

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

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

**Devil's Garden Planning Area  
Hole-in-the-Ground Subunit  
Environmental Assessment**

An Environmental Assessment (EA) for the Devil's Garden - Hole-in-the-Ground planning area has been prepared that describes a range of alternatives, which include vegetative and fuels treatments, access management and safety, and consideration of no action within the Bend-Fort Rock Ranger District of the Deschutes National Forest.

**Location**

The project area is located approximately 35-40 air miles south of Bend, Oregon, and includes the Hole in the Ground Special Interest Area, within T.24S., R.12E., Sections 23-27, 34-36; T.24S., R.13E., Section 31; T.25S., R.12E., Sections 1-3, 10-14, 23-26, 35, 36; T.25S., R.13E., Sections 6-9, 17-20, 29-31; Willamette Meridian, Lake 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.

**Decision**

I have decided to authorize implementation of **Alternative 3** of the Devil's Garden - Hole-in-the-Ground Environmental Assessment. The decision to close the vacant Gebhardt Flat Range Allotment is being deferred. This alternative is particularly responsive to the issues identified in the EA. Alternative 3 is the preferred alternative that was identified in the 30-day public review and comment period notice published May 30, 2001 in The Bulletin.

The Devil's Garden - Hole-in-the-Ground planning area encompasses 14,770 acres. Alternative 3 will treat 4,520 acres with vegetation and/or fuels treatments. Prescribed burning and/or mechanical treatment of shrubs will occur on approximately 4,430 acres to reduce the risk of stand replacement wildfire. Approximately 66 acres of fuels treatments only will occur within an Old Growth Management Area. This alternative will commercially thin lodgepole pine on 77 acres. All live trees 21" diameter and larger at breast height (4.5') will be retained. The estimated amount of firmwood fiber associated with treatments will be 3,800 hundred cubic feet (CCF) or 77 thousand board feet (MBF). Non-commercial mechanical thinning will occur on 300 acres with another 605 acres using fire to reduce stand density for

a total of 905 acres. Mountain mahogany restoration will occur on 77 acres with the removal of western juniper. Hazard tree removal, approximately 52 trees, will occur along Highway 31. The Summit Station Roadside Rest Area will have 12 acres rehabilitated by subsoiling and placement of vehicle barriers. Approximately 88 miles of roads will remain open for administrative and public access. Approximately 30 miles of roads unnecessary for administration of the forest or parallel roads with common destinations will be closed or decommissioned. To improve public safety, the junction of Forest Road 3145 with Highway 31 will be relocated two-tenths (0.2) of a mile south from the current junction. Relocation of the junction will include the decommissioning and rehabilitation and the subsequent construction of two-tenths (0.2) of a mile of the 3145 road. A variety of standard mitigation measures have been included in order to ensure consistency with the Deschutes National Forest Land and Resource Management Plan (Forest Plan) (EA pages 34-40 and Appendix A).

### **Decision Rationale**

Alternative 3 provides the best combination of resource benefits, protection and outputs. This alternative makes substantial progress in improving wildlife habitat, reducing the risk of stand replacement wildfire, improving forest health, and providing public safety.

### ***Wildlife Habitat***

The design of the treatments to improve wildlife habitat within the Devil's Garden - Hole-in-the-Ground planning area was a collaborative effort with the Oregon Department of Fish and Wildlife. Over 70 percent of the planning area (10,600 acres of 14,050 acres) is within Deer Habitat management allocation (MA-7). This habitat is critical winter range for the mule deer and will be protected and improved with implementation of the proposed fuels and vegetation treatments. The proposed treatments will reduce the risk of 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 the springtime forb diversity and availability.

Wildlife species associated with late and old structure habitat, 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 transition present crowded stands with large trees into more historical and sustainable conditions. The design of the treatments to improve the resistance and resiliency of trees and accelerate residual growth rate will provide larger future snags and downed logs for species associated with these habitats, particularly in areas that are currently deficient.

Road closures will reduce overall miles per square mile in the planning area from 5.1 to approximately 3.8, while retaining access for the needs of the public. These closures move toward the desired level of 2.5 miles per square mile as directed in the Forest Plan. This reduction will enhance wildlife habitat by reducing habitat fragmentation, disturbance, and vulnerability.

### ***Risk From Wildfire***

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

by strategically placing treatments to protect critical winter range habitat for mule deer, late and old structured stands, topographic features, and designated travel routes. Improving ponderosa pine resiliency and shrub and forb diversity will be initiated on approximately 4,430 acres through both prescribed burning, mechanical shrub treatments, and mechanical thinning. A combination of vegetative and fuels treatments will help to reduce fire behavior potential from high/extreme to moderate or low. In addition to non-commercial and commercial mechanical thinning of approximately 375 acres of stands in a high-density condition, approximately 600 acres of prescribed burning will also be used to reduce stand density. When implemented, should a wildfire occur, treatments adjacent to major access roads should provide defensible space for stopping an approaching wildfire and afford an increase in safety for the public and wildland firefighters by providing an escape route.

### ***Forest Health***

Historically within the Devil's Garden - Hole-in-the-Ground analysis area, open stands of late and old structure, single-story ponderosa pine (structure stage 7) were much more prevalent on the landscape. Currently, these stands represent less than one (1) percent of the area. Late and old structure, multi-story ponderosa pine (structure stage 6) is within its historic range but has decreased by nearly 1,240 acres (16%) since a 1946 analysis was conducted. This alternative will use mechanical non-commercial thinning on 300 acres, commercial thinning on 77 acres, and prescribed fire to thin on 605 acres to transition existing dense stands into more historic conditions.

