and resiliency of trees and accelerate residual tree growth. Historical stand densities and hazardous fuels in the dry eastside fringe forest were maintained at low levels through frequent, low intensity fires, allowing ponderosa pine to survive and develop into late and old structure. Reductions of fuels will lower the risk of an uncharacteristic, high intensity wildfire, allowing fire resistant ponderosa pine to survive. A reduction in stand density will reduce the risk of widespread insect infestations and subsequent tree mortality. The development of large snags, and resulting downed logs, through accelerated growth and larger trees will be provided for species associated with these habitats, particularly in areas that are currently deficient in both.

The desired seral shrub habitat is a ratio of one-third early seral, one-third mid seral, and one-third late seral. Approximately 900 acres (6 percent) of shrubs will be converted to early seral conditions. Shrubs will remain substantially under desired age (seral) ratios because of the necessity to retain shrubs for hiding (camouflage) cover. Approximately 105 acres (1 percent) of the planning area is presently in the early seral stage, well below the desired 33 percent.

Aspen provides valuable forage and habitat for big game and a variety of birds, including cavity nesters. This habitat is limited in distribution, abundance, and reproduction from the lack of fire, competition with conifers, and big game and stock browsing. With the removal of conifer competition, aspen will be expected to mature and provide larger diameter trees, providing habitat diversity for a variety of animals, particularly songbirds that utilize aspen habitat. Extending the present fence line will improve and protect aspen regeneration from cattle grazing within the stand.

Road closures will reduce overall miles per square mile in the planning area from 4.3 to approximately 3.5, while retaining access for the needs of the public. These road closures will move the miles per square mile in Deer Habitat toward the recommended level of 1.0 to 2.5 miles per square mile. A reduction in road density will enhance habitat effectiveness by reducing habitat fragmentation and wildlife disturbance and vulnerability.

Risk From Wildfire

The high risk of a large, stand-replacing wildfire is typical in many areas on the Bend-Ft. Rock Ranger District. Alternative 3 takes a landscape-level approach to reduce the risk of stand replacement wildfire. A combination of thinning and fuels treatments, including the reintroduction of fire, on approximately 4,390 acres, will help to reduce present fire behavior potential from extreme and moderate to post-treatment fire behavior potential of moderate or low. Treatments will improve ponderosa pine resiliency to natural disturbance, through stand density reduction, and improve shrub and forb diversity. Strategically placed treatments will protect critical mule deer winter range habitat, late and old structured stands, topographic features, and designated travel routes. Treatments adjacent to roads will provide defensible space for wildland firefighting and afford an increase in safety for the public and firefighters.

Forest Health

Historically, within the Aspen analysis area, open stands of late and old structure, single- and multi-story ponderosa pine were much more prevalent on the landscape, representing up to 65 percent of the landscape. Currently, these stages represent less than four (4) percent of the area. Late and old structure has decreased by nearly 8,800 acres (90 percent) since a 1946 analysis was conducted, a direct result of the 1959 Aspen Fire. This alternative will use mechanical non-commercial thinning on 1,240 acres, and prescribed fire on 1,760 acres to reduce stand density and to protect large trees. By reducing stand density, remaining trees will have more vigorous growth rates and be more resilient to natural disturbances from insects and disease. Stands will begin to transition toward more historic conditions.

Alternatives Considered

In addition to Alternative 3, the Preferred Alternative, two (2) other alternatives were developed and analyzed, but not selected (*EA pages 11 through 18*). One (1) other alternative was considered and eliminated from further analysis (*EA page 11*).

- **Alternative 1 (No Action):** I did not select Alternative 1 because it does not address the need for active management to retain critical mule deer habitat or reduce the high risk of a large-scale disturbance. Multi-storied stands would continue to develop in Old Growth providing ladder fuels for wildfire, increasing the risk for mortality of the late and old structure habitat. Single- and multi-storied, late and old structure with large trees would continue to diminish or be maintained at levels substantially lower than what historically occurred. Deferral of non-commercial thinning would accelerate the risk of tree mortality from insects and disease within mature pine stands. Fuels consisting of shrubs, downed woody debris, and dense and multi-storied stands would continue to increase through on-going ecological processes, increasing the risk of an uncharacteristic, high intensity stand replacing crown fire. Forest plant communities would not begin to transition toward greater resiliency and resistance to natural disturbance.