### ***Public Safety***

Highway 31 is a designated State Scenic Byway that bisects the planning area. As part of the America's Byways system of roads, Highway 31 through the planning area receives a substantial amount of traffic. Along this travel route, approximately 52 trees have been identified as potentially hazardous to the motoring public and will be removed. The junction of Forest Road 3145 with Highway 31 is hazardous when either entering or exiting Highway 31. Entering and stopping sight distances are well below the state guidelines. The junction will be relocated to improve drivers sight distance to stop for other vehicles that may be turning off the highway and for vehicles that may be accelerating onto the highway.

### **Additional Alternatives Considered in Detail**

In addition to Alternative 3, two other alternatives were developed and analyzed for the Devil's Garden - Hole-in-the-Ground planning area but not selected.

Alternative 1 is the "No Action" alternative. I did not select this alternative because it does not address the need for active management to retain critical mule deer habitat, reduce the imminent risk of a large-scale disturbance, and it does not respond to a need to improve public safety within the planning area.

No vegetation management, fuels management, access (road closures/decommissioning, improvements), or activities designed to improve highway safety would occur. Multi-storied stands would continue to develop while single-storied, late and old structure would continue to diminish or be maintained at levels substantially lower than what occurred on a historical basis. Deferral of both non-commercial and commercial thinning would accelerate the risk of tree mortality within mature pine stands. Fuels

consisting of shrubs, downed woody debris, and dense and multi-storied stands would continue to increase through on-going processes. Road Decommissioning or closing of roads that would provide the opportunity to improve critical winter habitat for mule deer and provide for more efficient system road management would be deferred. 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 dry, eastside conditions.

Alternative 2 is the "Proposed Action" and is similar to Alternative 3. I did not select Alternative 2 because this alternative would not change the current circumstances for the needed improvements at the junction of Forest Road 3145 with Highway 31. The improvements would not occur in Alternative 2, and would maintain a greater risk to motorists.

### **Consultation With Others**

The Devil's Garden - Hole-in-the-Ground vegetation project was initially listed in the 1999 Schedule of Projects (SOP), winter edition. The SOP, 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 proposed actions were sent to approximately 50 interested members of the public to solicit input into project area design and analysis. Six (6) written or phone responses were received regarding the scoping letter. The following is a brief summary of the input received.

- 1) The Forest Conservation Council responded to scoping with a letter requesting an alternative that did not include any commercial fiber but which implemented restoration projects. This suggestion was considered as an alternative but eliminated from detailed study (EA page 10).
- 2) The Ochoco Lumber Company and three (3) individuals submitted letters or called to support and/or offer comments regarding the proposed action (EA pages 8-9).
- 3) One (1) individual called regarding concerns for proposed road closures that will reduce accessibility to the forest for those that use this area for various recreation or other activities. Approximately 88 miles of roads will remain open for vehicular access including access to the Hole in the Ground Special Interest Area. Alternatives 2 and 3 were developed to provide administrative and public access that would allow continued use without preventing access to any general part of the planning area.

The Devil's Garden - Hole-in-the-Ground Environmental Assessment was sent to approximately 50 interested members of the public to solicit comments, during a 30-day comment period (May 30 - June 29, 2001), regarding the preferred alternative. A total of four responses were received. The agency responses are located in Appendix G of 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 Devil's Garden - Hole-in-the-Ground Environmental Assessment, 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. All adverse impacts are limited in scope and intensity and can be considered minor. This determination is based on the mitigation measures (EA pages 34-40) designed into the selected alternative and the following factors:

- (1) Beneficial and adverse direct, indirect and cumulative environmental impacts discussed in the Environmental Assessment 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 40-51).
- (2) No significant adverse effects to public health or safety have been identified (EA page 51).
- (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 40-52).
- (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 40-53).
- (5) Based on previous similar actions in the area the probable effects of this decision on the human environment, as described in the Environmental Assessment, 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 53).
- (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 40-53).

(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 51).

(9) The Biological Evaluation and Assessment 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 before or during planned activities, 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 (Appendix B - Wildlife and Botanical Biological Evaluations and Reports).

(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 pages 51-53).

### **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 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 53).

This decision is consistent with the seven vegetative manipulation requirements of 36 CFR 219.27 (b) (EA page 53, appendix D).

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 will be disproportionately affected under any alternatives (EA pages 52-53).

There is no habitat within the planning area that is classified as "Essential" for anadromous fisheries (EA page 23).

As classified by the Deschutes National Forest Land and Resource Management Plan, no inventoried (RAREII) roadless areas exist within the Devil's Garden - Hole-in-the-Ground planning area. The nearest roadless area (RAREII) is within the Newberry National Volcanic Monument, approximately 15 miles north of the planning area.

This decision is subject to appeal pursuant to 36 CFR 215.7. 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

postmarked and submitted to the Regional Forester, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon, 97208-3623 within 45 days of the date the legal notice of this decision appears in The Bulletin. For further information or to review the EA, contact David Frantz, Bend/Fort Rock Ranger District, 1230 NE Third Street, Suite A-262, Bend, Oregon, 97701, (phone 541-383-4721).

/s/ Walt Schloer

WALTER C. SCHLOER, JR.

District Ranger

Bend-Fort Rock Ranger District

Deschutes National Forest

9/25/01

Date

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[Deschutes and Ochoco National Forests Website](http://www.fs.fed.us/centraloregon/manageinfo/nepa/documents/bendfort/devilsgarden/decison.html)

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Last Update: 10/2/01

R.A. Jensen