Deer forage diversity and productivity would not be improved, maintaining the early seral stage of bitterbrush at one (1) percent of the effective foraging area. Closing or decommissioning roads, that would provide the opportunity to improve habitat effectiveness in critical winter habitat for mule deer would be deferred or not occur at all. Inadvertent or intended harassment of deer, during critical periods of fawning and foraging, would continue to be higher without a reduction in road density. The development of future habitat for wildlife species that are dependent upon large diameter late and old structure stands would be delayed. This alternative would favor those wildlife and botanical species that are dependent upon dense stands. Maintaining those conditions through time is not likely, due to disturbance regimes that are dominant in typically dry, eastside conditions.

- **Alternative 2 (Proposed Action):** I did not select Alternative 2 because, although similar to Alternative 3, this alternative would do less to improve deer habitat, reduce the risk of stand replacement wildfire, and improve long-term forest health. This alternative would reduce potential available winter deer forage on approximately 1,485 acres by treating approximately 935 more acres of shrubs and not removing conifers encroaching into winter forage areas on approximately 550 acres. Approximately 160 fewer acres would be non-commercially thinned, retaining higher stand densities that would be more susceptible to beetle attack and crown fire. There would be approximately 140 fewer acres of burning under trees, reducing protection and maintenance of late and old structured habitat and associated wildlife species that would be afforded by prescribed burning. This alternative would initiate approximately 630 more acres of prescribed fire in areas that would likely cause unacceptable damage to residual vegetation, reducing cover and foraging habitat effectiveness.

Alternatives Considered but Eliminated from Detailed Analysis

- One alternative was considered to provide a commercial harvest from proposed thinning units. Commercial sized trees are intermixed with non-commercial sized trees in units proposed to reduce crown density. It was determined that the approximate average sized tree of 10 inches or smaller (dbh), the quantity of those trees, and the distance from Bend or other towns would not provide an economically viable product.

Consultation With Others

The Aspen vegetation project was listed in the summer edition, 2002 Schedule of Projects. The Schedule of Projects, which includes the Bend-Fort Rock Ranger District of the Deschutes National Forest, is sent quarterly with the status and descriptions of new, continuing, and completed projects. Approximately 3,200 individuals, organizations, and public agencies receive the summary of projects.

Scoping letters with the developed Alternative 2 (Proposed Action) were sent in August 2002 to approximately 65 interested members of the public to solicit input into project area design and analysis. The following is a brief summary of the three (3) written responses were received regarding the scoping letter (*EA page10*).

- 1) The Oregon Natural Resources Council expressed an interest of receiving official documents as they become available, including the EA and Decision Notice.
- 2) The Confederated Tribes of Warm Springs supported the fuels management activities and goals towards habitat diversity, the multi-species planning effort, and the effort towards road management.

3) The Ochoco Lumber Company, in general, supported the purpose and need for the activities with the following expressed concerns.

- More emphasis needs to be put on commercial thinning as well as pre-commercial thinning; economic decisions should be more heavily weighted toward commercial than non-commercial activities. *Due to the distance of the project area from established markets and the small size of wood biomass as a result of thinning, it was determined that this project would not support a commercial wood product sale.*
- Do not support road closure just for the sake of closing roads. *A roads analysis was completed that took into consideration appropriate access for all of the relevant Forest resources. Roads that were considered excess for access were proposed for closure or decommissioning.*

A summary of the Aspen Vegetation Management EA, including the preferred alternative, Alternative 3, was sent to approximately 70 members of the public and other agencies and placed on the Forest Service website to solicit comments during a 30-day comment period, April 7 through May 7, 2004. One (1) letter, one (1) email, and one (1) telephone response were received. The responses were in overall support of the project, although comments also address specific concerns. The agency response is located in Appendix F, page 89 of the EA. The EA reflects changes within the Environmental Consequences section beginning on page 21 of the EA. The effects to resources from juniper removal to enhance mountain mahogany habitat was addressed by the appropriate resources and incorporated into the EA.

Finding of No Significant Impact

Sufficient information has been disclosed in the analysis to make a reasoned choice among alternatives and no significant impacts on the quality of the human environment have been identified. Information available from past actions of similar context and intensity in this area also indicates that no significant impacts would be anticipated.

Based on the site-specific environmental analysis documented in the Aspen Vegetation Management EA, I have determined that this is not a major federal action that will significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not needed. An analysis of the cumulative effects of the fuels treatment, fiber harvest and other planned resource activities indicated that the combined effects are environmentally acceptable for soil, water and all renewable forest resources. Based on the analysis, I expect only short duration adverse impacts and long-term favorable impacts from implementation of this alternative, Alternative 3. All adverse impacts are limited in scope and intensity and can be considered minor. This determination is based on the mitigation measures (EA pages 18-21) designed into the selected alternative and the following factors:

(1) Beneficial and adverse direct, indirect and cumulative environmental impacts discussed in the EA have been disclosed within the appropriate context and intensity. No significant effects on the human environment have been identified. There will be no significant direct, indirect or cumulative effects to soil, water, fish, wildlife resources, inventoried roadless areas, stands of trees that display late or old characteristics or other components of the environment (EA pages 21-50).

(2) No significant adverse effects to public health or safety have been identified (EA page 49).

(3) There will be no significant adverse impacts to wetlands, wild and scenic rivers, prime farmlands, old growth forests, range and forestland. No significant effects are anticipated to any other ecologically sensitive or critical areas (EA pages 21-50).

(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 (EA pages 21-50).

(5) Based on previous similar actions in the area the probable effects of this decision on the human environment, as described in the EA, are well known and do not involve unique or unknown risks.

(6) This action does not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration (EA page 50).

(7) This decision is made with consideration of past, present and reasonably foreseeable future actions on National Forest land and other ownerships within potentially affected areas which could have a cumulatively significant effect on the quality of the human or natural environment. I find there to be no such cumulative significance (EA pages 21-50).

(8) Based on the pre-disturbance survey and record search of the project area, the project proposal will have "no adverse effect" (as defined in 36 CFR 800.4 (b)(1)) on any listed or eligible cultural resources (EA page 45).

(9) The Biological Evaluations for the area indicates that the proposed project will have no significant adverse impacts on any proposed, endangered, sensitive or threatened plant or animal species. Should any endangered or threatened species be found following the sale, the environmental analysis will be reviewed and revised if necessary. The timber sale contract will contain provisions that will permit appropriate protection of any threatened and endangered species identified (Administrative Record: Appendix B – Wildlife Biological Evaluation and Botanical Biological Evaluation; EA: Appendix C, Wildlife BE, page 63 and Appendix D, Botany BE, page 71).

(10) This decision is in compliance with relevant federal, state and local laws, regulations and requirements designed for the protection of the environment. Effects from this action meet or exceed state water and air quality standards (EA page 50).

Other Findings

This decision is consistent with the goals, objectives and direction contained in the Deschutes National Forest Land and Resource Management Plan (Forest Plan) and accompanying final environmental impact statement dated August 27, 1990 as amended by the Regional Forester's Forest Plan Amendment #2 (EA page 50 and Appendix A, page 53).

Vegetation management activities are consistent with the Record of Decision for the Final Environmental Impact Statement for Managing Competing and Unwanted Vegetation published 12/88 and the subsequent Mediated Agreement of 5/89 (EA page 50 and Appendix E, page 78).

This decision is consistent with the seven vegetative manipulation requirements of 36 CFR 219.27 (b).

This decision is in compliance with Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”. No minority or low-income populations will be disproportionately affected from implementation of any alternative (EA pages 50).

There is no habitat within the planning area that is classified as “Essential” for anadromous fisheries (EA page 41).

As classified by the Deschutes National Forest Land and Resource Management Plan, no inventoried roadless areas exist within the Aspen planning area. The nearest inventoried roadless area is approximately 25 miles northeast of the planning area, located within the Newberry National Volcanic Monument.

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

A 30-day notice and opportunity for comment was published in *The Bulletin* on April 7, 2004 and placed on the Deschutes and Ochoco National Forests Website. The preferred alternative was identified.

This decision is subject to appeal pursuant to 36 CFR 215. Any written appeal must be fully consistent with 36 CFR 215.14 (Content of an Appeal). Two copies of a written notice of appeal must be filed (regular mail, fax, e-mail, 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 holidays.

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word (.doc), rich text format (.rtf), or portable document format (.pdf) only. In cases where no identifiable name is attached to an electronic message, verification of identity will be required. E-mails submitted to email addresses other than the one listed above, or in formats other than those listed, or containing viruses, will be rejected. It is the responsibility of the appellant to confirm receipt of appeals submitted by electronic mail.

Appeals, including attachments, must be postmarked or delivered within 45 days of the publication of the legal notice for this decision in the *The Bulletin*, the newspaper of record. Attachments received after the 45-day appeal period will not be considered. The publication date 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 that submitted substantive comments during the comment period specified in 36 CFR 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements in 36 CFR 215.14.

Contact

For additional information, contact David Frantz, Bend-Fort Rock Ranger District, 1230 NE Third, Bend, Oregon, 97701, (phone 541-383-4721, email dfrantz@fs.fed.us).

KRISTIN M. BAIL
Acting District Ranger

DATE